MONTANA

CODE

ANNOTATED

1999

STATE LAW LIBRARY
NOV 04 1999
OF MONTANA

MONTANA CODE ANNOTATED

Adopted by Chapter 1, Laws of 1979

Code Commissioner & Director of Legal Services
Gregory J. Petesch

Staff Attorneys
Bart Campbell
Valencia Lane
John MacMaster
Doug Sternberg, Legal Researcher

Lee Heiman
Eddye McClure
David Niss

Legislative Editors
Carol Ann Jacobsen, Chief Editor
Sallie Melcher, Editor I

Sally Bush, Sr. Editor

Indexer
Nadine E. Wallace

Office of Legislative Information Technology
Hank Trenk - Director

Programmer/Analyst
Jim Gordon

Systems Analyst
Tom Mulvaney

Central Services Office
Robert Person - Director

Document Services Manager
Ann Patten

Distribution
Kevin Hayes

Proofreaders
Kip Davis
Anne Neill

Data Entry
Connie Dixon
Mark Reese

Typesetting
Kevin Hayes
Ann Patten

Published and Distributed by
Montana Legislative Services Division
301 S Park Ave Rm 410
PO Box 201706
Helena, MT 59620-1706
Telephone (406)444-3064 FAX (406)444-3036
Internet http://state.mt.us/leg/branch/branch.htm

Printed and Bound by
West Group
610 Opperman Dr
Eagan MN 55123-1396

MONTANA CODE ANNOTATED
1999

CONTENTS

Volume 1

Preface

CONSTITUTION

Titles
1. General Laws and Definitions
2. Government Structure and Administration
3. Judiciary, Courts
4. Reserved
5. Legislative Branch
6. Reserved

Volume 2

Titles
7. Local Government
8 and 9. Reserved
10. Military Affairs and Disaster and Emergency Services
11 and 12. Reserved
13. Elections
14. Reserved

Volume 3

Titles
15. Taxation
16. Alcohol and Tobacco
17. State Finance
18. Public Contracts
19. Public Retirement Systems

Volume 4

Titles
20. Education
21. Reserved
22. Libraries, Arts, and Antiquities
23. Parks, Recreation, Sports, and Gambling
24. Reserved
25. Civil Procedure
26. Evidence
27. Civil Liability, Remedies, and Limitations
28. Contracts and Other Obligations
29. Reserved

Volume 5

Titles
30. Trade and Commerce
31. Credit Transactions and Relationships
32. Financial Institutions
33. Insurance and Insurance Companies
34. Reserved

Volume 6

Titles
35. Corporations, Partnerships, and Associations
36. Reserved
37. Professions and Occupations
38. Reserved
39. Labor

Volume 7

Titles
40. Family Law
41. Minors
42. Adoption
43. Reserved
44. Law Enforcement
45. Crimes
46. Criminal Procedure
47 and 48. Reserved
49. Human Rights

Volume 8

Titles
50. Health and Safety
51. Reserved
52. Family Services
53. Social Services and Institutions
54-59. Reserved
60. Highways and Transportation
61. Motor Vehicles
62-66. Reserved
67. Aeronautics
68. Reserved

Volume 9

Titles
69. Public Utilities and Carriers
70. Property
71. Mortgages, Pledges, and Liens
72. Estates, Trusts, and Fiduciary Relationships
73 and 74. Reserved
75. Environmental Protection
76. Land Resources and Use
77. State Lands
78 and 79. Reserved

Volume 10

Titles
80. Agriculture
81. Livestock
82. Minerals, Oil, and Gas
83 and 84. Reserved
85. Water Use
86. Reserved
87. Fish and Wildlife
88 and 89. Reserved
90. Planning, Research, and Development
91-99. Reserved

INDEX

PREFACE AND GUIDE TO USAGE OF 1999 INDEX

The 1999 Montana Code Annotated Index is reflective of substantial revision to the indexing process. This process is intended to improve the timeliness of the Index while retaining or enhancing its usefulness. The revision of topics continues between printings. Constructive criticism and suggestions are welcome.

The Index is designed to be usable by the general public and those familiar with the MCA and legal terminology. Some features that will help you are described below.

CONTINUAL REVISION

The Montana Code Annotated Index is continually revised and printed after each legislative session to eliminate obsolete references to repealed laws, to integrate references for new legislation, and to correct references for temporary or amended legislation. Pocket part supplements are not necessary since the Index is printed in its entirety each time.

FORMAT AND GENERAL CONTENT

Entries in this Index are derived mainly from the language employed by the legislature and the public in reference to the law, from legal terminology in common use in the courts of Montana, and from the language used in the legal profession. However, this Index does not cover every topic in the broad field of law, but refers only to the constitutional and statutory provisions contained in the Montana Code Annotated. While this may be the first publication used for research, it should not be the only one. Use of this Index as a means of accessing the statutes is reflective of the organization and terminology of the code.

Entries appear with variations in type face and indentation to help you locate them easily. All entries in this Index are in strict alphabetical letter-by-letter arrangement as opposed to word-by-word. Punctuation is open, with predominant use of commas. Semicolons are used to separate section number citations from Title, chapter, part citations, or to separate subject heading cross-references. Confusion may occur when you are looking at the right word but the wrong level. Pay close attention to the appearance and position of the words themselves.

Broader references, such as 'Title, chapter, part', are included to allow a user to access a subject area without looking for a specific statute reference. A person may then use the table of contents method to find a specific statute.

MAIN SUBJECT HEADINGS

Main subject headings appear in boldface capital letters and flush with the left margin. Always locate the main subject heading first. Main subject headings are formed as one of the following:

Topical: covering all references concerning a broad field of law.

Descriptive: describing persons, places or things; e.g. MIDWIVES; WEAPONS.

Conceptual: reflecting a concept or mental image associated with the statutory language; e.g. NEGLIGENCE; TORTS.

Colloquial: e.g. WIRETAPPING; BED TAX.

SUBLEVELS

Level 1 sublevels under the main subject headings appear in boldface with the initial letter capitalized, and flush with the left margin. These are subject areas relevant to the main subject heading.

Indentation indicates all relative sublevels beneath the Level 1 sublevel. This Index employs 4 levels of indentation. All of the indented entries appear in lowercase type and without boldface (except "God", "Montana", and specific acronyms) and are directly relevant to the level above them.

An example:

INSURANCE (main subject heading)
Policies (level 1 sublevel)
attorney-in-fact, 33-15-306 (sublevels, both of which relate to "Policies")
content
generally, 33-15-302 (additional sublevels both relating to "content"
permissible, 33-15-304

CROSS-REFERENCES

Cross-references may be easily located by matching type (uppercase or lowercase) style. This Index does not use the often confusing "ante/post", "supra/infra", or "above/below" designations. Cross-references direct you to other locations within this Index where detailed treatment of a particular subject will be found. Following are examples of the cross-referencing used in this index.

FISH, WILDLIFE, AND PARKS — DEPARTMENT OF
Fish and fishing, duties concerning, See **FISH AND WILDLIFE, Fish and fishing**

The reference "See **FISH AND WILDLIFE, Fish and fishing**" directs the user to the subject heading **FISH AND WILDLIFE** and to the level one **Fish and fishing**, which appears in the same lowercase type style as the cross-reference.

FISH AND WILDLIFE
Fish and fishing, See also **Fish farms**

The reference "See also **Fish farms**" directs the user to the level one **Fish farms**. The lowercase type face indicates it is in the same main subject heading.

ACTS — CITATION WITHIN INDEX

Acts may be included as main subject headings as well as in the POPULAR NAMES AND SHORT TITLES INDEX.

STATE AGENCIES AND OFFICIALS

All departments appear as a main subject heading but contain broad Title, chapter, part references regarding their duties. All officials appear as a main subject heading. Boards and commissions have been reduced to broad references unless the board or commission has major substantive functions such as the Public Service Commission, which appears as a main subject heading.

MONTANA CONSTITUTION

The index to the 1972 Montana Constitution appears as a unit in the main subject heading **CONSTITUTION OF MONTANA**. References to the Constitution also appear throughout the General Index under the appropriate subject headings and are integrated with statute citations to enable more complete and unified research of a given topic.

WORDS AND PHRASES DEFINED IN CODE

The index WORDS AND PHRASES DEFINED IN CODE is a comprehensive listing of each word or phrase defined in the code. It is a separate index appearing after the General Index.

POPULAR NAMES AND SHORT TITLES INDEX

This is a listing by popular name or short title of each act or group of sections having a popular name or short title, together with a citation to code location. It is a separate index, appearing after the WORDS AND PHRASES DEFINED IN CODE index.

COMMENTS, SUGGESTIONS, AND CORRECTIONS

An "ideal index" is an endlessly pursuable goal. Your suggestions and comments are welcome and you are encouraged to communicate them to our office.

Sincerely,

Nadine E. Wallace, Chief Indexer
(406) 444-3064

GENERAL INDEX

See also Words and Phrases Defined in Code and
Popular Names and Short Titles Index following General Index.

References are to Title, Chapter, and Section Numbers.

A

ABANDONMENT
Alfalfa leaf-cutting bees or nesting material, 80-6-1103
Alleys, See **STREETS AND ALLEYS, Abandonment or vacation**
Animals, 45-8-211, See also **LIVESTOCK, Roundup of abandoned horses**
Apiaries, when, 80-6-104
Boats, 23-2-512
Children, See **CHILD ABUSE AND NEGLECT; MINORS**
Cities and towns
    commission form of government, 7-3-4227
    land, 7-1-114, 7-2-4802 — 7-2-4810
    open ditches, 7-31-4206
Condominium unit, effect, 70-23-505
Conservator's power, estate assets, 72-5-427
Corporations
    merger or share exchange plan, 35-1-815
    name, 35-1-310
    sale of assets, transactions, 35-1-823
Counties, See **COUNTIES, Abandonment and consolidation**
County roads, See **COUNTY ROADS AND BRIDGES, Establishment, alteration, and abandonment**
Eminent domain, property acquired for public use, 70-30-104, 70-30-321, 70-30-322
Finders of lost things, 70-5-101
Fish restoration and management projects, when, 87-1-703
Game animal carcasses, unlawful when, 87-1-102, 87-3-102
Game preserves, 87-5-402
Gas wells, See **OIL AND GAS, Wells**
Hazardous or deleterious substances, facility ownership or operation acquired by, 75-10-701, See **HAZARDOUS WASTES, Remedial action upon release of hazardous substance**
Highways, 60-1-103, 60-2-107, 60-4-208
Homesteads, 70-32-302, 70-32-303
Horses, See **LIVESTOCK, Roundup of abandoned horses**
Landlord and tenant, abandonment by tenant, 70-24-312, 70-24-426, 70-24-428, 70-24-430
Livestock, See **LIVESTOCK, Roundup of abandoned horses**
Married persons, nonliability for support of spouse when, 40-2-104
Mines, See **MINES AND MINING**
Minors, See **MINORS**
Motor vehicles, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Abandoned vehicles**

ABANDONMENT (Continued)

Nonprofit corporations
    assets, sale or other disposition transactions, 35-2-617
    merger, plan of, 35-2-610
Oil wells, See **OIL AND GAS, Wells**
Parent, by child, 40-6-216
Personal property, Title 70, chapter 9, See **PROPERTY, PERSONAL, Unclaimed property**
Personal representative's authority, estate assets, 72-3-613
Railroads, 60-11-110, 60-11-111, 69-14-909
Riverbeds, ownership, See **STATE LANDS, Islands and abandoned riverbeds**
School districts, See **SCHOOL DISTRICTS AND TRUSTEES**
Sheep, penalty, 81-5-103
Spousal privilege suspended, 46-16-212
Spouse, nonliability for support when, 40-2-104
State institutions, 53-1-202
Street parking improvement districts, 7-12-4501 — 7-12-4504
Streets, See **STREETS AND ALLEYS, Abandonment or vacation**
Television districts, 7-13-2542
Theft, as, 45-6-301, See **CRIMES, Theft**
Trademarks, 30-13-318
Trust property, power of trustee, 72-34-317
Water, monitoring wells — rules for, 37-43-202
Water rights and projects, See **WATER USE, Abandonment**
Wildlife restoration projects when, 87-1-709

ABORTION
Alternatives to, disclosure required, 50-20-104, 50-20-302, 50-20-304
Citations
    Montana abortion control act, 50-20-101
    parental notice of abortion act, 50-20-201
    woman's right-to-know act, 50-20-301
Coercion unlawful, 50-20-106, 50-20-203, 50-20-209, 50-20-215, 50-20-304
Confidentiality provisions, 50-20-110, 50-20-212, 50-20-306
Consent
    informed consent, 50-20-104, 50-20-106, 50-20-110, 50-20-302, 50-20-304
    minors, 50-20-212
        self-consent inapplicable, 41-1-405
    records, 50-20-110
Court proceedings, protection of privacy, 50-20-308
Definitions, 50-20-104, 50-20-109, 50-20-203, 50-20-303
Fetuses and dead infants, disposition, 50-20-105
Information pertaining to abortion and alternatives — publication, dissemination, and review, 50-20-104, 50-20-106, 50-20-112, 50-20-302, 50-20-304, 50-20-306
Informed consent, See **Consent**
Insurance, comprehensive health association plan — exclusion, 33-22-1521
Legislative findings or intent, 50-20-102, 50-20-103, 50-20-202, 50-20-302
Life or health of mother, to protect, 50-20-102, 50-20-106, 50-20-108, 50-20-109, 50-20-203, 50-20-305, 50-20-306, 50-20-401
    certification of necessity, 50-20-110
Maternal deaths or complications, reporting, 50-20-105
Medical emergency, 50-20-106, 50-20-203, 50-20-208, 50-20-303, 50-20-305
Minors, self-consent inapplicable, 41-1-405, See also **Parental notice**
Parental notice
    alternate notification, 50-20-205
    citation of parental notice of abortion act, 50-20-201

ABORTION (Continued)
Parental notice (Continued)

  coercion prohibited, 50-20-209, 50-20-215
  definitions, 50-20-203
  exceptions, 50-20-208, 50-20-211
  judicial waiver, 50-20-208, 50-20-212
  legislative purpose and findings, 50-20-202
  penalties for violations, 50-20-215
  reports, 50-20-211
  required, 50-20-204
Partial-birth abortion, 50-20-102, 50-20-401
Physician-assistants may not perform, 37-20-103, 50-20-109
Physicians performing
  consent requirements, 50-20-106, 50-20-304
  control of practice, 50-20-109
  disclosures to patients, 50-20-104, 50-20-106, 50-20-304 — 50-20-306
  parents or guardians, notification, 50-20-204, 50-20-205
  partial-birth abortion, license revocation, 50-20-401
  reporting requirements, 50-20-110, 50-20-306
Practice of
  control, 50-20-109
  reporting, 50-20-110
Premature infant born alive, protection, 50-20-108
Purpose of provisions, 50-20-102
Records, 50-20-110
Refusal to participate, right of, 50-20-111
Reports, 50-20-110, 50-20-211, 50-20-306
Unlawful practices
  attorney general, report to, 50-20-105
  civil remedies, 50-20-307
  coercion, 50-20-106, 50-20-215, 50-20-304
  consent, performance in absence of, 50-20-106
  court proceedings, privacy, 50-20-308
  experimentation on premature infant, 50-20-108
  parental notice violations, penalties, 50-20-215
  partial-birth abortion, offense of, 50-20-401
  penalties, 50-20-112
  physician-assistants performing, 50-20-109
  premature infant born alive, causing death of, 50-20-108
  reporting violations, 50-20-110, 50-20-306
Viability of fetus, 50-20-104
  abortion after viability, 50-20-109
  premature infant born alive, protection, 50-20-108
Woman's right-to-know
  citation of woman's right-to-know act, 50-20-301
  civil remedies, 50-20-307
  definitions, 50-20-303
  information pertaining to abortion and alternatives — publication, dissemination, and review, 50-20-104, 50-20-106, 50-20-112, 50-20-302, 50-20-304, 50-20-306
  legislative purpose and findings, 50-20-302
  medical emergency, 50-20-303, 50-20-305
  privacy, protection in court proceedings, 50-20-308
  reporting requirements, 50-20-306

ABSENCE AS EVIDENCE OF DEATH AND ABSENTEES' PROPERTY ACT, UNIFORM, 72-1-108

ABUSE
Aging persons, Title 52, chapter 3, part 8, See **AGING AND AGED PERSONS**
Alcohol, See **CHEMICAL DEPENDENCY**
Animals, cruelty to, 45-8-211
Battered spouses grant programs, Title 52, chapter 6, part 1
Child parenting determination, effect of spouse or child abuse, 40-4-212
Children, Title 41, chapter 3; Title 52, chapter 2, See **CHILD ABUSE AND NEGLECT**
Corporations, of authority, 35-1-425, 35-1-938, 35-6-102
Developmental disabilities, persons with, Title 52, chapter 3, part 8, See **DEVELOPMENTAL DISABILITIES, PERSONS WITH, Abuse, neglect, or exploitation; Mistreatment**
Domestic abuse, See **ASSAULT AND BATTERY, Partner or family member assault**
Drug, See **CHEMICAL DEPENDENCY**
Family law mediation, Title 40, chapter 4, part 3, See **FAMILY LAW MEDIATION**
Family Policy Act, 40-7-101, 40-7-102
Health maintenance organization enrollees, by — effect, 33-31-312
Mentally ill or incapacitated persons, Title 53, chapter 21, See **MENTAL ILLNESS OR INCAPACITY**
Nonprofit corporations, of authority, 35-2-132, 35-2-423, 35-2-728, 35-2-832, 35-6-102
Obscene material, display or dissemination to minors, 45-8-205, 45-8-206
Sexual abuse of children, 27-2-216, 40-4-219, 41-3-102, 45-1-205, 45-5-620, 45-5-625
  sexual offender DNA testing, 44-6-101 — 44-6-103, 44-6-106 — 44-6-108, 44-6-110
  sexual or violent offender registration, 46-18-255, 46-23-501 — 46-23-511
Tax collection activities, 15-1-223
Teachers, by or of, 20-4-302, 20-4-303
Voter information pamphlets, advocacy improper in, 13-27-408

ACCIDENT REPORTING ACT, UNIFORM, Title 61, chapter 7
  See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Accidents and accident reports**

ACCOMMODATIONS TAX, Title 15, chapter 65, part 1
  See **TAXATION, SALES, Lodging facility use tax**

ACCORD AND SATISFACTION
  See **CONTRACTS**

ACCOUNTANTS
  See also **PROFESSIONAL AND OCCUPATIONAL LICENSING AND REGULATION**
Administration of provisions, 37-50-201
Agricultural commodities, financial statements
  dealers, 80-4-601
  warehouse operators, 80-4-502
"Auditor, independent" defined, 2-7-501, See **AUDITS AND AUDITORS, Local government entities**
Board of Public Accountants, 2-15-1866, 37-50-101; Title 37, chapter 50, part 2
  audits of local government entities, duties, 2-7-501, 2-7-506, 2-7-522
  licensing duties, Title 37, chapter 50, part 3
Business corporation directors or officers, information to, 35-1-418, 35-1-443
Cemeteries or cemetery companies, examination, 37-19-807, 37-19-808
Certification as certified public accountant
  discrimination in issuance prohibited, 49-3-204
  education requirements, 37-50-203, 37-50-302, 37-50-305
  examinations, 37-50-204, 37-50-302, 37-50-308, 37-50-309, 37-50-311
  existing certificates, sufficiency, 37-50-310
  expiration, 37-50-317

ACCOUNTANTS (Continued)
Certification as certified public accountant (Continued)

- fees, 37-50-204, 37-50-316, 37-50-317
- nonresidents, 37-50-309, 37-50-311
- permit requirements, See **Permit for practice of public accounting**
- qualifications, 37-50-302
- reexaminations, rules for, 37-50-204
- renewal, 37-50-317
- required, 37-50-301

City accountant, 7-3-4434
Corporations, See **Partnership or corporation of accountants**
Credit union audits, 32-3-808
Debt adjustment by, 31-3-203
Definitions, 37-50-101
District court standing masters, proceedings before — statements of account, 3-15-125
Enforcement of provisions, rules for, 37-50-203
Escrow businesses

- financial statements, certification, 32-7-115
- regulation provisions, exemption, 32-7-103

Exemptions from provisions, 37-50-102
False statements, penalty, 37-50-401
First-time home buyer savings account administrators, as, Title 15, chapter 63
Foreign accountants, See also **Nonresidents**

- employees or assistants, 37-50-102
- examinations, waiver when, 37-50-311, 37-50-312
- offices, registration, 37-50-335
- registration, 37-50-313
- title, use of, 37-50-301, 37-50-313

Fraternal benefit societies, selection when, 33-7-409
Health maintenance organizations, certificate of authority applicants — audit of financial affairs, 33-31-201
Health service corporations, certification of annual reports, 33-30-202
Hospital district audits, 7-34-2122
Insurance

- commissioner of, employment by, 33-1-408, 33-1-410, 33-2-1105, 33-2-1115, 33-2-1345, 33-2-1392
- consultants, practice as, 33-17-502
- disability insurance, multiple employer welfare arrangements — audit reports, 33-35-301
- life insurance, variable contracts — account provisions, 33-20-603
- professional liability, 37-50-203
  - insurers, 33-9-101 — 33-9-105
    - information required of, 33-23-311
- viatical settlements
  - brokers, as — when, 33-20-1302
  - finder's fees, prohibitions, 33-20-1313

Insurers

- controlled, audit committee review, 33-2-1511
- reinsurance intermediary-managers, financial statements, 33-2-1705, 33-2-1707

Investment advisers, exclusion as, 30-10-103
Licensing as public accountant

- discrimination in issuance prohibited, 49-3-204
- education requirements, 37-50-203, 37-50-303, 37-50-305
- examinations, 37-50-204, 37-50-304, 37-50-308, 37-50-309, 37-50-312
- expiration, 37-50-317
- fees, 37-50-204, 37-50-304, 37-50-316, 37-50-317
- military personnel, 37-50-304
- nonresidents, 37-50-309, 37-50-312

ACCOUNTANTS (Continued)
Licensing as public accountant (Continued)

  permit requirements, See **Permit for practice of public accounting**
  qualifications, 37-50-303
  reexaminations, rules for, 37-50-204
  renewal, 37-50-317
  required, 37-50-301
Lottery Commission, State — composition, 23-7-201
Medical care savings account administrators, as, Title 15, chapter 61
Microbusiness development corporation audits, 17-6-407
Milk Control, Board of — employment by, 81-23-302
Moneys collected by Department of Commerce, deposit, 37-50-315
Nonprofit corporations, information to, 35-2-416, 35-2-441
Nonresidents, 37-50-309, 37-50-311, 37-50-312, See also **Foreign accountants**
Offices
  managers, 37-50-333
  registration, 37-50-301, 37-50-335
Parking commission audits, 7-14-4614
Partnership or corporation of accountants
  certified public accountants, special provisions, 37-50-331, 37-50-332
  decedent's name, use, 37-50-301
  employees or assistants, 37-50-102
  military personnel, licensing exemption when, 37-50-304
  offices and office managers, 37-50-301, 37-50-333, 37-50-335
  public accountants, special provisions, 37-50-333, 37-50-334
  registration, 37-50-301, 37-50-331 — 37-50-334
  rules governing, 37-50-203
  title, use of, 37-50-301, 37-50-331, 37-50-333
Peer review, professional standards review, or ethics review committees — nonliability when, 37-50-403
Permit for practice of public accounting
  corporations, requirements, 37-50-334
  discrimination in issuance prohibited, 49-3-204
  display, 37-50-314
  experience requirements, 37-50-203
  expiration, 37-50-317
  fees, 37-50-316, 37-50-317
  office managers, required, 37-50-333
  partnerships, required, 37-50-333
  private practitioners, 37-50-335
  renewal, 37-50-317
  required, 37-50-301, 37-50-314, 37-50-333 — 37-50-335
Power of attorney, statutory — authority, 72-31-223, 72-31-229
Practice of public accounting, 37-50-101, See also **Permit for practice of public accounting**
Private practitioners, permit required, 37-50-335
Privileged communications, 37-50-402
Professional conduct, rules for, 37-50-203
Professional employer organization and group license applicants or licensees, requirements, 39-8-202, 39-8-207
School district professional services contracts, exemption from bidding requirements, 20-9-204
Small business set-asides for state government purchasing, nonapplicability, 18-5-304
Solid waste management system audits, 75-10-121, 75-10-125
Title, illegal use, 37-50-301
Tort liability, 37-50-203
Trusts, advice and assistance, 72-34-341

ACCOUNTANTS (Continued)

Violations, 37-50-301, 37-50-342, 37-50-401
Water conservancy districts, employment by, 85-9-408
Witnesses, as, 37-50-402; Title 25, chapter 20, M.R.Civ.P., Rule 53(d)

ACKNOWLEDGMENTS, 1-5-602
  See also **INSTRUMENTS**; specific heading
Authentication of documents, Title 26, chapter 10, M.R.Ev., Rule 902
Certificates
  defective, 70-21-309
  judge or justice, by, 3-1-404, 3-1-405
  notaries public, by, 1-5-416
Officers taking
  county clerk and recorder, 7-4-2631
  judge or justice, 3-1-404, 3-1-405
  notaries public, 1-5-416 — 1-5-418; Title 1, chapter 5, part 6
  revenue, department of — by director or designated employee, 15-30-302
  utilities, rural cooperative — officer, director, or member, 35-18-315
  wage brokers, prohibited, 31-1-306

ACTIONS AND PROCEEDINGS, 27-1-103
  See also **CIVIL PROCEDURE**; specific heading
Abolished causes of action, Title 27, chapter 1, part 6
Bases for civil actions, 27-1-104
Birth date, judicial determination, Title 27, chapter 32
Certiorari, writ of, Title 27, chapter 25
Claim and delivery, Title 27, chapter 17
Conflict of Laws — Limitations Act, 27-2-501 — 27-2-507
Criminal, 27-1-103, See generally **CRIMES**; **CRIMINAL PROCEDURE**
Damages, See **DAMAGES**
Forcible entry and detainer and unlawful detainer, Title 70, chapter 27
Foreign-money claims, Title 25, chapter 9, part 7
Injunctions, See **INJUNCTION, WRIT OF**
Mandamus, writ of, Title 27, chapter 26
Negligence, See **NEGLIGENCE**
Prohibition, writ of, Title 27, chapter 27
Quo warranto, writ of, See **QUO WARRANTO, WRIT OF**
Remedy, action as, 27-1-102, See **REMEDIES**
Right to bring, Title 27, chapter 1, part 5
Special proceedings, See **SPECIAL PROCEEDINGS**
Statutes of limitation, See **STATUTES OF LIMITATION**
Submission of controversy without action, Title 27, chapter 7, part 1
Torts, See **TORTS**
Venue, See **VENUE**

ACTS OF CONGRESS RELATING TO THE AUTHENTICATION OF LAWS AND RECORDS
  Refer to Annotations to Montana Code Annotated, Vol. 1, Federal materials

ACTUARIES
Fraternal benefit societies, valuations, 33-7-118
Hail Insurance, Board of — valuations for, 80-2-228
Insurance
  commissioner of, employment by, 33-1-303, 33-1-306, 33-1-408, 33-1-410, 33-2-1105, 33-2-1115, 33-2-1345
  consultants, practice as and qualification, 33-17-502
  liability risk retention groups, opinions concerning, 33-11-102
  life insurance, standard valuation of reserve liabilities, 33-2-521

ACTUARIES (Continued)

Police officers' retirement systems, valuations for, 19-19-205
Procurement provisions, state — nonapplicability, 18-4-132
Public employees' retirement, employment and duties, 19-2-303, 19-2-405, 19-2-407
School district professional services contracts, exemption from bidding requirements, 20-9-204
State employee group benefit plans, 2-18-814
Teachers' Retirement System, valuations for, 19-20-203
Workers' compensation state fund, 39-71-2361

ACUPUNCTURE AND ACUPUNCTURISTS
  See also **PROFESSIONAL AND OCCUPATIONAL LICENSING AND REGULATION**
Citation of Acupuncture Practice Act of 1974, 37-13-101
Definitions, 37-13-103
Exemptions, partial, 37-13-104
Health service corporations, Title 33, chapter 30, See **HEALTH SERVICE CORPORATIONS**
Injunction, 37-13-315
Insurance, disability — insured's choice of practitioner, 33-22-111
Legislative finding and purpose, 37-13-102
Licenses and licensing
  applications, 37-13-201, 37-13-302
  cancellation, 37-13-306
  certificate, issuance, 37-13-304
  discrimination in issuance prohibited, 49-3-204
  examinations, 37-13-201, 37-13-302, 37-13-304
  fees, 37-13-302, 37-13-304, 37-13-306, 37-13-307
  issuance, 37-13-201
  lapse, 37-13-306
  military service, persons in, 37-13-306
  qualifications, 37-13-302
  register, 37-13-304
  reinstatement, 37-13-306
  renewal, 37-13-306
  required, 37-13-301
  suspension or revocation, 37-13-201, 37-13-306
Medical Examiners, Board of, 37-13-103, 37-13-201; Title 37, chapter 13, part 3
Peer review, nonliability, 37-2-201
Physician assistants-certified utilization plans, applicability, 37-20-303
Practice of
  injunction for unlawful practice, 37-13-315
  license required, 37-13-301
Veterinary medicine, practice to include acupuncture on animals, 37-18-102
Violations, 37-13-315, 37-13-316

ADJUSTMENT, BOARDS OF
Airport hazards, 67-4-312, 67-4-313
Airport zoning, 67-6-205 — 67-6-207
Conservation district, Title 76, chapter 15, See **CONSERVATION DISTRICTS**
County zoning, Title 76, chapter 2, part 2, See **ZONING, County**
Municipal zoning, Title 76, chapter 2, part 3, See **ZONING, Municipal**

ADMINISTRATION, DEPARTMENT OF, 2-15-104; Title 2, chapter 15, part 10
  See also **EXECUTIVE BRANCH**
Appellate Defender Commission, allocation, 2-15-1020
Architecture and Engineering Division
  art in state buildings, determinations for, 22-2-403, 22-2-404, 22-2-406

ADMINISTRATION, DEPARTMENT OF (Continued)
Architecture and Engineering Division (Continued)

  indian monument and tribal flag circle advisory committee, representation on, 22-2-602
  long-range building program budget amendment, submission, 17-7-211
Bonds and bond issues, duties
  highway general obligation, Title 17, chapter 5, part 5
  long-range building program, Title 17, chapter 5, part 4
  railroad revenue, issuance and sale, 60-11-1103, 60-11-1203
  regents of higher education, board of — approval of price, 20-25-402
  state buildings, construction — issuance for, 18-2-105
  state general obligation, Title 17, chapter 5, part 8
  surety bonds for state officers and employees, 2-9-602 — 2-9-604
  volume cap, Title 17, chapter 5, part 13
Buildings, capitol and other state
  art for, 2-17-805; Title 22, chapter 2, part 4
  construction of buildings, duties, 17-7-302; Title 18, chapter 2, part 1
  desecration of capitol, offense of — nonapplicability, 45-6-104
  energy conservation program improvements, design and construction, 90-4-607
  energy saving equipment and energy conserving practices, training of employees, 90-2-141
  fire prevention inspections and reports, 50-3-102
  fire protection services, 2-17-112
  general powers and duties, 18-2-105
  insurance, 2-17-104
  lease or rental of buildings, 2-17-101, 18-2-105; Title 18, chapter 3, part 1
  long-range building program, Title 17, chapter 5, part 4; Title 17, chapter 7, part 2
  office space, inventory and allocation, 2-15-121, 2-15-221, 2-17-101, 2-17-108
  press room, 2-17-103
  warehouses, 2-17-102
Capitol complex master plan, duties and responsibilities, Title 2, chapter 17, part 8
Capitol Restoration Commission, allocation, 5-17-202
Capitol security guards, authorization for issuance of parking violation citations, 2-17-816
Cities and towns, public fund deposit bid notices, 7-6-206
Communications, Division of — emergencies, cooperation with division of disaster and emergency services, 10-3-106
Communication systems, duties, 2-17-302 — 2-17-306
  land mobile public safety radio frequencies, 2-17-311 — 2-17-313
Contracts, public — duties, Title 18
Correctional facilities
  department of corrections, authority, 53-1-203
  housing units on Montana state prison ranch, acquisition and construction requirements, 53-30-141
  inmate labor for construction projects, 53-1-207, 53-30-132
  private facilities, review and approval of design and construction, 53-30-604
  regional facilities, requirements, 53-30-504
Counties
  public fund deposit bid notices, 7-6-206
  purchasing agent, department as, 7-5-2308
Data processing services, See **Information technology**
Director, 2-15-1001
  actions against state, summons and complaint, 2-9-313
  capitol complex advisory council, membership, 2-17-803
  capitol restoration commission, secretary of, 5-17-202
  county motor vehicle computer committee, appointment of representative, 61-3-346
  data processing responsibilities, 2-17-501
  federal assistance programs, preparation of cost allocation plan, 17-3-110
  fire prevention inspections of state buildings, reports to, 50-3-102
  legislative branch computer system planning council, designation of representative, 5-11-402

ADMINISTRATION, DEPARTMENT OF (Continued)
Director (Continued)

  publishing policy committee, membership, 2-15-1017
  state treasurer, ex officio, 2-15-1002
  surplus property, duties of personnel, 2-15-1011
Disabilities, persons with — employment preference, rules for, 39-30-106
District court judges' salaries, survey and adjustment requirements, 3-5-211
Drainage district assessments on state lands, payment, 85-8-612
Emergencies, cooperation to maintain communications, 10-3-106
Energy conservation measure grants, administration, 90-4-109
Examiners, Board of — allocation, 2-15-1007, See **EXAMINERS, BOARD OF**
Executive branch agencies
  office space, approval, 2-15-121
  termination, duties, 2-19-101, 2-19-102
Executive branch officials' salaries, survey and adjustment requirements, 2-16-405
Financial institutions, list for public fund deposit bid notices, 7-6-206
Fiscal duties and officers, Title 17
Fish and wildlife
  bounty claims for wild animals, 87-1-206
  counties, payments to — for department-owned land, 87-1-603
  violations, cost bills for prosecutions, 87-1-104
Governor-elect, office space and staff, 2-15-221
Highway patrol officers' memorial, 2-17-817
Information technology
  advisory council, 2-17-502
  contracts, leases, or rental agreements, 18-4-313
  county motor vehicle computer committee, representation on, 61-3-346
  county motor vehicle computer system user advisory group, representation on, 61-3-345
  "data and information technology resources" defined, 2-15-102
  electronic access system, 2-17-321 — 2-17-323
  electronic filing system, development — cooperation by secretary of state, 2-15-404
  equipment, facilities, and services — responsibilities, 2-17-501, 2-17-503
  legislative branch computer system planning
    council, representation, 5-11-402
    standards, coordination, 5-11-403
  records management equipment or systems, compatibility standards, 2-6-214
  security responsibilities, 2-17-503
Institutions, land for — authority of department of public health and human services, 53-1-603
Insurance
  alcoholic beverages, agency franchise agreement requirements, 16-2-101
  legislators, employer contribution for disability coverage when and limitation, 5-2-303
  state employees, for, Title 2, chapter 18, parts 7 and 8
  state generally, for, 2-17-104; Title 2, chapter 9, parts 2 and 3
Juveniles, Interstate Compact on — approval of financial arrangements, 41-6-104
Legal notices, publication requirements, Title 18, chapter 7, part 2
Legislative auditor, copies of audit reports furnished by, 5-13-304
Legislative branch computer system planning, Title 5, chapter 11, part 4
Legislative State Administration, Public Retirement Systems, and Veterans' Affairs Interim Committee — duties, 5-5-228
Legislators
  daily expense allowance, survey and calculation, 5-2-301
  employer contribution for disability insurance coverage when and limitation, 5-2-303
Lottery Commission, State — reports by, 23-7-202
Mailing facilities and messenger service, supervision, 2-17-301
Medicaid medical savings account pilot project, services — consultations, 53-6-903
Motor vehicles
  purchases, requisitions submitted to, 2-17-403

ADMINISTRATION, DEPARTMENT OF (Continued)
Motor vehicles (Continued)

  uses, acceptable — rulemaking, 2-17-424
9-1-1 emergency telephone service, duties, Title 10, chapter 4, parts 1 — 3
Payroll system, central, 2-18-401
  pay date, 2-18-405
  payroll
    agency fund, disbursements and transfers, 2-18-402
    periods, changes, 2-18-405
    roster, 2-18-404
  service charges, 2-18-403
  warrants — distribution, mailing, or electronic funds transfers, 2-18-405, 17-8-301
Pearl Harbor Memorial, design and placement — approval, 5-17-302
Personnel Division, collective bargaining — confidential employee, 39-31-103
Physicians' licensing and registration fees, account reserves — approval for use when, 37-3-314
Police retirement fund, group insurance premiums — duties, 19-19-505
Printing, state, Title 18, chapter 7, part 1
Property of state, 2-17-201, 2-17-202
  sale, power respecting, 18-6-101 — 18-6-103
  unemployment insurance provisions, administration — approval requirements, 39-51-308
Public contracts, duties, Title 18
Public Employees' Retirement Board, allocation, 2-15-1009, See **PUBLIC EMPLOYEES' RETIREMENT BOARD**
Publishing Policy Committee, 2-15-1017, See **PUBLIC CONTRACTS, Printing**
Purchasing, state — duties, 18-2-315; Title 18, chapter 4
  recycled supplies and materials, specifications for, 75-10-806
  small business, determination of definition, 18-5-303
Records management, duties and powers, 2-6-214
Schools
  coal severance tax school bond contingency loans, procedures, 20-9-466, 20-9-467
  sites and facilities, construction services provided by, 18-2-103
  telecommunications network (METNET), 20-32-101 — 20-32-104
Senior citizens' legislature, assistance, 52-3-111
Sheltered workshops, duties, Title 18, chapter 5, part 1
Social security system, duties, Title 19, chapter 1, See **SOCIAL SECURITY**
Solid waste management system audits, submission to, 75-10-121, 75-10-125
State employee classification, compensation, and benefits — duties, Title 2, chapter 18
State Employee Group Benefits Advisory Council, 2-15-1016, See **PUBLIC OFFICERS OR EMPLOYEES, Group benefits**
State employee incentive program, Title 2, chapter 18, part 11
State finance, responsibilities, Title 17
State land equalization payment claims, 77-1-504, 77-1-505
State Records Committee, representation on, 2-15-1013, See **PUBLIC RECORDS**
State Tax Appeal Board, 2-15-1015, 15-2-102, See **TAX APPEAL BOARDS**
Supreme Court
  justices' salaries, survey and adjustment requirements, 2-16-403
  marshal's accounts, approval, 3-2-503
Surplus property, state agency for, 2-15-1011, See **PUBLIC CONTRACTS, Surplus property**
Taxation
  delinquent taxes, collection, 15-1-708, 15-16-119
  energy conservation deduction applications, advice, 15-32-106
  excess tax refund agreement, determination and certification of ending fund balances for, 15-30-195
  revenue, recording procedure prescribed by, 15-1-501
Teachers' Retirement Board, allocation, 2-15-1010

ADMINISTRATION, DEPARTMENT OF (Continued)

Telephone facilities for state agencies, 2-17-301
Termination of state agencies, duties, 2-19-101, 2-19-102
Treasury funds and accounts, Title 17, chapter 2
Unemployment insurance provisions, administration by department of labor and industry
    personnel for, hiring, 39-51-304
    property, acquisition and disposition — approval, 39-51-308
University of Montana-Missoula
    football stadium, construction requirements, 20-25-442
    honors college program building, construction, 20-25-440
University system part-time employees, holiday pay — rules for proration, 20-25-306
Vending facilities
    blind person preference, 18-5-501 — 18-5-504
    notices concerning, 18-5-411
Veterans' employment preference, rules for, 39-29-112
Voter information pamphlets, printing and distribution, 13-27-410
Workers' compensation state compensation insurance fund
    board of directors, allocation, 2-15-1019
    duties generally, Title 39, chapter 71, part 23

ADMINISTRATIVE APPEALS
Aeronautics, orders of department of transportation, 67-3-104
Agricultural commodities, state grain laboratory analysis, 80-4-711
Air quality
    fee assessments, 75-2-220, 75-2-221
    orders, decisions on, 75-2-411
Alcoholic beverage licensing decisions, 16-4-411, 16-4-412
Alternative livestock ranches, license denial or issuance with stipulations, 87-4-428
Banks, new bank authorization — state banking board decision, 32-1-204
Boiler operator engineer license rejection, 50-74-312
Building codes, 50-60-206, 50-60-303
Burial Preservation Board, permit decisions, 22-3-806
Campground license validation, refusal, 50-52-209
Cigarette tax actions or decisions, 16-11-150
Cities and towns
    annexation petitions, failure of governing body to act on, 7-2-4706
    commission-manager government, employee appeals to civil service board, 7-3-4411
    street grade changes, from determinations of damages, 7-14-4204, 7-14-4205
City councils, employee appeals, 7-3-4259
City-county consolidated governments — removal, suspension, or layoff of officers or employees — appeal not allowed, 7-3-1244
Civil service board, employee appeals, 7-3-4411
Collective bargaining, unfair labor practices, 39-31-405, 39-31-409
Conservation district land use regulations, variance decisions, 76-15-726, 76-15-727
Conservatorships, accounting, 72-5-438
Consumer counsel, discovery procedures — enforcement, 69-2-203
Contested cases, judicial review, Title 2, chapter 4, part 7
Contractor registration violation determinations, hearing decisions, 39-9-401
Counties
    claims, disallowance decisions, 7-6-2424
    emergency expenditures and liabilities, order for, 7-6-2343
    land leasehold improvement valuation decisions, 7-8-2509
County Commissioners, Board of — zoning decisions, 76-2-110
County planning and zoning commission decisions, 76-2-110
County superintendent of school decisions, 20-3-107
County zoning board of adjustment, 76-2-223, 76-2-226, 76-2-227

ADMINISTRATIVE APPEALS (Continued)

Credit unions
  activities, when approval denied, 32-3-206
  offices, additional — disapproval, 32-3-104
Crime victims compensation benefits determinations, 53-9-131
Dairy product license denial, suspension, or revocation, 81-22-203
Day-care facilities, noncompliance actions, 52-2-741
Drug manufacturers, distributors, or dispensers — registration revocation or suspension, 50-32-311
Elections
  campaign reporting noncompliance orders, 13-37-122
  commissioner of political practices, removal, 13-37-102
Employment, wrongful discharge, 39-2-911
Escrow businesses, contested cases, 32-7-124
Ethics violations, decisions of commissioner of political practices, 2-2-136, 2-2-137
Facility siting
  amendments to certificate, departmental determination, 75-20-219
  decisions, 75-20-406
  orders by board, limitations on stay or suspension, 75-20-410
  permit or certification denial, 75-20-406
Fire hazards — orders for removal, repair, or demolition, 50-62-110
Flood plain and floodway orders, 76-5-209
Food establishment license, refusal of validation, 50-50-215
Grazing districts, procedures, 76-16-109
Hail insurance appraisals, disputed, 80-2-243
Hazardous or deleterious substance, remedial action upon release — institutional controls, denial of request for removal, 75-10-727
Hazardous waste disposal, transportation, or storage permits — granting or denial, 75-10-407
Health care facilities
  certificate of need decisions, 50-5-306
  trauma facility designation, decisions concerning, 50-6-410
Health care facility and physician cooperative agreements, mergers, and consolidations — from decisions concerning, 50-4-610
Higher education, student loan delinquencies — license suspension, 20-26-1116
Highway patrol officers, disciplinary action, 44-1-901
Horseracing, rulings by stewards, 23-4-202
Hotel and lodging establishment licenses, validation refused, 50-51-215
Incentive awards program for local government employees, operation, 7-4-503
Institutions, determination of ability to pay ancillary and per diem charges, 53-1-407
Insurance, commissioner of
  examination reports, orders adopting or rejecting, 33-1-409
  fines, from orders imposing, 33-1-317, 33-1-318
  guaranty association member insurers, by, 33-10-106, 33-10-228
  unfair practices, intervenors in actions, 33-18-1003, 33-18-1004
Insurance guaranty association member insurers, by, 33-10-106, 33-10-228
Insurers
  liquidation, order of, 33-2-1342
  prohibited practices, intervenors in actions, 33-18-1003, 33-18-1004
Judge, disqualification, 3-1-803
Jurisdiction of district court, Const., VII, 4
Labor practices, unfair, 39-31-405
Local governments, statutes imposing new duties — agency decisions, 1-2-115
Managed care plan network adequacy and quality assurance, quality committee's findings or recommendations, 33-36-305
Meat establishments, condemnation of carcasses — decisions of inspectors, 81-9-231

ADMINISTRATIVE APPEALS (Continued)

Medicaid
    eligibility, 53-6-133
    managed care enrollees, 53-6-706
Megalandfill siting, amendment to certificate — departmental determinations, 75-10-925
Mines and mining
    metal mines, operating permit approval extension, 82-4-337
    strip and underground mine reclamation, 82-4-206
        department of environmental quality, by — market value determination, 82-4-239
    strip and underground mine siting, 82-4-130
Mosquito control districts, landowners' rights, 7-22-2416
Motor vehicles
    drivers' license cancellation, suspension, or revocation, 61-5-211, 61-8-802, 61-8-808
    manufacturers, distributors, and importers — franchises
        succession to dealership ownership, refusal to honor, 61-4-134
        termination or cancellation hearings, 61-4-206
    warranty on new vehicles, arbitration decisions, 61-4-519, 61-4-520
    wrecking facility license denial or revocation, 75-10-515
Municipal commission-manager government, employee appeals to civil service board, 7-3-4411
Municipal zoning board of adjustment, 76-2-323, 76-2-326, 76-2-327
Oil and Gas Conservation, Board of — emergency orders by, 82-11-151
Outdoor advertising, removal decisions, 75-15-131
Outfitters' or guides' licenses — denial, suspension, or revocation, 37-47-343
Pesticide provisions, penalty assessments, 80-8-306
Police officers, 7-32-4152, 7-32-4155 — 7-32-4157, 7-32-4160
Professional employer organization and group license applicants or licensees, 39-8-203, 39-8-206
Public assistance, awards, 53-2-606, See **PUBLIC ASSISTANCE**
Public employees
    collective bargaining, unfair labor practices, 39-31-409
    retirement system, discriminatory retroactive employer contributions, 19-3-505
Public Safety Commission decisions regarding discharge of employees, 7-32-108 — 7-32-110
Recall petitions, sufficiency, 2-16-615
School districts and trustees
    joint boards of trustees, proration of costs, 20-3-106, 20-3-362
    joint high school, request for establishment — orders, 20-6-309
    new duties, statutes imposing — agency decisions, 1-2-115
    out-of-district attendance agreements, 20-3-210, 20-5-320, 20-5-322
    pupils' grades, diploma, or transcripts withheld, from, 20-5-201
School transportation controversies, 20-3-107, 20-10-132
Securities
    living trust violations, orders for fines, 30-10-913
    orders of securities commissioner, 30-10-201, 30-10-305, 30-10-308
Sewage disposal requirements, variance decisions, 75-5-305
Solid waste disposal licenses, validation refused, 75-10-223
Speech-language pathologists and audiologists, failure of license examination, 37-15-201
State land leases
    cabin site values, 77-1-208
    easements, valuation of damages resulting from — decisions, 77-2-107
    improvement valuation decisions, 77-6-306
Swimming pool or swimming area license validation, refusal decision, 50-53-207
Taxation, Const., VIII, 7, See also **TAX APPEAL BOARDS**
    estate tax, 72-16-907
    foreign capital depositories — assessment fee, penalty, or interest, 15-31-806

ADMINISTRATIVE APPEALS (Continued)
Taxation (Continued)
  inheritance tax, determinations by department of revenue, 72-16-403, 72-16-804, 72-16-805
Teachers
  certification, denial or nonrenewal, 20-2-121, 20-4-110
  dismissal or termination, 20-3-210, 20-4-204, 20-4-207
Toys and children's articles, judicial review of determination as hazardous substance, 50-30-220
Trailer court license validation, refusal, 50-52-209
Underground storage tank violations, administrative penalty assessed, 75-11-525
Unemployment insurance, See **UNEMPLOYMENT INSURANCE, Appeals**
Unfair labor practices, 39-31-405, 39-31-409
Unions, unfair labor practices, 39-31-405, 39-31-409
University system
  parking violations, 20-25-312
  students denied resident classification, 20-25-504
Utilities, municipal — rules and rate decisions, 69-7-113
Wage claims, 39-3-216
Water pollution
  emergency orders, 75-5-621
  orders generally, 75-5-641
Water supply, public
  fee assessments, 75-6-108
  orders, rules, or standards, 75-6-111
  variance or exemption decisions, 75-6-107
Water use
  ground water, orders for
    designation or modification of controlled ground water area, 85-2-507
    priorities for use, 85-2-511
  water users' associations, operation of water project with department of natural resources and conservation, 85-6-109
Weed board, district — from order by, 7-22-2110
Workers' compensation
  benefits, See **WORKERS' COMPENSATION, Benefits**, disputes
  decisions of department of labor and industry, 39-71-204
  orders of department of labor and industry, 39-71-2401
  vocational rehabilitation
    services, grievances, 39-71-1003
    termination of benefits, 39-71-1032
Wrongful discharge from employment, 39-2-911
Youth aftercare violation decisions, 52-5-129
Zoning boards of adjustment
  county, 76-2-223, 76-2-226, 76-2-227
  municipal, 76-2-323, 76-2-326, 76-2-327

ADMINISTRATIVE PROCEDURE
  See also **ADMINISTRATIVE RULES**
Amendments to Administrative Procedure Act, recommendations for, 2-4-411
Appeals, See **Contested cases**, judicial review; **ADMINISTRATIVE APPEALS**
Applicability of Administrative Procedure Act, special provisions
  AED's (automated external defibrillators), use violations by public or private entities — hearings on cessation orders, 50-6-504
  agricultural chemical ground water protection
    administration of provisions, 80-15-104
    administrative civil penalties, assessment hearings, 80-15-412

ADMINISTRATIVE PROCEDURE (Continued)
Applicability of Administrative Procedure Act,... (Continued)
- agricultural chemical ground water protection (Continued)
  - emergencies
    - management plans, 80-15-217
    - orders or rules, duration, 80-15-405
- agricultural commodities
  - dealer or warehouse operators, action on bond, 80-4-425
  - license suspension or revocation
    - hearings, without — when, 80-4-534
    - proceedings, 80-4-421
- agricultural seed violations, destruction of lot of seed or issuance of civil penalties, 80-5-136
- agriculture development council decisions concerning agricultural development project loans, nonapplicability, 90-9-316
- air quality, hearings pertaining to, 75-2-205, 75-2-211, 75-2-218, 75-2-220, 75-2-401, 75-2-421
- alcoholic beverages
  - agency franchise agreement, termination, 16-2-101
  - brewers, wholesalers, or retailers — investigations, hearings following, 16-4-406
  - licensing decisions, appeals from, 16-4-411
  - restaurant beer and wine license denial, hearing, 16-4-421
  - retail all-beverages license hearings, 16-4-207
  - seizure of beverages, forfeiture hearings, 16-6-106
- alfalfa seed committee, rules and orders, 80-11-304
- alternative livestock ranch licensing, hearings and appeals, 87-4-428
- apiary violations, issuance of civil penalties, 80-6-303
- asbestos-related occupation and project violations, hearings, 75-2-515
- banks
  - directors or officers, removal — hearings and review of orders, 32-1-910
  - new bank authorizations, hearings, 32-1-204
- building codes
  - hearings, 50-60-105
  - plumbing code
    - noncompliance, hearing for order to stop work, 50-60-512
    - permit fees, 50-60-508
  - variances to state building code, application, 50-60-206
- burial preservation board, permit suspension or revocation, 22-3-806
- campground licenses, validation refused — hearing on appeal, 50-52-209
- capitol building, policies governing maintenance and beautification — nonapplicability, 2-17-806
- chemical dependency
  - proceedings, 53-24-105
  - treatment facility approval, hearings, 53-24-208
- child abuse or neglect proceedings, show cause hearings, 41-3-403
- child support enforcement
  - administrative enforcement
    - assigned support debt, damages — assessment and determination, 40-5-202
    - execution, property exempt from — claim hearing, 40-5-202
    - guidelines, notice and publication, 40-5-209
    - hearings and review of decisions, 40-5-226
    - modifying orders, review, 40-5-273
    - orders for warrants for distraint, judicial review, 40-5-247
    - paternity, establishment — hearings, 40-5-232, 40-5-233
    - procedures, review, 40-5-253
    - registration of orders, hearings on contest of validity or enforcement, 40-5-271
  - income withholding, hearings concerning, 40-5-414
  - interstate, registered orders — hearings on contest of validity or enforcement, 40-5-189
  - license suspension for nonsupport, hearings and review of decisions, 40-5-702, 40-5-703

ADMINISTRATIVE PROCEDURE (Continued)
Applicability of Administrative Procedure Act,... (Continued)
- child support enforcement (Continued)
  - medical support orders
    - appeal of penalties imposed, 40-5-821
    - hearings, 40-5-824
- cigarette tax
  - appeals from actions or decisions, 16-11-150
  - seizure of unlawful cigarettes, hearings concerning, 16-11-147
- collective bargaining, hearings and appeals, 39-31-105
- commercial feed violations, issuance of civil penalty, 80-9-303
- construction blasters — notice of reprimand or license revocation, suspension, or refusal, 37-72-203
- consumer counsel, 69-2-203, 69-2-204
- consumer reporting agencies, disclosure fees — establishment, 31-3-125
- contractor registration violations, hearings, 39-9-301, 39-9-401
- corporation name, contest of registration — hearing, 35-1-310
- correctional facilities, private — failure to remedy deficiencies, hearings, 53-30-611
- credit unions
  - activities, hearing on disapproval, 32-3-206
  - additional offices, hearing on disapproval, 32-3-104
- crime victims compensation
  - hearings, 53-9-122
  - determination, review on appeal, 53-9-131
- criminal justice information, contested cases or challenges, 44-5-105
- dangerous drugs, designation as, 50-32-202
- deferred deposit lenders, noncompliance with provisions — hearings on, 31-1-712
- elder and persons with developmental disabilities abuse, neglect, or exploitation — contested case proceedings, 52-3-813
- electronic records and signatures, 2-20-106 — 2-20-108
- escrow businesses, hearings and appeals, 32-7-124
- ethics, complaints concerning
  - appeal from decisions, 2-2-137
  - hearings, 2-2-136
- facility siting, certification or permit decisions
  - appeals, 75-20-223
  - judicial review, 75-20-406
- farm implements dealership ownership, succession decisions — review, 30-11-806
- food establishment licenses, validation refused — hearing on appeal, 50-15-215
- forage, noxious weed seed free — provisions for, 80-7-905, 80-7-910
- foreign capital depositories
  - administrative orders, compliance, 32-8-204
  - charter, hearing for suspension or revocation, 32-8-203
- gambling
  - video gambling machines to be disabled for violations, requirements, 23-5-621
  - violations, proceedings for, 23-5-136
- grazing districts, 76-16-110
- hard-rock mining impact board proceedings, determinations, and hearings, 90-6-305, 90-6-307, 90-6-311
- hazardous or deleterious substance, remedial action upon release
  - institutional controls, denial of request for removal, 75-10-727
  - notice and hearing on noncompliance with orders and judicial review of penalty, 75-10-714
  - voluntary cleanup and redevelopment procedures, eligibility hearings and appeals, 75-10-732
- hazardous waste provisions
  - administrative penalties, assessment hearings, 75-10-424
  - variances, review, 75-10-408

ADMINISTRATIVE PROCEDURE (Continued)
Applicability of Administrative Procedure Act,... (Continued)

- health care facilities
  - certificate of need hearings and appeals, 50-5-306
  - certificates of public advantage, denial or revocation — appeals, 50-4-610
  - medicaid, grievance hearings, 53-6-108
  - violations, hearings, 50-5-114
- health maintenance organizations — notice, hearing, and review requirements, 33-31-404, 33-31-405
- health service corporations — actions, decisions, or hearings, 33-30-106, 33-30-112
- hearing aid dispenser licenses — hearings for denial, suspension, or revocation, 37-16-412
- horseracing, board of — summary imposition of penalty, review, 23-4-202
- hotel and lodging establishment licenses, validation refused — hearing on appeal, 50-51-215
- institutions, ancillary and per diem charges, 53-1-403, 53-1-407
- insurance
  - disability insurance, multiple employer welfare arrangements — certificate of authority
    - denial of application, 33-35-211
    - revocation, 33-35-302
  - information and privacy protection, enforcement hearings, 33-19-402
- insurers
  - investments or investment practices — order to nonadmit, limit, dispose of, withdraw from, or discontinue, 33-12-103
  - supervision orders and notice of hearing, 33-2-1321
- laboratory licenses, appeal of decisions concerning, 50-1-210
- local governments
  - new duties, statutes imposing — hearings, 1-2-115
  - state program costs, shifting to — contested case proceedings, 1-2-116
- medicaid
  - benefits, pertaining to, 53-6-167, 53-6-180
  - health care facilities, grievance hearings, 53-6-108
  - lien on property of certain recipients, hearings, 53-6-172, 53-6-182
  - recovery of payments or imposition of sanctions, hearings, 53-6-111
- megalandfill siting
  - certification proceedings, 75-10-928
  - decisions, judicial review, 75-10-942
- milk control, board of — rules and hearings, 81-23-302
- milk plants and dairies selling milk or cream — license denial, suspension, or revocation, 81-21-102
- milk producer-distributors, distributors, or jobbers — license suspension or revocation hearings, 81-23-304
- mining
  - metal mine reclamation
    - bond level adjustment hearings, 82-4-338
    - hearings and appeals generally, 82-4-353
    - inspections, extension of timer period for — appeal, 82-4-337
  - opencut mining, reclamation — hearings and review of decisions, 82-4-427
  - strip and underground mine reclamation, hearings or appeals, 82-4-206, 82-4-231, 82-4-251
  - strip and underground mine siting, hearings or appeals, 82-4-130
- mint committee, rules and orders, 80-11-403
- motor vehicles
  - dealer, wholesaler, and auto auction violations — enforcement actions, 61-4-105
  - manufacturers, distributors, and importers
    - certification of informal dispute settlement procedures, suspension or revocation, 61-4-512
    - franchise cancellation or termination, objections — hearings and appeals, 61-4-206

ADMINISTRATIVE PROCEDURE (Continued)
Applicability of Administrative Procedure Act,... (Continued)
- motor vehicles (Continued)
  - manufacturers, distributors, and importers (Continued)
    - franchises, succession to dealership ownership — review of decisions, 61-4-134
    - hearings, 61-4-203
    - violations, enforcement actions, 61-4-210
  - odometer violations, revocation of dealer's license, 61-3-607
- nurseries
  - licenses, refusal or revocation, 80-7-107
  - orders or quarantines, 80-7-135
- oil and gas conservation, 82-11-141, 82-11-142
- oil and natural gas production, secondary recovery project certification, 15-36-303
- outfitter's and guide's license denial, suspension, or revocation — judicial review, 37-47-343
- pesticides
  - emergency orders or rules, 80-8-105
  - hearings and administration of provisions, 80-8-106
  - registrants, hearings and remedies, 80-8-201, 80-8-306
- petroleum storage tank cleanup, reimbursement for eligible costs — hearings, 75-11-309
- pharmacists, utilization plans — hearings, 37-7-308
- phosphorus compounds, model rule — adoption or amendment, 75-7-401
- physicians, restricted licenses — hearings for suspension or revocation, 37-3-315
- plumbers, licensee or endorsee disciplinary actions, 37-69-320
- prison industries training program, price lists, 53-30-133
- procurement, state — contract solicitation or award, hearings and judicial review, 18-4-242
- produce violations, civil penalties, 80-3-306
- professional and occupational licensing and regulation
  - boards
    - disciplinary actions, 37-1-136, 37-1-313, 37-1-407
    - findings of fact and orders, 37-1-311, 37-1-405
  - hearings, adjudicative procedures, 37-1-310, 37-1-404
  - license denial or issuance of probationary license, 37-1-137, 37-1-313, 37-1-407
- professional employer organizations and groups licensing, hearings and appeals, 39-8-203
- public accountants, board of — hearings, 37-50-341
- public employees' retirement board hearings, 19-2-403
- public officers and employees, mileage allowance policies — nonapplicability, 2-18-503
- public participation in governmental actions, compliance with notice provisions, 2-3-104
- public service commission
  - electric utility industry restructuring
    - electricity supplier's license, revocation proceedings, 69-8-408
    - transition plans, requests for approval, 69-8-202
  - hearings, 69-3-303
  - rate increase or decrease, order for approval or denial — review, 69-3-304
  - utility product and service standards and fees, 69-3-108
- real estate brokers and salespersons, suspension of license — hearing, 37-51-310
- school districts
  - equalization or BASE aid, hearings concerning withholding of, 20-9-344
  - new duties, statutes imposing — hearings, 1-2-115
- securities, living trusts
  - appeals from orders, 30-10-913
  - hearings, 30-10-912, 30-10-913
  - judicial review of orders, 30-10-914
- septage disposal
  - licenses, hearings for denial or revocation, 75-10-1221
  - violations, hearings, 75-10-1222
- sewage disposal requirements, variances — hearings, 75-5-305
- solid waste management
  - state plan, hearing, 75-10-111

ADMINISTRATIVE PROCEDURE (Continued)
Applicability of Administrative Procedure Act,... (Continued)
  solid waste management (Continued)
    system licenses
      denial or revocation hearing, 75-10-224
      validation refused, hearing on appeal, 75-10-223
    system rules, variances from — hearings, 75-10-206
  state debt collection, tax offset liability — review conference or hearings, 17-4-105, 17-4-111
  state lands, setting of rental rates and license fees, 77-1-106
  subdivisions
    sanitation hearings, 76-4-126
    surveys, standards for monumentation and records, 76-3-403
  superintendent of public instruction, controversy appeal decisions, 20-3-107
  swimming pool licenses
    denial, suspension, or cancellation or order for corrective action — hearing, 50-53-212
    validation refused, hearing on appeal, 50-53-207
  taxation
    appeals, 15-2-301, 15-2-302, See **TAX APPEAL BOARDS**
    assessment revision review conference, 15-7-102, 15-8-601
    income tax
      decisions, review, 15-30-148, 15-30-257
      delinquent taxes, hearing prior to offset of funds due taxpayer, 15-30-310
    motor fuel taxes, delinquent — offset actions or filing of claims, 15-70-110
    refunds, hearing on disallowance, 15-1-503
  telecommunications
    carriers, unauthorized change or charges for products and services — hearings, 69-3-1305
    interconnection issues, arbitration — nonapplicability, 69-3-837
  tobacco products, youth access to — assessment of tobacco education fee, hearings, 16-11-308
  trailer court licenses, validation refused — hearing on appeal, 50-52-209
  underground storage tank installer or inspector licenses, hearings concerning, 75-11-211
  underground storage tank violations, hearing to contest violation or to request mitigation of penalty, 75-11-525
  vital statistics
    certificates registered through fraud or misrepresentation, hearings and appeal from decisions, 50-15-121
    disclosure of information from records, challenges to decisions concerning, 50-15-122
  wage claims, hearings and judicial review, 39-3-216
  water quality hearings, 75-5-303, 75-5-516, 75-5-611
  water-related proceedings
    administrative proceedings, 85-2-121
    appropriation objections, hearings, 85-2-309
    national park service-Montana compact proceedings, 85-20-401
    yellowstone river basin
      diversions, hearings, 85-2-804
      moratorium, nonconforming applications — hearings, 85-2-604
  water supply, public — hearings, 75-6-107, 75-6-109
  water well contractors, disciplinary orders — review, 37-43-310
  weather modification permit hearings, 85-3-206
  workers' compensation
    classification and review committee hearings and decisions, 33-16-1012
    state fund, 39-71-2314, 39-71-2316
  workers' compensation judge, proceedings and hearings before, 39-71-2903
  workplace emission control rules, amendment or repeal, 50-70-111
Child support, interstate support orders or income-withholding orders — enforcement, 40-5-180, See also **Applicability of Administrative Procedure Act, special provisions**
Citation of Montana Administrative Procedure Act, 2-4-101

ADMINISTRATIVE PROCEDURE (Continued)

Construction of provisions, 2-4-107
Contested cases, 2-4-102
  briefs, 2-4-611, 2-4-621, 2-4-704
  decisions
    final, 2-4-621, 2-4-623
    hearing examiner, effect of unavailability, 2-4-622
    modification or reversal, 2-4-621, 2-4-703, 2-4-704, 2-4-711
    notification and availability, 2-4-623
    proposals for, 2-4-621
    records, inclusion, 2-4-614
    staying, 2-4-702, 2-4-711
  discovery, 2-4-602
  ex parte consultations, 2-4-604, 2-4-613
  hearing examiners, 2-4-611
    decisions, 2-4-621, 2-4-622
    procurement provisions, state — nonapplicability, 18-4-132
    record of decisions and data, 2-4-614
    superintendent of public instruction, appointment, 20-3-107
  hearings, 2-4-611
    evidence, 2-4-604, 2-4-611, 2-4-612, 2-4-614, 2-4-623
    judicial notice, 2-4-612
    judicial review, 2-4-702
    notice requirements, 2-4-601
    proposed rulemaking, procedures, 2-4-302
  informal disposition, 2-4-603
  informal proceedings, 2-4-603, 2-4-604
  judicial review
    appeals, 2-4-711
    direct review by district court, Const., VII, 4
    entitlement to, 2-4-702
    evidence, additional, 2-4-703
    immediate review when, 2-4-701
    notice requirements, 2-4-702
    petition for, 2-4-603, 2-4-604, 2-4-702
    service of process, 2-4-106
    standards, 2-4-704
  licenses, proceedings concerning — applicability, 2-4-631
  notice requirements, 2-4-601, 2-4-631, 2-4-702
  record and transcription, 2-4-604, 2-4-614, 2-4-621, 2-4-623, 2-4-702, 2-4-704
  settlement proceeds, recording and use, 2-4-603
  waiver of proceedings when, 2-4-601, 2-4-603
Counsel, representation by, 2-4-105
Definitions, 2-4-102
Drug manufacturers, distributors, or dispensers — registration denial, suspension, or revocation, 50-32-312
Effect of provisions, 2-4-107
Health care information, disclosure
  compulsory process or discovery, 50-16-535, See also **HEALTH CARE INFORMATION**
  testimony prohibited when, 50-16-605
Hearings, See **Contested cases**; See also generally **Applicability of Administrative Procedure Act, special provisions**
Human Rights, Commission for — subpoenas, enforcement, 49-2-203
Interested persons, 2-4-102
Interpreters for deaf persons, Title 49, chapter 4, part 5, See **DEAF PERSONS, Interpreters in official proceedings**

ADMINISTRATIVE PROCEDURE (Continued)

Judicial review of contested cases, See **Contested cases**
Lease contracts, default procedure, 30-2A-501
Licensing and licenses, 2-4-102
  contested case provisions, applicability, 2-4-631
Litigation concerning, 2-4-402, 2-4-410
Parties to proceedings, 2-4-102
  agencies, 2-4-506
    public participation provisions, effect of agency becoming party, 2-3-112
    transferred or abolished, substitution of party, 2-15-134
  contested cases, See generally **Contested cases**
  counsel, representation by, 2-4-105
  subpoenas requested by, enforcement, 2-4-104
Register, Montana Administrative, See **ADMINISTRATIVE RULES, Register**
Service of process, 2-4-106
Statements regarding, public availability, 2-4-103
Subpoenas, issuance and enforcement, 2-4-104, 2-4-611
Unfair trade practices, See **TRADE REGULATION AND COMPETITION, Unfair trade practices**

ADMINISTRATIVE RULES
  See also **ADMINISTRATIVE PROCEDURE**
Adjective rules, 2-4-102, 2-4-308, See **Substantive rules**
Administrative register, See **Register**
Adoption, amendment, or repeal
  authority for adoption, 2-4-301, 2-4-305
  economic impact statements, effect, 2-4-405
  emergency rules, 2-4-303, See also **Emergency or temporary rules**
  invalid when, 2-4-506
  legislature, by, 2-4-412
  negotiated rulemaking, See **Negotiated rulemaking**
  notice and hearing requirements, 2-4-110, 2-4-302, 2-4-305
  objections to, 2-4-406, 2-4-412
  organizational and procedural rules, 2-4-201
    model rules for, 2-4-202
  petition for, 2-4-315
  recommendations for, 2-4-314, 2-4-402, 2-4-411
  reference, adoption by, 2-4-307
  review regarding, 2-4-110, 2-4-314
  statement of reasons for adoption, 2-4-305
  submission of views concerning, 2-4-302, 2-4-304
  validity and effectiveness, 2-4-305
Agency functions transferred, effect on rules, 2-15-133
Amendment, See **Adoption, amendment, or repeal**
Applicability of Administrative Procedure Act, special provisions
  administration, department of — authority, 18-4-223, 18-5-102
  agricultural seed provisions, rules for, 80-5-139
  agriculture, department of
    commercial feeds, 80-9-103
    commercial fertilizers, 80-10-301
  architects, board of — authority, 37-65-204
  contractor registration fees set by, 39-9-206
  controlled substances, addition to or deletion from list of those regulated, 50-32-401
  cosmetologists, board of — authority, 37-32-201
  dentistry, board of — authority, 37-4-205
  department heads, nonapplicability, 2-15-112

ADMINISTRATIVE RULES (Continued)
Applicability of Administrative Procedure Act,... (Continued)

  dietitians' qualifications, implementation of provisions, 37-21-201
  energy supply emergencies, 90-4-316
  environmental impact statement fees, prescribing, 75-1-204
  fire prevention and investigation program, 50-3-103
  forage, noxious weed seed free — provisions for, 80-7-905, 80-7-909
  housing, board of, 90-6-105
  human rights, commission for, 49-2-204, 49-3-106
  insurers, medical benefit payments — implementation of administrative process for timely payments, 33-18-235
  labor and industry, commissioner of, 18-2-411, 39-7-102
  livestock security agreement notices, fees set by, 81-8-304
  managed care plan network adequacy and quality assurance standards, establishment, 33-36-105
  medical examiners, board of — acupuncturists' licensing and regulation, 37-13-201
  medicare supplement insurance minimum standards, 33-22-909
  milk control, board of, 81-23-302
  motor vehicles, custom combiner's special permit, 61-10-130
  national guard education benefit program, implementation and administration, 10-1-121
  noxious plant management programs, 80-7-714
  nursery provisions, 80-7-135
  oil and gas conservation, board of, 82-11-131, 82-11-137
  organic certification program, 80-11-601
  pesticide provisions, 80-8-106
  political practices, commissioner of, 5-7-111, 13-37-114
  pharmacy, board of — authority when, 37-7-503, 45-9-108, 45-9-116, 50-32-103
  prison industries training program, price lists — publication, 53-30-133
  property, personal — unclaimed, authority for, 70-9-828
  public accountants, board of, 37-50-341
  public employees' retirement board, 19-3-2104
  recycled material qualifying for tax deduction, register of interested persons and experts in recycling field, 15-32-609
  revenue, department of — dispute review procedure, 15-1-211
  sanitarians, board of — authority, 37-40-203
  secretary of state, 2-15-403, 13-13-278
  secured transaction filing-office rules, 30-9-546
  small employer health insurance provisions, implementation and administration, 33-22-1822
  state banking board, authority, 32-1-203
  state lands
    federal land or easement transfers, hearings, 77-2-402
    recreational use, hearings, 77-1-804
  unemployment insurance, exclusions from definition of employment, 39-51-204
  water use, appropriation permits for highly appropriated basins or subbasins, 85-2-319
  workers' compensation classification and review committee, 33-16-1012
  workers' compensation state fund, 39-71-2316
Authority
  citation to grant of, inclusion, 2-4-305
  implied, statement of, 2-4-308
  not conferred by administrative procedure act, 2-4-301
  organizational and procedural rules, 2-4-201, 2-4-202
Cities and towns, 7-1-4126
Construction of rules, litigation concerning, 2-4-410
Contested cases, See **ADMINISTRATIVE PROCEDURE**
Costs, 2-4-306, 2-4-311 — 2-4-313, 2-4-405, 2-4-406
Declaratory judgments on validity and application, 2-4-506

ADMINISTRATIVE RULES (Continued)

Declaratory rulings, 2-4-102
    agencies, by, 2-3-113, 2-4-501, 2-4-623
    negotiated rulemaking, nonapplicability, 2-5-103
    publication, 2-3-113, 2-4-312
Definitions, 2-4-102, 2-5-103
Delegation of authority, 5-4-103
Distribution and maintenance, 2-4-313
Economic impact statements, 2-4-405
Effective date, 2-4-303, 2-4-306, 2-4-307
Emergency or temporary rules
    adoption and period of effectiveness, 2-4-303
    dissemination, 2-4-303, 2-4-306
    effective date, 2-4-306
    public participation provisions, exception to — when, 2-3-112
Emergency situations, suspension, 10-3-104
Family impact notes, 2-4-405
Federal agency rules, adoption or amendments to, 2-4-307
Filing and format, 2-4-110, 2-4-303, 2-4-306
Gaming Advisory Council, authority, 2-15-2021
Hearings, 2-4-302
    emergency or temporary rules, 2-4-303
    federal regulations, amendment — concerning incorporation by reference, 2-4-307
    petition for adoption, amendment, or repeal — on, 2-4-315
    required when, 2-4-402
Informal conferences or committees, 2-4-304
Interested persons, 2-4-102, 2-4-302, 2-4-304, 2-4-315
Interpretation of rules, litigation concerning, 2-4-410
Interpretive rules, 2-4-102, 2-4-308, See **Substantive rules**
Invalidity when, 2-4-506
Judicial notice, 2-4-505
Judicial review
    declaratory rulings, 2-3-113, 2-4-501
    emergency rules, subject to, 2-4-303
Legal effect, statement of, 2-4-308
Legislative poll, 2-4-403
    evidentiary value, 2-4-404
    publication, 2-4-306
Legislative review, 2-4-412
Legislative rules, 2-4-102, See **Substantive rules**
Litigation concerning, 2-4-402, 2-4-404, 2-4-406, 2-4-410, 2-4-506
Local governments with self-government powers, consistency with, 7-1-113
Maintaining and updating, 2-4-313
Model codes, adoption, 2-4-307
Montana Administrative Register, See **Register**
Negotiated rulemaking
    citation of Montana negotiated rulemaking act, 2-5-101
    committee, 2-5-103
        agreement, modification, 2-5-102
        duties, procedures, and report, 2-5-108
        establishment, 2-5-103, 2-5-105, 2-5-106, 50-51-108
        facilitator, 2-5-103, 2-5-109, 2-5-110
        membership
            application for, 2-5-105
            expansion, 2-5-107
            expenses of participation, 2-5-110

ADMINISTRATIVE RULES (Continued)
Negotiated rulemaking (Continued)
    committee (Continued)
        need, determination of, 2-5-104
    convener, 2-5-103, 2-5-104, 2-5-110
    definitions, 2-5-103
    electric utility industry restructuring, universal system benefits programs and expenditures — applicability, 69-8-413
    public health and human services, department of — rules governing guest ranches, outfitting and guide facilities, or bed and breakfast establishments, 50-51-103, 50-51-108
    purpose of provisions, 2-5-102
Notices
    adoption of rules, 2-4-110, 2-4-305
    amended or supplemental, 2-4-305
    emergency or temporary rules, 2-4-303
    federal regulations, amendment — incorporation by reference, 2-4-307
    format, style, and arrangement, 2-4-306
    judicial, 2-4-505
    negotiated rulemaking committee, establishment and membership, 2-5-105, 2-5-106
    objections by committee, to agency, 2-4-305, 2-4-306
    proposed rulemaking, of, 2-3-301, 2-4-110, 2-4-302, 2-4-303, 2-4-305, 2-4-307, 2-5-105
    publication, 2-4-302, 2-4-312, 2-5-105
    required, 2-4-305
    review, 2-4-110
Objections to rules, 2-4-305, 2-4-306, 2-4-403, 2-4-406, 2-4-412
Omissions, 2-4-307
Organizational and procedural rules, 2-4-201, 2-4-202
Plain language in contracts provisions, effect, 30-14-1104
Policy implemented by, citation and description, 2-4-305
Poll of legislators, See **Legislative poll**
Practice, rules of, 2-4-201, 2-4-202, 2-4-602
Printing provisions, state — nonapplicability, 18-7-302
Proposed rules
    economic impact statements, 2-4-405
    informal conferences or committees, 2-4-304
    legislative intent, consistent with, 2-4-403
    negotiated rulemaking, See **Negotiated rulemaking**
    notice requirements, 2-3-301, 2-4-110, 2-4-302, 2-4-303, 2-4-305, 2-4-307
    objections to, 2-4-406
    private property actions with taking or damaging implications, 2-10-103
    public comment, electronic acceptance, 2-3-301
    review, 2-4-110, 2-4-402
    submission of views, 2-4-302, 2-4-304, 2-4-305
Publication, 2-4-311, 2-4-313
    dangerous drug schedules, 50-32-209
    declaratory rulings, 2-4-501
    economic impact statements, 2-4-405
    emergency rules, 2-4-303
    energy supply emergencies, governor's executive orders implementing, 90-4-316
    frequency, 25-3-502, 25-3-503
    interstate compacts, uniform rules, 2-4-102, 2-5-103
    legislative poll, 2-4-306
    notices, 2-4-302, 2-4-312, 2-5-105
    objections, of, 2-4-406
    omissions from rules or register, 2-4-307, 5-18-107
    prison industries training program, price lists, 53-30-133
    register, 2-4-312
    statements of implied authority and legal effect, 2-4-308, 2-4-312

ADMINISTRATIVE RULES (Continued)
Publication (Continued)

  workers' compensation classification and review committee rules, 33-16-1012
Public availability, 2-4-103, 2-4-313
Public participation in agency actions, 2-3-301, 2-4-201, 2-4-302, 2-4-303, 2-5-102; Const., II, 8; Title 2, chapter 3, part 1
Records of agencies, content and review, 2-4-402
Register, 2-4-102
  declaratory rulings, publication, 2-4-501
  economic impact statements, 2-4-405
  emergency or temporary rules, publication, 2-4-306
  maintenance, 2-4-306
  notices published in, 2-4-302, 2-4-305, 2-4-307, 2-4-312
  objections published in, 2-4-406
  omissions, 2-4-307
  publication and arrangement, 2-4-312
Repeal, See **Adoption, amendment, or repeal**
Review, 2-4-402
  biennial, 2-4-314
  departmental, 2-4-110
  judicial
    declaratory rulings, 2-3-113, 2-4-501
    emergency rules, subject to, 2-4-303
  legislative, 2-4-412
Review committees, legislative interim, 2-4-402, 5-5-215
  "administrative rule review committee" defined, 2-4-102
  business and labor committee, 5-5-223
  children, families, health, and human services committee, 5-5-225
  economic impact statements, 2-4-405
  education committee, 5-5-224
  emergency or temporary rules, notice, 2-4-303
  environmental quality council, 75-1-324
  family impact notes, 2-4-405
  hearings, 2-4-302, 2-4-402
  job investment program, report by department of commerce, 17-6-511
  law, justice, and indian affairs committee, 5-5-226
  legislative poll, 2-4-403
    evidentiary value, 2-4-404
    publication, 2-4-306
  litigation
    participation, 2-4-402
    reports of, 2-4-410
  objections by, 2-4-305, 2-4-306, 2-4-406, 2-4-412
  oil and natural gas production taxes, distribution formula — proposed rule for change, 15-36-324
  powers, 2-4-402
  publication of rules, 2-4-306 — 2-4-308, 2-4-406
  recommendations by, 2-4-314, 2-4-402, 2-4-411
  reports, 2-4-410, 2-4-411
  requests for notices of proposed rules, filing and list, 2-4-302
  revenue and taxation committee, 5-5-227
  reviewer, appointment — notice, 2-4-110
  state administration, public retirement systems, and veterans' affairs committee, 5-5-228
Submission of views concerning, 2-4-302, 2-4-304, 2-4-305
Substantive rules, 2-4-102
  effectiveness, requisites, 2-4-305
  statement of implied authority and legal effect, 2-4-308

ADMINISTRATIVE RULES (Continued)
Substantive rules (Continued)

  submission of views concerning, 2-4-302
Suspension in emergency situations, 10-3-104
Temporary rules, See **Emergency or temporary rules**
Validity
  declaratory judgments on, 2-4-506
  proceedings involving, evidence, 2-4-404, 2-4-406, 2-4-412
  requisites for, 2-4-305
Vital statistics records or reports, for disclosure of information from, 50-15-122
Wrongful discharge, "public policy" defined, 39-2-903

ADOPTION
Abortion, informational materials — contents, 50-20-304
Abused and neglected children
  consent requirements, 41-3-302, 41-3-401
  parent-child legal relationship, termination
    decree, effect, 41-3-611
    right to consent to adoption, 41-3-401, 41-3-403, 41-3-607
  petition alleging, hearing notices, 41-3-401
Administration of provisions, 42-2-106
Adoptive parents, See **Parents, adoptive**
Adults or emancipated minors, 42-1-105, 42-4-401
  consent, 42-4-403
  jurisdiction and venue, 42-4-404
  procedure, 42-4-405
  who may adopt, 42-4-402
Affidavits, 42-2-217, 42-2-604, 42-4-110
Agencies, 42-1-103
  abortion, informational materials — contents, 50-20-304
  best interest of child, consideration, 42-4-201
  child abuse and neglect records, disclosure to — when, 41-3-205
  confidentiality of records, 42-6-101, 42-6-104, 42-6-105
  consent required, 42-2-301, 42-4-210
    witness for, 42-2-303
  contracts for preplacement or postplacement evaluation or supervision, 42-2-105
  counseling requirements, 42-2-409, 42-4-204
  financial statements, 42-8-104
  information, disclosures and retention, 42-3-101, 42-3-102, 42-4-203, 42-6-102, 42-6-105
  inspections, 52-2-113
  investigations, 42-8-105
  licenses and licensing, 42-8-103
    authority, 52-2-113
    cancellation, 42-8-107
    definitions, 42-8-101
    discrimination in issuance prohibited, 49-3-204
    issuance, 42-8-102
    requirements, 42-8-104
    suspension, revocation, or denial, 42-8-102, 42-8-107
    term, 42-8-103
    violation and penalty, 42-8-108
  parental rights, termination, See **Parental rights, termination**
  petition for adoption, copy to, 42-5-101
  placement activities, 42-7-105, 42-8-101
  placement, parties to, 42-4-202, See also **Placement**
  placing parent, duties, 42-4-203

ADOPTION (Continued)
Agencies (Continued)

- postplacement evaluation and supervision, 42-1-105, 42-4-209
  - contracts for, 42-2-105
  - period for, 42-4-112, 42-4-205
  - supervision and preparation, 42-4-110
  - waiver, 42-4-209
- preplacement evaluation, 42-3-301; Title 42, chapter 3, part 2
- putative father registry
  - certified copy of registration form, availability, 42-2-224
  - notice, failure to post — effect, 42-2-222
  - search request, 42-2-217, 42-2-218
- relinquishment of child, See **Relinquishment and consent**
- rules for, 42-8-102, 42-8-104
- special needs, child with, 42-10-103
  - evidence of inability to place, 42-10-106
  - subsidy, eligibility for, 42-10-107
- stepparent, adoption by, See **Stepparent, adoption by**

Annulment of adoption, 50-15-304, 50-15-311
Appeals, 42-2-618 — 42-2-620, 42-4-115, 42-5-203
- alternative dispute resolution/mediation, applicability, Title 25, chapter 21, M.R.App.P., Rule 54(a)

Best interests of child
- agency placement, 40-4-201, 40-4-210
- decree, statement in, 42-5-109
- direct parental placement, custody order, 42-4-111
- parental rights, termination, 42-2-608, 42-2-616
- petition for adoption, consideration, 42-5-106, 42-5-107
- policy, 42-1-102
- relinquishment and consent revoked or set aside, order for care and custody, 42-2-418
- stepparent or extended family member adoptions, 40-4-309

Birth certificates, See **VITAL STATISTICS, Adoption**
Birth parent, 42-1-103
- agency placement, 42-4-201, 42-4-203, 42-4-209, See also **Agencies**
- confidential intermediary, petition for, 42-6-103
- consent required, 42-2-301
- counseling requirements, 42-2-409
- direct parental placement, See **Direct parental placement**
- information
  - disclosure to birth parent, 42-6-102, 42-6-103
  - duty to disclose, 42-3-101
- fees and costs relating to placement of child, 42-7-101, 42-7-102, 42-7-105
- interests, balancing of, 42-1-109
- policy, 42-1-102
- presumed knowledge of birth father that child may be adopted without notice, 42-1-110
- privacy of unmarried birth mother, right of, 42-1-111
- putative father, See **Putative father registration**
- release of original birth certificate information when, 42-5-109, 42-5-202, 42-6-109
- relinquishment of child, See **Relinquishment and consent**
- rights and responsibilities, 42-1-108
- termination of parental rights, See **Parental rights, termination**
- visitation and communication, effect of decree, 42-5-301

Certificate of adoption, 42-6-109, 50-15-223, 50-15-311, See also **VITAL STATISTICS**
Child custody, See also **CHILD CUSTODY**
- determination, enforcement petition — information for, 40-7-308
- proceedings
  - information submitted by parties, 40-7-110

ADOPTION (Continued)
Child custody (Continued)
    proceedings (Continued)
        nonapplicability, 40-7-134
Child support, See **CHILD SUPPORT**
Citation of Montana Adoption Act, 42-1-101
Compliance with provisions, action to compel, 42-7-106
Confidential intermediary, 42-1-103
    appointment, 42-6-104
        petition for, 42-1-104, 42-6-103
    counseling, explanation during, 42-2-409
    duties and payment, 42-6-104
    private investigator licensing, applicability, 37-60-301
    records, disclosure, 42-6-102
Confidentiality of records and proceedings, 42-6-101, 42-6-104, 42-6-105
Consent, See also **Relinquishment and consent**
    abused and neglected children, 41-3-302
    adults and emancipated minors, 42-4-403
    birth father, not required when, 42-1-110
    department or agency, by, 42-4-210
    form, 42-2-303
    guardian, by, 42-1-105, 42-2-301, 42-2-404, 42-2-408, 42-2-412, 42-2-413, 72-5-103, 72-5-231, 72-5-233
    information, disclosure — for, 42-6-102, 42-6-104
    not required when, 42-2-302
    petition for adoption
        contents and attachments, 42-5-101
        notice of hearing, 42-5-103
    required, 42-2-301
    stepparent, adoption by, 42-4-303, 42-4-304, 42-4-310
Contested when, 42-2-230, 42-5-107
    parental rights, termination, 42-2-619
Counseling requirements
    adults or emancipated minors, exception, 42-4-405
    agencies, ability to provide, 42-4-204, 42-8-104
    fees, 42-2-408, 42-7-101, 42-7-102
    parental rights, termination — report to be filed with petition, 42-2-604
    parties involved, 42-2-408, 42-2-409, 42-2-412, 42-4-102, 42-4-103, 42-4-204
Court, 42-1-103
    adults or emancipated minors
        consent, 42-4-403
        petition for adoption, 42-4-404
    agencies, cooperation, 42-8-104
    birth certificate, original — release, 42-6-109
    confidential intermediary, appointment and duties, 42-6-103, 42-6-104
    confidentiality of records and proceedings, 42-6-101
    consent
        withdrawal, order for, 42-4-210
        witness for, 42-2-301, 42-2-303, 42-4-403
    counseling requirement, waiver, 42-2-409
    decree, See **Decree**
    direct parental placement, See **Direct parental placement**
    disclosure of information, 42-6-102, 42-6-105
    filing fee, 25-1-201, 42-2-105
    guardian
        authorization for, 42-1-105, 42-1-107, 42-2-301
        execution of relinquishment and consent, authorization, 42-2-408
    jurisdiction, other — recognition, 42-2-101

ADOPTION (Continued)
Court (Continued)

- parental rights, termination, See **Parental rights, termination**
- petiton for adoption
  - appearance of child at hearing, waiver, 42-5-105
  - granting or denial, 42-5-106, 42-5-107
  - notice of hearing, 42-5-103
  - retention, 42-5-101
- preplacement evaluation
  - report, filing, 42-3-213
  - waiver, 42-3-212, 42-4-309
- putative father
  - contest of adoption, evidentiary hearing, 42-2-230
  - registration forms, 42-2-214
  - registry
    - certified copy of registration form, availability, 42-2-224
    - notice concerning, 42-2-214
    - search requests, affidavits filed with, 42-2-217
- relinquishment and consent
  - relief when revoked or set aside, 42-2-418
  - set aside, 42-2-417
- removal of child from state, permission when, 42-5-108
- stepparent, adoption by
  - hearing, 42-4-310
  - petition for adoption, 42-4-302
  - preplacement evaluation and postplacement evaluation report, waiver, 42-4-309
- venue, 42-1-104, 42-2-601, 42-4-404
- visitation and communication, orders for, 42-4-304, 42-5-301

Decree, 42-5-109
- annulment or amendment, 50-15-311
- application for, 42-5-102
- communication to department, 42-5-201
- consent irrevocable upon entry of, 42-4-210
- direct parental placement
  - entered when, 42-4-112
  - motion to enter, 42-4-115
- effect, 42-5-109, 42-5-202
- expediency in proceedings, 42-2-619, 42-5-203
- finality, 42-5-203
- foreign, 42-5-205
- issuance, 42-5-106
- jurisdiction, other — recognition, 42-2-101
- postplacement evaluation period, issuance sooner than — when, 42-4-205
- putative father registry, noncompliance not basis for vacation, 42-2-230
- removal of child from state prior to, 42-5-108
- rights of adoptee, 42-5-204
- stepparent, adoption by, 42-4-304, 42-4-309
- visitation and communication agreements
  - stepparent, adoption by — survival of court order for, 42-4-304
  - termination and enforceability, 42-5-301

Definitions, 42-1-103, 42-2-201, 42-8-101, 42-10-103, 42-10-121

Direct parental placement, 42-1-103
- adoption decree, motion to enter, 42-4-115
- counseling requirements, 42-2-409, 42-4-102, 42-4-103
- custody order, 42-4-111
- fees, 42-7-101

ADOPTION (Continued)
Direct parental placement (Continued)
  information, disclosures and filing, 42-2-409, 42-2-412, 42-3-101, 42-3-102, 42-4-102, 42-4-103
  minor parent, relinquishment — separate legal counsel required, 42-2-405, 42-2-412, 42-4-102
  notice of parental placement, 42-4-102, 42-4-103
  parties to, 42-4-101
  petition promptly, duty to, 42-4-110
  placing parent
    duties, 42-4-102, 42-4-103
    petition for adoption, copy to, 42-5-101
  postplacement evaluation, 42-3-212, 42-4-113
    adoption decree, motion to enter — support for, 42-4-115
    order for, 42-4-112
    supervision and period for, 42-4-112
    time and filing, 42-4-114
  preplacement evaluation
    custody determination, 42-4-111
    filing, 42-4-103
    placing parent, copy to, 42-4-106
    report, filing, 42-3-213
    timing, 42-3-201
    waiver for relatives, 42-3-212
  putative father registration
    form, certified copy — availability, 42-2-224
    registry, search request, 42-2-217
  records, 42-4-116
  relinquishment and consent, 42-2-404
    content, 42-2-412
    execution, 42-4-106
    filing, 42-4-103, 42-4-110
    time and prerequisites for execution, 42-2-408, 42-4-102
District court, See **Court**
Evidence
  hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 804
  parental rights, termination, 42-2-604, 42-2-606, 42-2-608, 42-2-610, 42-2-616
  petition for adoption, 42-5-105, 42-5-106
  putative father
    contest of adoption, evidentiary hearing, 42-2-230
    fraud, burden of establishing, 42-2-230
    registration or revocation, admissibility and rebuttable presumption, 42-2-209
  relinquishment and consent, set aside, 42-2-417
Extended family member, 42-1-103, 42-4-103, 42-7-105
  confidential intermediary, petition for, 42-6-103
  information, disclosure to, 42-6-102, 42-6-103
  preplacement evaluation, waiver, 42-3-212
  relinquishment to, 42-4-301, See also **Stepparent, adoption by**
Fees, 25-1-201
  confidential intermediary, 42-6-104
  counseling and legal fees, 42-2-405, 42-2-408, 42-2-409, 42-7-101, 42-7-102
  placement by parent, related to, 42-4-102, 42-4-103, 42-7-101
  preplacement evaluation and report, 42-3-202, 42-3-206
  prohibited activities, 42-7-105
  putative father registry searches, 42-2-218
  services, for, 42-2-105, 42-7-101, 42-7-102, 42-7-105
Finality, need for, 42-1-109

ADOPTION (Continued)

Guardians
  consent required when, 42-1-105, 42-2-301, 42-2-404, 42-2-408, 42-2-412, 42-2-413, 72-5-103, 72-5-231, 72-5-233
  parental rights, termination, See **Parental rights, termination**
  placing parent, duties, 42-4-102, 42-4-103, 42-4-203
  placement for adoption, 42-1-107
Information, 42-1-103
  disclosures — form, availability, filing, and retention, 42-3-101, 42-3-102, 42-2-409, 42-2-412, 42-4-102, 42-4-103, 42-4-203, 42-6-102 — 42-6-104
Inheritance, See also **ESTATES AND PROBATE**
  adults or emancipated minors, adoption of — rights, 42-4-403
  class gifts, 72-2-715
  decree of adoption, effect, 42-5-202
  relationship of parent and child, 72-2-124
  stepparent, adoption by — retention, 42-4-304, 42-4-311
  wills, construction, 72-2-332
Injunction when, 42-7-105, 42-8-108
Insurance
  disability, coverage, 33-22-130, 33-22-523
  health maintenance organizations, coverage, 33-31-114
  health service corporations, coverage, 33-30-1016
  life
    group policies, 33-20-1001
    industrial policies, beneficiary, 33-20-115
  special needs, child with — benefits, 42-10-127
Interests, balancing, 42-1-109
International placement, 42-2-104, 42-5-101
Interstate assistance
  agreement, 42-10-125, 42-10-127
  compacts
    authorization, 42-10-122
    contents, 42-10-125, 42-10-126
    effect, 42-10-124
  definitions, 42-10-121
  federal aid, 42-10-123
  fraud in obtaining, 42-10-128
  medical benefits, 42-10-122, 42-10-123, 42-10-127, 42-10-128
Interstate placement of children, 42-2-103, 42-5-101, 52-2-114; Title 41, chapter 4, part 1, See **MINORS, Interstate Compact on the Placement of Children**
Local Citizen Review Board, membership requirements, 41-3-1003
Minors, emancipated, See **Adults or emancipated minors**
Parental rights, termination
  appeal, 42-2-618 — 42-2-620
  counseling, explanation during, 42-2-409
  expected child, intent to release or consent to adoption
    notice to any named father, 42-2-503
    petition, filing, 42-2-501, 42-2-502
  expediency in proceedings, 42-2-619
  finality, 42-2-620
  necessity for, 42-2-602
  grounds for, 42-2-607, 42-2-616
  hearings, 42-2-208, 42-2-503, 42-2-605, 42-2-606, 42-2-616
    notice, no entitlement when, 42-2-421, 42-2-422
  order terminating, 42-1-107, 42-2-217, 42-2-617, 42-2-618, 42-2-620, 42-4-110, 42-5-101, 42-5-106

ADOPTION (Continued)
Parental rights, termination (Continued)

- petition, 42-2-603
  - denial, 42-4-111
  - filing, 42-2-501, 42-4-110
  - hearing, 42-2-606
    - appearance of parent, 42-2-616
    - appearance of putative father, 42-2-208
  - contents, 42-2-604
  - preplacement evaluation report to support, 42-3-213
  - stepparent, joinder with petition for adoption, 42-4-302
- petition for adoption, hearing — notice not required, 42-5-103
- putative father, 42-2-201, See also **Putative father registration**
  - failure to establish substantial relationship, 42-2-208, 42-2-607, 42-2-609, 42-2-610
  - notice to, 42-2-203 — 42-2-206, 42-2-208, 42-2-508
- relationship, parent and child
  - determination of existence, 42-2-607, 42-2-609
  - putative father, failure to establish, 42-2-610
- relinquishment and consent
  - consequences, 42-2-413
  - content, 42-2-412
  - remedy when revoked or set aside, 42-4-418
  - revocation, agreement prior to, 42-2-410
- stepparent, adoption by — requirement, 42-4-310
- timing of proceedings, 42-2-501
- unfitness, findings of, 42-2-302, 42-2-607, 42-2-608
- venue, 42-2-601
- waiver, irrevocable, 42-2-611
- who may be adopted, 42-1-105

Parent and child relationship, 40-6-102, See also **PARENT AND CHILD**
- establishment, 40-6-104
- legal relationship, 41-3-102
- nonexistence
  - determination, 42-2-607, 42-2-609
  - grounds for claim, 42-2-502, 42-2-503
- termination, 41-3-401, 41-3-609, 41-3-611, See also **Parental rights, termination**

Parents, adoptive
- adults or emancipated minors, adoption of, See **Adults or emancipated minors**
- best interests of child, consideration, 42-4-201, 42-5-107
- certificate of adoption, 42-6-109
- child abuse and neglect records, disclosure to — when, 41-3-205
- confidential intermediary, petition for, 42-6-103
- counseling reports to, 42-2-409
- decree, application for, 42-5-102
- definitions, 42-1-103
- direct parental placement
  - adoption decree, motion to enter, 42-4-115
  - temporary custody, 42-4-111, 42-4-115
- discrimination factors, consideration, 49-1-102, 49-2-308, 49-3-204, 49-3-205
- education for, 42-8-104
- expenses, 42-2-405, 42-2-408, 42-2-409, 42-3-202, 42-3-206, 42-4-102, 42-4-103, 42-7-101, 42-7-102, 42-7-105, 50-20-304
- information, disclosures, 42-2-409, 42-2-412, 42-3-101, 42-6-102, 42-6-103
- interests, balancing of, 42-1-109
- international placement, 42-2-104
- interstate placement, 42-2-103
- parental rights, termination, See **Parental rights, termination**

ADOPTION (Continued)
Parents, adoptive (Continued)

- petitions, 42-4-110, 42-4-206
- preplacement evaluation, 42-1-103, 42-3-201, 42-3-301, 42-4-110
  - action by department when, 42-3-207
  - contents, 42-3-204
  - contracts for, 42-2-105
  - copy to
    - parent consenting to adoption, 42-2-408
    - placing parent, 42-4-106
  - distribution, retention, and immunity for evaluator, 42-3-206
  - information to be reviewed, 42-3-203, 42-3-205
  - initiation and fees, 42-3-202
  - recommendation, 42-3-205, 42-4-101
- public assistance, eligibility, 53-4-231
- putative father registry
  - form, certified copy available to, 42-2-224
  - search request, 42-2-217
- relinquishment of child, See **Relinquishment and consent**
- rights and responsibilities, 42-1-108, 42-2-230
- social studies, 42-8-104
- visitation and communication agreements, 42-5-301

Paternity
- acknowledgment or denial, 42-2-218, 42-2-302, 42-2-401, 42-2-421, 42-2-422
- putative father registration, rebuttable presumption created, 42-2-209

Petition for adoption, 42-5-101
- adoptive parent, filing, 42-4-110, 42-4-206
- adults or emancipated minors, adoption of, 42-4-404
- fees, 42-7-101
- granting or denying, 42-4-115, 42-5-106, 42-5-107
- hearing, 42-5-103, 42-5-105
  - consent for adoption, execution when, 42-2-408
  - notice, no entitlement when, 42-2-421, 42-2-422, 42-5-103
- notice, 42-5-101, 42-5-103, 42-5-105
  - content, 42-5-104
- postplacement evaluation filed with, 42-4-205
- putative father registry, noncompliance not basis for dismissal, 42-2-230
- stepparent, adoption by, 42-4-304, 42-4-310
  - joinder with petition for termination of parental rights, 42-4-302
- time for action, 42-5-102

Placement, 42-1-107
- best interests of child, consideration, 42-4-201
- consent to adoption, 42-4-210, See also **Consent**
- counseling requirements, 42-4-204
- direct parental placement, See **Direct parental placement**
- fees, 42-7-101
- information, disclosures, 42-4-203
- international, 42-2-104
- interstate, 42-2-103
- licensed child-placing agency, See **Agencies**
- parties to, 42-4-202
- placing parent, duties, 42-4-203
- postplacement evaluation, 42-4-113, 42-4-115, 42-4-209
  - adult or emancipated minor adoption, exception, 42-4-405
  - contracts for, 42-2-105
  - period for, 42-4-112, 42-4-205
  - petition for adoption, attachment, 42-5-101

ADOPTION (Continued)
Placement (Continued)
  postplacement evaluation (Continued)
    supervision, 42-4-110
    waiver, 42-4-209, 42-5-102
  preplacement evaluation, 42-3-301, 42-4-405, 42-7-101, 42-7-105; Title 42, chapter 3, part 2
  prohibited activities, 42-7-105
  stepparent, adoption by, See **Stepparent, adoption by**
  waiting period following, 42-4-205
Policy, 42-1-102
Preplacement evaluations, 42-3-301, 42-4-405, 42-7-101, 42-7-105; Title 42, chapter 3, part 2
Privacy, 42-1-108, 42-1-111
Proceedings
  adults or emancipated minors, adoption of, 42-4-403 — 42-2-405
  confidentiality, 42-6-101
  finality and balancing of interests, 42-1-109
  fraud or misrepresentation, penalties, 42-2-230
  indian child welfare act, subject to, 42-2-102, 42-2-604, 42-4-102, 42-4-103, 42-4-203, 42-4-209, 42-5-101, 42-5-107
  jurisdiction, other — recognition, 42-2-101
  notice, waiver when, 42-2-412, 42-4-403
  parental rights, termination, See **Parental rights, termination**
  putative father, rights and responsibilities, See **Putative father registration**
  relinquishment and consent, See **Relinquishment and consent**
  rights and responsibilities of parties, 42-1-108
Prohibited activities, 42-7-105
Prohibited when, 42-1-107
Putative father registration, 42-2-205
  agency's failure to post notice, effect, 42-2-222
  child abuse and neglect, preservation and reunification services not required when, 41-3-403
  definitions, 42-2-201
  duties of department of public health and human services, 42-2-214, 42-2-218
  false information, penalties, 42-2-226
  forms, 42-2-205 — 42-2-207, 42-2-214, 42-2-217
    certified copy, furnishing, 42-2-224
  notice of termination of parental rights proceedings, 42-2-203 — 42-2-206, 42-2-208, 42-2-422, 42-2-501, 42-2-611
  parental rights, termination, See **Parental rights, termination**
  presumed father, 42-2-204, 42-2-209
  presumed knowledge of pregnancy, 42-2-204
  relationship, substantial — failure to establish, effect, 42-1-108, 42-2-609, 42-2-610
  registry, 42-2-201, 42-2-202
    compliance, 42-1-108, 42-2-204
    confidentiality of information, 42-2-225, 42-2-226
    data, storage, 42-2-216
    failure to comply, 42-2-230, 42-2-609, 42-2-611
    false claims, 42-2-214
    information maintained in, 42-2-215
    information to be provided for, 42-2-214
    notice concerning, posting, 42-2-214, 42-2-222
    parents, adoptive — affidavit, 42-4-110
    purpose, 42-2-203
    search, request, 42-2-215, 42-2-217, 42-2-218
  responsibility of each party to protect interests, 42-2-230
  revocation, 42-2-209, 42-2-223
  rights, burden to preserve, 42-2-208
  submission, how, 42-2-207
  updates, 42-2-205

ADOPTION (Continued)
Putative father registration (Continued)

- when to register, 42-2-206

Records, 42-1-103
- agencies, kept by, 42-8-104
- confidentiality, 2-6-104, 42-6-101, 42-6-102, 42-6-105, 42-10-105, 50-15-223
- disclosure, 42-6-102, 42-6-104, 42-6-105
- youth court, 41-5-215, 41-5-216, 42-3-203

Relinquishment and consent, 42-1-103
- child support arrearages, 42-2-403, 42-2-412, 42-2-413
- conditional, 42-2-411
- consequences, 42-2-413
- content, 42-2-412
- counseling requirements, 42-2-408, 42-2-409, 42-2-412
- direct parental placement, 42-4-102, 42-4-103, 42-4-106, 42-4-110
- execution, 42-2-401, 42-2-412, 42-2-603, 42-4-102, 42-4-106
  - filing, 42-4-103
  - time and prerequisites, 42-2-408
- minor parent, by, 42-2-405, 42-2-408, 42-2-412
- parental rights, termination
  - grounds for, 42-2-607
  - petition, 42-2-603, 42-2-604
- paternity, denial
  - acknowledgment, notarized and denial of custody interest — execution and effect, 42-2-422, 42-2-607
  - denial, notarized — execution and effect, 42-2-421, 42-2-607
- placing parent, duties, 42-4-202, 42-4-203
- prohibited activities, 42-7-105
- remedy when revoked or set aside, 42-2-418
- revocation, 42-2-405, 42-2-410, 42-2-412, 42-2-417, 42-2-418, 42-5-103
- set aside, 42-2-412, 42-2-417, 42-2-418, 42-5-103
- stepparent, adoption by, 42-4-301, See also **Stepparent, adoption by**
- validity, 42-2-402, 42-2-412
- visitation and communication agreements, 42-5-301
- void when, 42-2-409
- voluntary acts of parents, 42-2-401, 42-2-607
- who may relinquish and to whom, 42-2-404

Rulemaking authority, 42-2-106

Services, fees, 42-2-105, 42-7-101, 42-7-102, 42-7-105

Special needs, child with
- administration of program, 42-10-104
- certification as, 42-10-106
- citation of subsidized adoption act of 1977, 42-10-101
- confidentiality of records, 42-10-105
- definitions, 42-10-103
- medicaid eligibility, 42-10-127, 53-6-131
- purpose of provisions, 42-10-102
- records, 42-10-104, 42-10-105
- subsidy
  - agreement — terms, amount, duration, and scope, 42-10-108, 42-10-109, 42-10-121
  - eligibility for, 42-10-107
  - petition for adoption, attachments, 42-5-101

Stepparent, adoption by, 42-1-105, 42-7-105
- child support, arrearages, 42-4-312
- consent
  - custodial parent or child, 42-4-303
  - filing, 42-4-310

ADOPTION (Continued)
Stepparent, adoption by (Continued)
  consent (Continued)
    spouse of stepparent, 42-4-304
  legal consequences, 42-4-311, 42-5-202
  petition for adoption and notice and hearing, 42-4-302, 42-4-310, 42-5-109
  preplacement evaluation and postplacement evaluation report, waiver, 42-4-309
  public assistance, eligibility, 53-4-231
  relinquishment to, 42-4-301
  standing to adopt, 42-4-302
State employees, parental leave when, 2-18-606
Subsidized adoption, See **Interstate assistance**; **Special needs, child with**
Venue, 42-1-104, 42-2-601, 42-4-404
Violations
  agencies, failure to have license, 42-8-108
  fees and prohibited activities, 42-7-105
  fraudulent representations or actions, penalties, 42-2-230
  putative father registration, false information or request for confidential registry information, 42-2-226
Visitation and communication agreements
  agency placement, information to be provided, 42-4-203
  direct parental placement, information to be provided, 42-4-102, 42-4-103
  petition for adoption, attachments, 42-5-101
  preplacement evaluation, contents, 42-3-204
  relinquishment and consent, condition or validity, 42-2-411, 42-2-412
  stepparent, adoption by — effect, 42-4-304, 42-4-311
Who may adopt, 42-1-106, 42-4-402
Who may be adopted, 42-1-105

ADULTS
  See also generally specific subject matter
Adoption of, 42-1-105, 42-4-401 — 42-4-405
Alcoholic beverages — separate age for use, attempt to purchase, and possession, 16-3-301, 16-6-305, 16-6-314, 45-5-623, 45-5-624, 61-5-206; Const., II, 14
Anatomical gifts, Title 72, chapter 17
Day care, 7-34-2201, 15-30-128, 50-5-101, 52-3-504, 52-3-811, See also **HEALTH CARE FACILITIES**
Definitions, 41-1-101, 41-5-103, 72-26-502; Const., II, 14
Education, continuing, 20-15-105, 20-15-304, 20-15-311, 20-15-404; Title 20, chapter 7, part 7
Foster family care homes, 50-5-101
  abuse, neglect, or exploitation of residents — report required, 52-3-811, See **AGING AND AGED PERSONS, Abuse, neglect, or exploitation**; **DEVELOPMENTAL DISABILITIES, PERSONS WITH, Abuse, neglect, or exploitation**
  coordination of services, 52-3-101
  inspections, 50-8-101, 50-8-102, 50-8-105
  licensing, 50-5-215, 50-5-216, 52-1-103
    one-step licensing, 50-8-101, 50-8-102
  limitation on care, 50-5-216
  older Montanans, placement services, 52-3-504
  public assistance recipients, 53-2-610
  rules and standards, 50-5-215
  zoning regulations, 76-2-411, 76-2-412
Indigent parents, support of, 40-6-214, 40-6-301 — 40-6-303
Literacy programs, 20-7-714
Living wills, Title 50, chapter 9, parts 1 and 2
Majority, age of, 41-1-101; Const., II, 14; II, 15
Montana conservation corps, eligibility, 23-1-312
Organ donation, Title 72, chapter 17

ADULTS (Continued)

Partner or family member assault, See **ASSAULT AND BATTERY**
Protective services, 52-1-101, 52-1-103, 53-2-101, 53-2-801, 53-2-802, 53-2-811
  teams, 52-3-805, 52-3-813, See also **AGING AND AGED PERSONS, Abuse, neglect, or exploitation; DEVELOPMENTAL DISABILITIES, PERSONS WITH, Abuse, neglect, or exploitation**
Residence, rules for determining, See **RESIDENCE**
University system students, tuition and fees — change in status when, 20-25-504

ADVERSE POSSESSION
  See **PROPERTY, REAL**

AED's (AUTOMATED EXTERNAL DEFIBRILLATORS), 50-6-501 — 50-6-506
  See also **CARDIOPULMONARY RESUSCITATION**

AERONAUTICS
  See also **AIRPORTS AND LANDING FIELDS**
Accidents
  hearings on, 67-2-502
  insurance against, See **Liability insurance**
  reporting, 67-2-401
Actions
  aircraft, unlawful use — damages caused by, recovery, 67-1-204
  departmental investigations or hearings, use of reports from, 67-2-503
  licensing and regulation orders, 67-3-104
Advertising, 67-1-101
Aerial spraying, See generally **LIENS, Crop dusting, liens for; PESTS AND PESTICIDES, Applicators**
Aeronautical loan account, 67-1-305, 67-1-306
  deposits, 15-70-204, 67-1-301
  disbursements, 67-1-307
Air carriers, See also **CARRIERS, Passenger carriers**
  accidents, See **Accidents**
  alcoholic beverages served on, 16-1-402, 16-1-403, 16-4-302, 16-4-501, See also **ALCOHOLIC BEVERAGES, Carriers**
  aviation fuel, gasoline license tax refund, 15-70-221, 15-70-225
  blindness or low vision, passengers with, See **BLINDNESS OR LOW VISION, PERSONS WITH**
  deaf and blind, Montana school for the — students' transportation expenses, 20-8-121
  defined, 67-1-101
  discriminatory practices, See **DISCRIMINATION**, generally
  foreign, secured transactions, 30-9-327
  garbage disposal methods, inspection, 81-2-510
  insurance required, See **Liability insurance**
  licensing, See **Licensing**
  livestock, department of — inspections, 81-2-510
  taxation, See **TAXATION, PROPERTY**
  transportation of property by motor carrier, exemption from motor carrier laws when, 69-12-102
  violations, 67-3-405
Aircraft
  accidents, See **Accidents**
  alcohol concentration standards, 67-1-211
  ambulance, as, 50-6-302, See **EMERGENCY MEDICAL SERVICES, Transportation or treatment services**
  antique aircraft, fee in lieu of tax, 67-3-206
  county coroner, authority, 7-4-2911, 46-4-111

AERONAUTICS (Continued)
Aircraft (Continued)

- dealers
  - licensing, See **Licensing**
  - sales personnel overtime compensation exclusions, 39-3-406
- definitions, 50-6-302, 67-1-101, 67-1-204
- destructive device, possession — offense of, 45-8-334, 45-8-337
- drug violations, forfeiture of aircraft, 44-12-102, 45-9-206
- fee in lieu of tax, 15-24-304, 67-3-201 — 67-3-206
  - school district funding, consideration in computation, 20-9-141, 20-9-331, 20-9-333, 20-9-360, 20-9-501, 20-10-144, 20-10-146, 67-3-205
- flight plans to be filed when, 67-3-212
- flying under the influence of alcohol or drugs, 53-24-106, 67-1-204
  - alcohol concentration standards, 61-8-407, 67-1-211
- forced landings, 67-1-204
- foreign, 67-3-102
- gasoline taxes, Title 15, chapter 70, See **TAXATION, GASOLINE AND VEHICLE FUELS**
- gliders, fee in lieu of tax, 67-3-206
- harassment of wildlife unlawful, 87-3-126
- hazardous or deleterious substance, release, 75-10-701, 75-10-715, See **HAZARDOUS WASTES, Remedial action upon release of hazardous substance**
- helicopters
  - ambulance, as, 50-6-302, See **EMERGENCY MEDICAL SERVICES, Transportation or treatment services**
  - fee in lieu of tax, 67-3-206
- herding wildlife unlawful when, 87-3-126
- hunting from, unlawful, 87-3-126, See also **PREDATORS AND PREDATOR CONTROL, Aerial hunting**
- insurance
  - loss or damage, against, 33-1-206, See **INSURANCE, CASUALTY**, generally
  - rates and rating organizations, nonapplicability of provisions, 33-16-103
  - required, See **Liability insurance**
- intoxicated persons, operation by, 53-24-106, 67-1-204, 67-1-211
- landings on public waters and roads, 67-1-204
- licensing, See **Licensing**
- livestock harassment unlawful, 67-1-204, 81-7-506
- migratory, fee in lieu of tax, 15-24-304
- military, 67-3-102
- model, 67-3-102
- nonflyable, registration exemption, 67-3-201
- operation under the influence of alcohol or drugs, 53-24-106, 67-1-204, 67-1-211
- pilots, See **Licensing**
- predators, hunting, See **PREDATORS AND PREDATOR CONTROL, Aerial hunting**
- registration, See **Licensing**
- sales personnel, overtime compensation exclusions, 39-3-406
- seaplanes, exclusion from definition of vessel, 23-2-502
- search and rescue volunteers, 39-71-118, 67-2-105
- secured transactions, 30-9-103, See **SECURED TRANSACTIONS, General intangibles**
- takeoffs from public waters and roads, 67-1-204
- tampering unlawful, 45-8-113
- tort actions, liability, 2-9-111
- ultralight, registration and fee in lieu of tax, 67-3-201, 67-3-206
- unauthorized use, criminal charges, 45-6-308
- "under the influence" defined, 67-1-204

Airlines, See **Air carriers**
Airplanes, See **Aircraft**

AERONAUTICS (Continued)

Airport Authorities Act, Title 67, chapter 11, See **AIRPORTS AND LANDING FIELDS**
Airport Zoning Act, Title 67, chapter 6, See **AIRPORTS AND LANDING FIELDS, Zoning and hazard regulations**
Airspace, ownership, 67-1-203
Board of, 2-15-2506, 67-1-101, 67-1-103, 67-1-301, 67-1-302
Civil air patrol, license plates, 61-3-332, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, License plates**
Commercial air operators insurance requirements, See **Liability insurance**
Crop spraying, See **LIENS, Crop dusting, liens for; PESTS AND PESTICIDES, Applicators**
Dealers, aircraft, See **Licensing**
Definitions, 67-1-101, 67-5-102
Division of, 2-15-2501, 2-15-2506
Enforcement of laws, 67-2-501 — 67-2-503, 67-3-205
Federal aid and cooperation, 67-1-301, 67-2-101, 67-2-401, 67-2-403
Federal aircraft, registration exemption when, 67-3-201
Federal laws, effect, 67-1-102, 67-1-206, 67-2-102
Fees
  aircraft, in lieu of tax, 15-24-304, 67-3-201 — 67-3-206
  licensing, 67-3-101
Fines for violations, 67-1-105, 67-1-205
Flight and landings unlawful when, 67-1-204
Flying clubs or flight schools, 67-1-101, See **Licensing**
Forced landings, 67-1-204
Functions, governmental and public, 67-1-104
Gasoline license tax revenue, 15-70-204, 15-70-221, 60-3-201, 67-1-301
Industrial revenue projects, 67-1-302
Injunction, 67-2-501
Instructors, See **Licensing**
Insurance requirements, See **Liability insurance**
Intergovernmental cooperation, 67-2-101, 67-2-401 — 67-2-403
Leases, 67-1-101, 67-2-101
Liability insurance
  amount necessary, 67-3-402
  cancellation, 67-3-404
  continuation, 67-3-401, 67-3-404
  hearings on, 67-3-402
  policy, copy to mortgagor or pledgor, 33-15-412
  proof of, 67-3-403
  required, 67-3-401
  violation, 67-3-405
Licensing, 67-3-101
  appeal procedures, 67-3-104
  certificate of registration as license, 67-3-101
  denial, 67-3-104
  discrimination in issuance prohibited, 49-3-204
  display, 67-3-103
  exceptions, 67-3-102
  federal licenses
    possession, 67-3-103
    registration, 67-3-101, 67-3-201, 67-3-211
  inspection of premises, 67-3-104
  nonresidents, 67-3-102
  orders of department of commerce, 67-3-104
  possession, 67-3-103

AERONAUTICS (Continued)
Licensing (Continued)

  revocation, 67-2-401, 67-3-101, 67-3-104
Livestock harassment unlawful, 67-1-204
Municipalities, 67-1-101
  airports, establishment and zoning, See **AIRPORTS AND LANDING FIELDS**
  assistance by department of transportation, 67-2-402, 67-2-403
  federal and private aid, 67-2-403
Nonresident licensing exceptions, 67-3-102
Ownership in space, 67-1-202, 67-1-203
Penalties for violations, 67-1-105, 67-1-205
Pilots
  flight plans to be filed when, 67-3-212
  licensing regulations, See **Licensing**
Purpose of laws, 67-1-102
Revenue, 15-70-204, 15-70-221, 60-3-201, 67-1-301 — 67-1-303, 67-2-403
Right of flight, 67-1-203
Search and rescue volunteers, 39-71-118, 67-2-105
Sovereignty in space, 67-1-202, 67-1-203
Space, sovereignty and ownership, 67-1-202, 67-1-203
State aircraft, registration exemption, 67-3-201
State airports, See **AIRPORTS AND LANDING FIELDS**
Supervision of, 67-2-101
Taxation or fee in lieu of tax, See **TAXATION, GASOLINE AND VEHICLE FUELS**; **TAXATION, PROPERTY, Air carriers**; **Aircraft**
Uniform State Law for Aeronautics
  airspace
    ownership, 67-1-203
    sovereignty, 67-1-202
  citation, 67-1-201
  flight and landings, lawfulness, 67-1-204
  interpretation, 67-1-206
  violation and penalty, 67-1-205
Violations
  air carriers, failure to procure liability insurance, 67-3-405
  aircraft
    operation under the influence of alcohol or drugs, 67-1-204, 67-1-211
    registration, failure to display certificate of, 67-3-202
  generally, 67-1-105
  uniform state law, 67-1-205

AEROSPACE
Tax exemption for space vehicles and equipment used for manufacturing and launching, 15-6-201
Transportation and technology districts and infrastructure development projects, 7-15-4283, 7-15-4288, 7-15-4296, 7-15-4301

AFFIDAVITS AS EVIDENCE, Title 26, chapter 1, part 10
  See **EVIDENCE**; See also **CIVIL PROCEDURE**; specific subject heading

AFFINITY AND CONSANGUINITY
Abuse of family members, See **ASSAULT AND BATTERY, Partner or family member assault**
Child abuse proceedings, who may file, 40-6-233
Cigarette sales with retail clients, violation of license provisions, 16-11-102
Close corporations, share transfers, 35-9-202
County attorney training coordinator, as special counsel without approval when case involves county official or relative, 44-4-111

AFFINITY AND CONSANGUINITY (Continued)

County superintendent of schools, disqualification when, 20-3-211
Day-care facility for children, 52-2-703
Drug violations, forfeited property — sale prohibited when, 44-12-205
Duress, what constitutes, 28-2-402
Eminent domain commissioners, disqualification, 70-30-207
Estates and probate
  inheritance tax, Title 72, chapter 16
    exemptions, 72-16-313
    "member of the family" defined, 72-16-331
    rate of tax, 72-16-321
  intestate succession, See **ESTATES AND PROBATE, Heirs**; **Intestate succession**; **Kinship**
Fraudulent transfers, Title 31, chapter 2, part 3
Hearsay exceptions, records and reputation, Title 26, chapter 10, M.R.Ev., Rules 803, 804
Insurance
  disability, claim provisions, 33-22-212
  industrial life policies, beneficiaries, 33-20-115
  life policies, nonapplicability of group life provisions, 33-20-1001
  personal, insurable interests, 33-15-201
Judge or justice, disqualification, 3-1-803, 3-7-402, 3-11-203
Judicial Standards Commission members, bar to participation when, 3-1-1108
Jurors, challenges for cause, 25-7-223, 46-16-115
Marriage, See **MARRIAGE, Consanguinity**
Minors, transfers to, 72-26-502
Nepotism, Title 2, chapter 2, part 3
Relationship by, 1-1-219
Schools, out-of-district attendance agreements — "parent or guardian" defined, 20-5-320
Tax, individual income
  "dependent" defined, 15-30-113
  health care expenses for qualifying elderly family member, credit, 15-30-128
Water judge or water master, disqualification when, 3-7-402
Youth care facility operators, 41-3-1102

AGENCY
Acts agent may perform, 28-10-105, See **Authority of agent**
Actual agency, 28-10-103
Appointment, who may appoint, 28-10-104
Arrest of agent, prejudgment — when, 27-16-102
Attorney-in-fact, See **POWER OF ATTORNEY**
Auctioneers, Title 30, chapter 11, part 5
Authority of agent
  actual, 28-10-301, 28-10-401, 28-10-402, 28-10-409
  defrauding principal, no authority, 28-10-409
  exceeding, 28-10-301, 28-10-605
  general, 28-10-406, 28-10-407
  implied powers, 28-10-405
  incomplete execution, 28-10-607
  instructions, disobedience permissible when, 28-10-408
  instrument binds principal, 28-10-603
  ostensible, 28-10-401, 28-10-403, 28-10-404, 28-10-409, 28-10-606
  price, authority to receive, 28-10-423
  property sales, 28-10-421, 28-10-422
  restriction, when and by whom, 28-10-404
  scope, 1-3-210, 28-10-105, 28-10-301, 28-10-401, 28-10-405, 28-10-407, 28-10-601
  specific, 28-10-406

AGENCY (Continued)
Authority of agent (Continued)

- warranty, 28-10-421, 28-10-422, 28-10-701
  - breach of, damages, 27-1-313

Consideration unnecessary, 28-10-202
Contract law, applicability, 28-10-704, See **CONTRACTS**, **Agency**
Creation, 28-10-201 — 28-10-203
Credit to agent, principal's liability, 28-10-609, 28-10-702
Death of agent, 28-10-801, 28-10-802
Definitions, 28-10-101 — 28-10-103, 28-10-402, 28-10-403
Documents of title, applicability, 30-7-502
Duties of agent, specific

- authority, not to exceed, 28-10-301, See **Authority of agent**
- informed, principal to be, 28-10-302
- negotiable instruments, collection, 28-10-303

Eminent domain, principal-agent relationship as disqualification for condemnation commissioners, 70-30-207
Estates and probate, relationship to, See **ESTATES AND PROBATE**, **Agents**
Factors, Title 30, chapter 11, part 6
Foreign-money claims, supplementary principles of law, 25-9-714
Fraudulent transfers, applicability, 31-2-342
Funds transfers, sender — authorized order, 30-4A-202
General agents, 28-10-102, 28-10-423
Hearsay exceptions, statement by agent, Title 26, chapter 10, M.R.Ev., Rule 801
Incapacity of agent, 28-10-801, 28-10-802
Indemnification when principal indemnified, 28-11-304
Instructions, disobedience by agent, 28-10-408
Instrument binds principal, 28-10-603
Insurance agreement as evidence of, Title 26, chapter 10, M.R.Ev., Rule 411
Insurance producers, 33-17-236
Jurors, principal-agent relationship grounds for challenge, 25-7-223
Knowledge of agency, right when without, 28-10-608
Landlord and tenant, applicability of laws, 70-24-105
Liability of agent, damages caused by negligence, 27-1-703, 27-1-705
Liens, construction — contracting owner, presumption of agency, 71-3-522
Limited liability company members or managers, agency power, 35-8-301, 35-8-904
Minors may not appoint, 28-10-104, 28-10-704, 41-1-301
Notice to principal or agent, 28-10-604
Oral authorization, 28-10-203, 28-10-211
Ostensible agency, 28-10-103
Pleadings, verification by, 25-4-203
Powers of agent, See **Authority of agent**; **POWER OF ATTORNEY**
Powers of attorney, See **POWER OF ATTORNEY**
Ratification, 28-10-201, 28-10-211

- part of indivisible transaction, of — effect, 28-10-212
- rescinded when, 28-10-215
- third persons, not to prejudice, 28-10-213
- void when, 28-10-214

Real estate brokers or salespersons and buyers or sellers, relationship between, 37-51-313, 37-51-314
Real property, See **PROPERTY, REAL**, **Power of attorney**
Renunciation of agency, 28-10-801
Revocation of agency, 28-10-802, 39-2-503
Rights and liabilities of principal

- accrual, 28-10-601
- exceeded authority, when agent has, 28-10-605
- exclusive credit given to agent, 28-10-609

AGENCY (Continued)
Rights and liabilities of principal (Continued)

  incomplete execution of authority, 28-10-607
  instrument binds principal, 28-10-603
  knowledge of agency, when without, 28-10-608
  notice to principal or agent, 28-10-604
  ostensible authority, acts under, 28-10-606
  wrongful acts of agent, 28-10-602
Sales
  person in the position of a seller, 30-2-707
  price, authority to receive, 28-10-423
  property, extent of authority, 28-2-903, 28-10-421, 28-10-422
Securities, See also **SECURITIES AND SECURITIES REGULATION**, **Agent**
  service of process, consent for, 30-10-208
  transfer of securities or financial assets, 30-8-117
Service of process, 25-3-201, 25-3-203; Title 25, chapter 20, M.R.Civ.P., Rules 4B, 4D; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 4B, 4D
  "person" defined, Title 25, chapter 20, M.R.Civ.P., Rule 4A; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4A
Special agents, 28-10-102, 28-10-423
Subagents, 28-10-501
  authorized employment, effect, 28-10-503
  unauthorized employment, effect, 28-10-502
Termination, 28-10-801, 28-10-802
Third persons
  property received for principal, claim by, 28-10-703
  ratification not to prejudice, 28-10-213
  responsibilities of agent, 28-10-701 — 28-10-704
  responsibility of principal, 28-10-602
  subagents, responsibility to, 28-10-503
Uniform commercial code, applicability, 30-1-103
Who may be agent, 28-10-104
Written authorization, 28-10-203
Wrongful acts of agent, 28-10-602, 28-10-702

AGING AND AGED PERSONS
Abuse, neglect, or exploitation, See also **ASSAULT AND BATTERY**, **Partner or family member assault**
  citation of elder and persons with developmental disabilities abuse prevention act, 52-3-801
  confidentiality, 52-3-813, 52-3-821
  definitions, 52-3-803, 52-3-813
  evidence of conditions, 52-3-815
  immunity of person reporting from civil or criminal liability, 52-3-814
  legislative intent and purpose, 52-3-802
  long-term care facility residents, 50-5-1104
  public health and human services, department of — duties, 52-3-804
  protective service teams, 52-3-805
  records and reports, 52-3-811, 52-3-812
    admissibility in evidence, 52-3-821
    confidentiality, 52-3-813, 52-3-821, 52-3-825
    description of conditions, 52-3-815
    disclosure, 52-3-813
    long-term care facility staff, by, 50-5-1104
    professional, by, 52-3-811, 52-3-813, 52-3-814, 52-3-825
    public health and human services, department of — by, 52-3-804
  violations, penalties, 52-3-825
Adult protective service teams, 52-3-805, 52-3-813

AGING AND AGED PERSONS (Continued)

Advisory Council on Aging, 2-15-232, 2-15-2206, 50-49-107
Aging, coordinator of, 2-15-232, 2-15-2206
Aging, Office of, 2-15-2206
Area agencies, 52-3-101, 52-3-103, 52-3-504
Assistance payments, recovery, 52-3-401
Bingo games, live — tax and permit fee exemption for retirement home when, 23-5-406
Blindness or low vision, persons with, See **BLINDNESS OR LOW VISION, PERSONS WITH**
Boarding homes, 7-34-2301, 7-34-2303, 7-34-2411, 7-34-2501 — 7-34-2504
Child abuse and neglect records, disclosures when, 41-3-205
Community service corps program, Title 90, chapter 14, part 1
Community services buildings, tax exemption, 15-6-209
Community service volunteer projects, 90-14-105
Conservatorship
  basis for, 72-5-408, 72-5-409, See **ESTATES AND PROBATE, Conservators and conservatorship**
  protective services, not created by, 52-3-207
Cooperation of state with community and private agencies, 52-3-101
County councils on aging, state cooperation with, 52-3-101
Day care, 52-3-504, 52-3-811
Dentistry, Board of — representation on, 2-15-1842
Discriminatory practices, See **DISCRIMINATION**
Drivers' licenses, 61-5-125, 61-5-207, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Drivers' licenses**
Educational activities, 7-16-101, 52-3-504
Elections, accessibility to polling places, 13-2-601, 13-3-206, 13-3-207, 13-3-212, 13-3-213, See also **ELECTIONS, Polling places**
Families achieving independence in Montana (FAIM) project, time limitation on assistance — exemptions, 53-4-607, See also **PUBLIC ASSISTANCE**
Fishing licenses, 87-2-801, 87-2-804
Food programs and nutrition services, Title 50, chapter 49, part 1
Foster family care homes, See **ADULTS**
Gifts and grants to state for programs on aging, 52-3-102
Health care services, 52-3-504
Home health care services, 52-3-504, See **HOME HEALTH CARE**
Homemaker services, 52-3-101, 52-3-504
Hospice services, 52-3-504, See **HOSPICES**
Housing
  authorities, See **HOUSING AUTHORITIES, MUNICIPAL**
    "elderly families" defined, 7-15-4402
    tenant commissioner, representation by, 7-15-4431
  convalescent hospitals, See **HEALTH CARE FACILITIES**; **NURSING HOMES**
  fire protection and safety regulations, 50-61-103
  foster homes, See **ADULTS, Foster family care homes**
  long-term care facilities, See **LONG-TERM CARE FACILITIES**; **NURSING HOMES**
  lower income, Title 90, chapter 6, part 1
  low-rent, 7-15-4456, 7-15-4457
  mortgage loans, reverse annuity, Title 90, chapter 6, part 5
  services, 52-3-504
  weatherization programs, Title 90, chapter 4, part 2
Hunting and fishing licenses and permits, 87-2-403, 87-2-801, 87-2-804
Insurance
  health, See **INSURANCE, DISABILITY, Long-term care insurance**; **Medicare supplement insurance policies and certificates**

AGING AND AGED PERSONS (Continued)
Insurance (Continued)

- long-term care, 33-1-208, 33-20-127, 33-20-128; Title 33, chapter 22, part 11, See **INSURANCE, DISABILITY**
- motor vehicle, premium discount, 33-16-203, 33-16-221 — 33-16-225

Job training or development services, 52-3-504
Keno games, live — tax and permit fee exemption for retirement home when, 23-5-406
Legislature, senior citizens', 52-3-111
Live-in companions, minimum wage and overtime compensation exclusion, 39-3-406
Long-term care

- facilities, See **LONG-TERM CARE FACILITIES; NURSING HOMES**
- insurance, 33-1-208, 33-20-127, 33-20-128; Title 33, chapter 22, part 11, See **INSURANCE, DISABILITY**
- reform, 53-6-601 — 53-6-603

Medicaid, See **PUBLIC ASSISTANCE**
Medicare, See **SOCIAL SECURITY**
Mental health corporation board, representation, 53-21-204
Mental illness, senility excluded as, 53-21-102
Neglect, See **Abuse, neglect, or exploitation**
Nursing Home Administrators, Board of — representation on, 2-15-1845
Nursing homes, See **NURSING HOMES**
Nutrition services and food programs, 52-3-101, 52-3-504; Title 50, chapter 49, part 1
Older Americans Act, 52-3-501

- definitions, 52-3-502
- developmental disabilities planning and advisory council, representation on, 2-15-2204
- federal legislation, coordination, 52-3-506
- services to be provided, 52-3-503 — 52-3-505

Problems of aging, study, 52-3-101
Protective services

- abused, neglected, or exploited persons — for, 52-3-804
- annual report, 52-3-206
- citation of protective services act for aged persons or disabled adults, 52-3-201
- conservatorship or guardianship not created by, 52-3-207
- definitions, 52-3-202
- implementation of program, 52-3-205
- purpose of provisions, 52-3-203
- responsibilities of department of public health and human services, 52-3-203, 52-3-204
- teams, 52-3-805, 52-3-813, See also **Abuse, neglect, or exploitation**

Public assistance programs, See also **PUBLIC ASSISTANCE**

- legislative findings, 53-3-115
- medicaid, recovery from, 53-6-143
- recovery for assistance, 53-6-401
- reimbursement of state, 53-2-610
- supplementary income payments, 52-1-104

Recreation activities, local government funds for, 7-16-101
Research in aging services, 52-3-504
Residential property tax credit, 15-30-171 — 15-30-179
Respite services, 52-3-504
Retirement generally, See **RETIREMENT AND RETIREMENT SYSTEMS**; See also specific retirement system
Self-care programs, 52-3-504
Senior citizen centers, 23-5-112

- bingo games, 23-5-410
- card games, 23-5-112, 23-5-310
- "nonprofit organization" defined, 23-5-112
- speed limits near, 61-8-310

Sexual abuse, See **Abuse, neglect, or exploitation**

AGING AND AGED PERSONS (Continued)

State lands, sale of leased cabin or home site or city or town lot — time period, 77-2-318
State parks, overnight camping fee discount, 23-1-105
State plan on aging
    administration, 52-3-402, 52-3-404, 52-3-406
    definitions, 52-3-401
    planning and service areas, 52-3-401 — 52-3-403, 52-3-405
    purpose of provisions, 52-3-402
    senior citizen center services, 23-5-112
    tax exemption for community services buildings, services qualifying, 15-6-209
Study of aging, 52-3-101
Telecommunications Access Services for Persons with Disabilities, Committee on —
    representation on, 2-15-2212
Training in aging services, 52-3-504
Transportation
    abuse, neglect, or exploitation — placement, 52-3-804
    free or reduced rates when, 69-11-208
    private, nonprofit organizations — exemption from motor carrier laws, 69-12-102
    services, 7-14-111, 52-3-504
University system tuition, waiver, 20-25-421

AGREEMENTS
    See generally **CONTRACTS**

AGRICULTURAL ASSOCIATIONS
Actions
    errors in land descriptions or names, effect, 35-16-102
    indebtedness
        foreclosure of mortgage and tax levy, 35-16-406
        petition and hearing, 35-16-404
    orders of court final, 35-16-103
Appeals, 35-16-103
Assets
    directors, authority, 35-16-207, 35-16-315
    indebtedness creating lien against, 35-16-401
    preexisting associations, reorganization, 35-16-210, 35-16-211
    withdrawal of membership land, effect, 35-16-303
Bylaws, 35-16-207
    adoption, amendment, or repeal, 35-16-205, 35-16-206, 35-16-208, 35-16-315
    directors, provisions for, 35-16-207, 35-16-208, 35-16-312, 35-16-314, 35-16-315
    membership requirement provisions, 35-16-302
    multiple enterprises, provisions for, 35-16-212
    recording, 35-16-208
    subdivision or subdistrict members, designation of delegates, 35-16-311
Corporation law, applicability, 35-16-101, 35-16-204
Delegates, 35-16-212, 35-16-311
Directors, board of
    bylaws, provisions for, 35-16-207, 35-16-208, 35-16-312, 35-16-314, 35-16-315
    election and term, 35-16-312, 35-16-313
    first meeting, call, 35-16-205
    incorporation, petition for — statement in, 35-16-202
    indebtedness, creation, 35-16-402
    multiple enterprises, general board of directors, 35-16-212
    number of, 35-16-315
    powers, 35-16-315
    preexisting associations, reorganization, 35-16-210
    qualifications, 35-16-314

AGRICULTURAL ASSOCIATIONS (Continued)
Directors, board of (Continued)

  quorum, 35-16-314
  subdivision or subdistrict members, designation of delegates, 35-16-311
  vacancies, 35-16-314
  withdrawal of membership lands, petition to, 35-16-303, 35-16-304
Errors in land description or names, effect, 35-16-102
Filing
  incorporation, petition for, 35-16-202, 35-16-204
  indebtedness
    mortgage or deed of trust to secure, 35-16-405
    petition for, 35-16-403
  membership application, 35-16-302
  preexisting associations, petition for reorganization, 35-16-210
  withdrawal of membership land, court order, 35-16-304
Incorporation, 35-16-201
  articles of incorporation
    multiple enterprises, operation, 35-16-212
    recording, effect, 35-16-401
  certificate of incorporation, 35-16-204
  first meeting, 35-16-205, 35-16-206
  petition and hearing, 35-16-202 — 35-16-204
Indebtedness
  execution and record of mortgage, 35-16-405
  foreclosure of mortgage and tax levy, 35-16-406
  lien upon membership lands, as, 35-16-401, 35-16-405
  order for, 35-16-404
  petition for and hearing, 35-16-403, 35-16-404
  resolution for creation, 35-16-402
Liability, 35-16-202, 35-16-303
Locals, 35-16-212
Marketing associations, Title 35, chapter 17
Meetings, 35-16-311
  bylaws
    adoption, 35-16-208
    provisions for, 35-16-207
  directors, election, 35-16-312
  first meeting, 35-16-205, 35-16-206
  indebtedness, for creation, 35-16-402
  new members and stockholders, consent for, 35-16-302
  voting, 35-16-207, 35-16-311
Members, 35-16-301, 35-16-302
  bylaws, provisions for, 35-16-207
  directors to be, 35-16-314
  meetings, See **Meetings**
  multiple enterprises, powers, 35-16-212
  preexisting associations, reorganization, 35-16-210, 35-16-211
  voting and proxy, 35-16-208, 35-16-311, 35-16-313
Membership lands, 35-16-301
  bylaws, provisions for, 35-16-207
  description, 35-16-102, 35-16-302, 35-16-303
  incorporation, statement in petition, 35-16-202
  lien upon, 35-16-401, 35-16-402, 35-16-404, 35-16-405
    withdrawal of land, effect, 35-16-303, 35-16-304
  preexisting associations, reorganization not including lands, 35-16-210
  withdrawal, 35-16-303, 35-16-304
Multiple enterprises, operation, 35-16-212

AGRICULTURAL ASSOCIATIONS (Continued)

Name, 35-16-202, 35-16-404
Notices
  directors, election, 35-16-207
  first meeting, 35-16-205
  incorporation, hearing on petition, 35-16-203
  indebtedness
    creation, meeting for, 35-16-402
    lien on membership lands, 35-16-401
    petition, hearing on, 35-16-404
  preexisting associations, reorganization, 35-16-210, 35-16-211
Officers
  bylaws, provisions for, 35-16-207
  indebtedness, creation — procedures, 35-16-402 — 35-16-405
  memberships, application for, 35-16-302
  multiple enterprises, general officers, 35-16-212
  preexisting associations, reorganization, 35-16-211
  withdrawal of membership land, release, 35-16-303
Preexisting associations, reorganization, 35-16-210, 35-16-211
Purposes, 35-16-201, 35-16-202, 35-16-209, 35-16-210, 35-16-302
Seal, 35-16-205
Stockholders and stock
  bylaws, provisions in, 35-16-207
  first meeting, issuance of stock, 35-16-205
  incorporation, petition for — statement in, 35-16-202
  meetings of stockholders, See **Meetings**
  multiple enterprises, powers of stockholders, 35-16-212
  preexisting associations, reorganization, 35-16-210, 35-16-211
  temporary memberships, 35-16-302
  voting and proxy, 35-16-207, 35-16-313
Subdivisions or subdistricts, 35-16-207, 35-16-209, 35-16-311
Taxation, 15-31-102, 35-16-406
Trucks owned by, exemption from gross vehicle weight fees, 61-10-206

AGRICULTURAL CHEMICAL GROUND WATER PROTECTION
Accounts, 80-15-301
Actions
  administrative, 80-15-411, 80-15-412
  administrative civil penalty, recovery, 80-15-412
  compliance or enforcement, for, 80-15-203, 80-15-403
  coordination, 80-15-411
  injunctive relief, for, 80-15-404
Administration of provisions, 80-15-104, 80-15-105, 80-15-302, 80-15-401
Administrative civil penalties, 80-15-105, 80-15-412
Appeal of penalty assessment, 80-15-412
Application of chemicals, See **Use of chemicals**
Applicators
  education and training, 80-15-103, 80-15-214
  farm, administrative civil penalty assessment limited, 80-15-412
Best management plans and practices, See **Management plans**
Buyer of agricultural land, notice of management plan obligations, 80-15-218
Citation of Agricultural Chemical Ground Water Protection Act, 80-15-101
Civil penalties
  administrative, 80-15-105, 80-15-412
  judicial, 80-15-413
Cleanup of chemicals required when, 80-15-403

AGRICULTURAL CHEMICAL GROUND WATER PROTECTION (Continued)

Commercial fertilizers, See also **COMMERCIAL FERTILIZERS**
  "agricultural chemical" defined as, 80-15-102
  applicability of provisions, 80-15-104, 80-15-108, 80-15-203, 80-15-401
  farm applicators, administrative civil penalty assessment limited, 80-15-412
  management plan for, 80-15-216
  management plans, specific — contents, 80-15-214
  registration fee, 80-15-302
Compliance
  actions for, 80-15-203
  investigations and inspections, 80-15-401
  management plans, 80-15-203, 80-15-212, 80-15-401
  orders
    issuance, 80-15-105, 80-15-403
    violations, investigation, 80-15-401
Confidentiality of data and information and registrant data and information, 75-5-105, 80-8-107, 80-10-210, 80-15-105, 80-15-108, 80-15-414
Criminal penalties, 80-15-414
Disposal of chemicals, See **Use of chemicals**
Education and training
  applicators, for, 80-15-103, 80-15-214
  fees, 80-15-106
  program development and administration, 80-15-106
  public education, 80-15-103, 80-15-104
Emergencies
  investigations and inspections, 80-15-401
  management plans, 80-15-217
  orders or rules, 80-15-405
  procedures, rules, 80-15-105
Enforcement
  actions for, 80-15-203, 80-15-403, 80-15-411
  ground water standards, 80-15-104
  injunction for, 80-15-404, 80-15-411
  interim numerical standards, 80-15-104
  label directions and prohibitions, 80-15-104
  management plans, 80-15-104, 80-15-218
Environmental Protection Agency, 80-15-102
  chemicals — effect of actions, restrictions, or prohibitions by, 80-15-212
  commercial fertilizers, programs for protection from, 80-15-216
  confidential data and information, 80-15-105, 80-15-108
  management plans, specific — inclusion of requirements, 80-15-214
  margin of safety, 80-15-102, 80-15-201
  no observable effect level, 80-15-102, 80-15-201
  numerical risk assessment, 80-15-201
  quality assurance and quality control procedures, 80-15-105
  standards, 80-15-102, 80-15-201
Environmental standards, federal regulations or guidelines — comparable stringency requirement, 80-15-110
Federal standards, See **Standards**
Fines, 80-15-414
Fraud, 80-15-414
Funds, 80-15-301, 80-15-302
Gifts or grants, 80-15-301
Good-faith efforts to comply with requirements, 80-15-403
Ground water, 80-15-102
  beneficial use, consideration, 80-15-213, 80-15-214

AGRICULTURAL CHEMICAL GROUND WATER PROTECTION (Continued)
Ground water (Continued)

- classification, 80-15-213
- compliance with requirements, 80-15-401
- management plans, See **Management plans**
- monitoring
  - compliance, 80-15-401
  - compliance orders requiring, criteria and duration, 80-15-403
  - equipment
    - establishment and inspection, 80-15-401
    - falsification or tampering with, 80-15-414
  - procedures and protocols, 80-15-105, 80-15-202
  - responsibility of departments, 80-15-104, 80-15-202
  - results, evaluation and use, 80-15-203
- point of standards application, 80-15-102, 80-15-203, 80-15-212

Health risks, determining, 80-15-203
Injunction, 80-15-404, 80-15-411
Inspections, 80-15-401
Interim numerical standard, See **Standards**
Investigations, 80-15-203, 80-15-401
Judicial civil penalty, 80-15-413
Label directions and prohibitions
- compliance, 80-15-203, 80-15-401
- enforcement, 80-15-104

Management of chemicals, 80-15-103
Management plans
- best management practices and plans, 80-15-102, 80-15-105, 80-15-211, 80-15-214
- buyer of agricultural land, notice of obligations, 80-15-218
- chemicals, appropriate use — consideration of benefits, 80-15-215
- commercial fertilizer plan, 80-15-216
- compliance, 80-15-203, 80-15-212, 80-15-401
- content, 80-15-214
- development, 80-15-104, 80-15-105, 80-15-211 — 80-15-213, 80-15-215, 80-15-216
- emergency, 80-15-105, 80-15-217
- enforcement, 80-15-104
- general plan, 80-15-211, 80-15-213, 80-15-215
- ground water, beneficial use — consideration, 80-15-213, 80-15-214
- identification of persons under, 80-15-212
- implementation, 80-15-104, 80-15-211, 80-15-212, 80-15-215, 80-15-216
- preparation, 80-15-104, 80-15-212
- rules, 80-15-105, 80-15-217
- specific plans, 80-15-212 — 80-15-215, 80-15-218
- violations, 80-15-401, 80-15-402

Margin of safety, 80-15-102, 80-15-201
Misrepresentations, 80-15-414
Monitoring of ground water, See **Ground water**
Nonpoint source, 80-15-102
No observable effect level, 80-15-102, 80-15-201
Numerical risk assessment, 80-15-102, 80-15-201
Oncogenic potential, 80-15-102, 80-15-201
Penalties, 80-15-411
- administrative civil, 80-15-105, 80-15-412
- criminal, 80-15-414
- judicial civil, 80-15-413

Pesticides, See also **PESTS AND PESTICIDES**
- "agricultural chemical" defined as, 80-15-102
- applicability of provisions, 80-8-105, 80-8-107, 80-8-305, 80-15-104, 80-15-217

AGRICULTURAL CHEMICAL GROUND WATER PROTECTION (Continued)
Pesticides (Continued)

  farm applicators, administrative civil penalty assessment limited, 80-15-412
  management plans, specific — contents, 80-15-214
  registration fee, 80-15-302
Point of standards application, 80-15-102, 80-15-203, 80-15-212
Point source, 75-5-103, 80-15-102
Public policy, 80-15-103
Records, 80-15-401, 80-15-414
Registrant, 80-15-102, 80-15-105, 80-15-108, See also **COMMERCIAL FERTILIZERS, Registration**; **PESTS AND PESTICIDES, Registration**
Registration of chemicals, See also **COMMERCIAL FERTILIZERS**; **PESTS AND PESTICIDES**
  compliance, determination, 80-15-203
  EPA suspension or cancellation, effect, 80-15-212
  fees, 80-15-302
Reports, 80-15-414
Research programs, 80-15-104, 80-15-107
Standards, 80-15-102
  adoption, 75-5-301, 80-15-102, 80-15-201
  compliance orders, 80-15-403
  confidentiality, for, 80-15-105
  establishment and enforcement, 80-15-104
  federal, 80-15-102, 80-15-201
  interim numerical standard, 80-15-102
  management plans, specific — required when, 80-15-212
  monitoring results, provided with, 80-15-203
  point of standards application, 80-15-102, 80-15-203, 80-15-212
  required, when, 80-15-201
  rules, 80-15-102, 80-15-105
  violations, 80-15-403
Training, See **Education and training**
Use of chemicals, 80-15-102
  cleanup required when, 80-15-403
  compliance, determination, 80-15-203
  EPA action, restriction, or prohibition — effect, 80-15-212
  management plans, 80-15-212, 80-15-214, 80-15-215
  misuse or unlawful use, 80-15-403
  public policy, 80-15-103
Violations, 80-15-203, 80-15-402
  compliance orders, issuance, 80-15-403
  injunction, action for, 80-15-404, 80-15-411
  investigation, 80-15-401
  minor violations, 80-15-411
  monitoring required, 80-15-403
  penalties, 80-15-411 — 80-15-414
Warnings, 80-15-411, 80-15-412
Water quality
  applicability of provisions, 80-15-104, 80-15-203
  nonsignificant activities, 75-5-317
  "point source" defined, 75-5-103, 80-15-102
  records, confidentiality, 75-5-105, 80-15-108
  standards, adoption, 75-5-301, 80-15-201
Water quality district ordinances, limitations, 75-5-311
Water supply, public — applicability of provisions, 80-15-201

AGRICULTURAL COMMODITIES
  See also **AGRICULTURAL SEEDS**
Actions
  bonds, on — for recovery of damages, 80-4-425, 80-4-538, 80-4-612
  damages, for payment, 80-4-425, 80-4-531
  dealers' expenses, collection, 80-4-612
  nonresident licensees, power of attorney, 80-4-406
  records, disclosure, 80-4-409
  violations, not instituted for — when, 80-4-430
  warehouse operators
    department, seizure of records and property and expenses incurred by, 80-4-538
    failure to deliver commodities within delivery period, 80-4-531
Aerial spraying for crops, See **PESTS AND PESTICIDES, Applicators**; See also **LIENS, Crop dusting, liens for**
Agricultural chemicals, minors' handling prohibited, 41-2-106
Appeals, 80-4-711, 80-4-722
Assistants for carrying out provisions, employment, 80-4-411
Associations, 35-16-201, See **AGRICULTURAL ASSOCIATIONS**
Audits, 80-4-538
Barley research and marketing, See **Wheat and barley research and marketing**
Bonds, 80-4-402
  actions on
    departmental, 80-4-538
    recovery of damages, 80-4-425
  additional, required when, 80-4-502, 80-4-504, 80-4-538, 80-4-601
  amount, 80-4-502, 80-4-505, 80-4-601, 80-4-604
    maximum, 80-4-405, 80-4-604
  cancellation, 80-4-505, 80-4-604
  dealers
    claims on, 80-4-612, 80-4-614
    filing, 80-4-601
    requirements, 80-4-601, 80-4-604
  failure to maintain requirements, 80-4-421
  form, term, and conditions, 80-4-504, 80-4-604
  license, to run continuously with, 80-4-505
  net assets, deficiency — effect, 80-4-405, 80-4-502, 80-4-505, 80-4-601
  records, released to bonding companies, 80-4-409
  terminal grain warehouses, 80-4-530
  warehouse operators
    dealer, operating as, 80-4-505
    departmental action, 80-4-538
    filing, 80-4-502, 80-4-504
    receipt, no claim on — when, 80-4-527
  wheat and barley assessments, employees handling, 80-11-209
Canola seed oil processing facility machinery and equipment, tax on
  classification and rate, 15-6-136
  exemption, 15-6-220
Cars or trucks containing, inspection, 80-4-708, 80-4-722, See also **RAILROADS, Boxcars**
Child labor prohibited, exemptions, 41-2-103 — 41-2-106, 41-2-109
Citation of Agricultural Warehouse, Commodity Dealer, and Grain Standards Act, 80-4-401
City inspection, weighing, and measuring, 7-21-4203
Commercial feeds, adulterated, 80-9-204
  distribution prohibited when, 80-9-205

AGRICULTURAL COMMODITIES (Continued)

Commission merchants, 30-11-401 — 30-11-403
Commodity dealers, See **Dealers**
Complaints, 80-4-424, 80-4-522
Contracts, See **Delayed payment contracts**
Cooperative associations, 35-15-411, See also **COOPERATIVE ASSOCIATIONS**
Crop insect detection and management, Title 80, chapter 7, part 5
Custom combiners, special permits and fees, 61-10-124, 61-10-130
Damages, payment, 80-4-425, 80-4-531
Dealers, 80-4-402
  accounts
    commodity dealer/public warehouse operators account, 80-4-415
    examination, 80-4-408
    inspection, refusal to permit, 80-4-429
  bonds, See **Bonds**
  defaults, remedies, 80-4-612
  delayed payment contracts, 80-4-402, 80-4-422, 80-4-429
  delivery, evidence of, 80-4-613
  expenses, recovery, 80-4-612
  fees, 80-4-602, 80-4-603
  financial statements, 80-4-409, 80-4-601
  inspections, 80-4-421, 80-4-429, 80-4-606
  insufficient checks prohibited, 80-4-607
  insurance, 80-4-421, 80-4-601
  licenses, See **Licenses and licensing**
  liquidation, revenue from — disposition, 80-4-416
  misrepresentation, 80-4-428
  net assets
    deficiencies, bonds compensating for, 80-4-405, 80-4-601
    determination and requirements, 80-4-601
    failure to maintain requirements, 80-4-421
  payment of purchase price, 80-4-429, 80-4-608, 80-4-612
  producer's lien, 80-4-420
  purchased commodities, failure to pay for, 80-4-429, 80-4-608, 80-4-612
  records
    confidentiality, 80-4-409
    delayed payment contracts, 80-4-422
    delivery, evidence, 80-4-613
    examination, 80-4-408
    inspections, 80-4-421, 80-4-429, 80-4-606
  reports, 80-4-407
    failure to provide, 80-4-421
  sale of business, effect on contracts, 80-4-422
  sale of commodities, unauthorized, 80-4-429
  sampling, procedures, 80-4-711
  seed dealer as, license fee, 80-4-602
  seizure of commodities or business, order for, 80-4-612
  toxic substances or chemicals, delivery of commodities containing, 80-4-429
  trucks or tractor-trailer units, 80-4-601, 80-4-605
  warehouse operators operating as, 80-4-501, 80-4-505
Definitions, 80-4-402, 80-11-503
Delayed payment contracts, 80-4-402
  contents and execution, 80-4-422
  failure to meet requirements, 80-4-429
Depositors, 80-4-402
  delivery of stored commodities to, 80-4-531, 80-4-536

AGRICULTURAL COMMODITIES (Continued)
Depositors (Continued)

- records of purchases from, 80-4-521
- sampling, procedures, 80-4-711
- shortages, warehouse — notification, 80-4-538
- storage of commodities, termination, 80-4-536
- title retention when, 80-4-525
- withdrawal of commodities, partial, 80-4-529

Discrimination prohibited
- growers as warehouse operators, issuance of receipts, 80-4-527
- licenses, issuance, 49-3-204
- receipt of commodities, 80-4-523, 80-4-527
- storage charges, 80-4-421, 80-4-524

Dockage
- analysis, 80-4-711
- certificate of inspection to show amount, 80-4-722
- rules governing, 80-4-705, 80-4-726
- seasonal inspections, 80-4-701
- standards, adoption, 80-4-704

Elevators, See **Warehouses and warehouse operators**
False or withholding information, 80-4-428
Financial statements, 80-4-409, 80-4-502
Forage, noxious weed seed free provisions, 7-22-2126; Title 80, chapter 7, part 9, See **WEEDS AND WEED CONTROL**
Grades and grading
- analysis, 80-4-711
- certificates of grades, 80-4-706
- claims for expenses, 80-4-721
- fees, 80-4-721
- laboratory certification, 80-4-709
- records of inspections, 80-4-722
- rules govrning, 80-4-726
- seasonal inspections, 80-4-701
- standard grades, establishment, 80-4-704

Grain, specific provisions, 80-4-402, See also **Wheat and barley research and marketing**
- dockage, 80-4-701, See **Dockage**
- elevators, See **Warehouses and warehouse operators**
- grading, 80-4-701, See **Grades and grading**
- liens, grain held in terminal warehouse not subject to, 80-4-530, See also **LIENS**
- pooling unlawful, 30-14-216, 30-14-224
- protein testing laboratory, 80-4-709
- seasonal inspections, 80-4-701
- seeds, Title 80, chapter 5, See **AGRICULTURAL SEEDS**
- standards, 80-4-402
- state grain laboratory
  - revenue for, 17-7-402
  - sampling procedures and appeals, 80-4-711
- tax exemption for producer-held, 15-6-207
- warehouses, See **Warehouses and warehouse operators**
- weighing, 7-21-4203, 80-4-701

Growers, 80-11-503
Hail insurance for, Title 80, chapter 2, part 2, See **HAIL INSURANCE**
Injunction, 80-4-427, 80-4-538, 80-11-504, 80-11-516
Insect pests, Title 80, chapter 7, part 5, See **PESTS AND PESTICIDES**, **Insect control programs**
Inspections, 80-4-402
- cars or trucks containing commodities, 80-4-708, 80-4-722

AGRICULTURAL COMMODITIES (Continued)
Inspections (Continued)

- certificates, 80-4-722
- claims for expenses, 80-4-721
- dealers, records and premises, 80-4-606
- fees, 80-4-706, 80-4-721
- points, designation and control, 80-4-701, 80-4-722
- records, 80-4-421, 80-4-429, 80-4-538, 80-4-606
- refusal to permit, 80-4-429, 80-4-538
- sample inspection, 80-4-705
- special inspection, 80-4-706
- stored commodities, 80-4-537
- warehouses, 80-4-531, 80-4-537 — 80-4-539

Inspectors, samplers, and weighers, 80-4-402
- cars or trucks containing commodities, inspection procedures, 80-4-708
- certificates, issuance, 80-4-706
- enforcement by, 80-4-701
- inspection points, control, 80-4-722
- misconduct or bribery, penalty 80-4-703
- qualifications, 80-4-702
- records, 80-4-708, 80-4-722

Insurance
- cancellation, effect, 80-4-534
- hail, Title 80, chapter 2, part 2, See **HAIL INSURANCE**
- liability, 80-4-538
- licensing, requirements, 80-4-421, 80-4-502, 80-4-506, 80-4-601
- net assets, determination, 80-4-506, 80-4-601
- terminal grain warehouses, 80-4-530

Investigations, 80-4-409
- grain grading, dockage, and weighing, 80-4-701
- hearings, 80-4-424
- practices, generally, 80-1-102
- publication of results, 80-4-410
- warehouse operators, 80-4-539
- warehouse shortages, 80-4-538

Laboratories
- protein testing, 80-4-709
- seed, 20-25-229, 80-5-126 — 80-5-129, 80-5-139
- state grain laboratory, 17-7-402, 80-4-711

Licenses and licensing
- amendments, 80-4-503
- applications, 80-4-502, 80-4-526, 80-4-539, 80-4-601, 80-4-603
- bonding requirements, 80-4-421, 80-4-502, 80-4-504, 80-4-505, 80-4-601, 80-4-604
- dealers
  - fees enumerated, 80-4-602
  - issuance, renewal, expiration, 80-4-603
  - posting, 87-4-605
  - requirements, 80-4-601
- denial, 80-4-421
- discrimination in issuance prohibited, 49-3-204
- duplicate, 80-4-605
- expiration, 80-4-502, 80-4-603
- failure to have, 80-4-427, 80-4-428
- fees, 80-4-502, 80-4-503, 80-4-602, 80-4-603
- injunction, 80-4-427
- insurance requirements, 80-4-421, 80-4-502

AGRICULTURAL COMMODITIES (Continued)
Licenses and licensing (Continued)

- issuance
  - dealers, 80-4-603
  - refusal, 80-4-421
  - term, 80-4-404
  - warehouse operators, 80-4-502
- modification, 80-4-421
- names of licensees, publication, 80-4-410
- net asset requirements, 80-4-421, 80-4-506, 80-4-601
- nonresident licensee, power of attorney, 80-4-406
- operating without, 80-4-427, 80-4-428
- posting, 80-4-605
- protein testing laboratories, 80-4-709
- refusal, 80-4-421
- reinstatement or renewal, 80-4-502, 80-4-603
- suspension or revocation
  - delayed payment contracts, effect on, 80-4-422
  - grounds for, 80-4-421, 80-4-603
  - insurance cancellation, for, 80-4-534
- term, 80-4-404
- terminations — delayed payment contracts, effect on, 80-4-422
- warehouse operators, 80-4-501, 80-4-502

Liens, 80-11-503, 80-11-516
- grain held in terminal warehouse not subject to, 80-4-530
- producer's, 80-4-420

Malting barley
- facility machinery and equipment, tax on
  - classification and rate, 15-6-136
  - exemption, 15-6-220
- producers, sampling provisions — waiver, 80-4-711

Marketing, Title 90, chapter 9
Meat and Poultry Inspection Act, 81-9-216 — 81-9-220, 81-9-226 — 81-9-236, See **MEAT AND MEAT PRODUCTS**
Minors' employment prohibited, exemptions, 41-2-103 — 41-2-106, 41-2-109
Mint and mint oil production, Title 80, chapter 11, part 4, See **MINT AND MINT OIL PRODUCTION**
Misrepresentation by dealers and warehouse operators, 80-4-428
Mortgages, 80-11-503, 80-11-515
- grain held in terminal warehouse not subject to, 80-4-530

Noncompliance with provisions, 80-4-421
Nonresident licensee, power of attorney, 80-4-406
Organic certification program and advisory council, 80-11-601, 80-11-602
Payment for, 80-4-608
Pesticides Act, Title 80, chapter 8, parts 1 — 3, See **PESTS AND PESTICIDES**
Premises, inspection, 80-4-429, 80-4-606
Price, fair, 30-14-214, 30-14-224
Proceedings
- instituted when, 80-4-426
- license suspension, revocation, or denial — for, 80-4-421
- records, disclosure, 80-4-409

Processing, Title 90, chapter 9
Producers, 80-4-402, 80-11-503
- dealers, payment, 80-4-429, 80-4-601
- lien, 80-4-420
- storage, days without charge, 80-4-522

Protein analysis, 80-4-711, 80-4-721

AGRICULTURAL COMMODITIES (Continued)

Protein testing laboratory, 80-4-709
Public warehouses, See **Warehouses and warehouse operators**
Railroad right-of-way, leaseholders — first right to purchase or match offer, 69-14-931, 69-14-932
Receipts, See **Warehouses and warehouse operators**
Records
  confidentiality and disclosure when, 80-4-409
  dealers, 80-4-606, 80-4-613
  delayed payment contracts, 80-4-422
  examination, 80-4-408
  inspections, 80-4-421, 80-4-429, 80-4-538, 80-4-606
  inspectors, samplers, and weighers, 80-4-708, 80-4-722
  seizure, 80-4-538
  warehouse operators, 80-4-501, 80-4-521, 80-4-525, 80-4-538
Reports, 80-4-407
  failure to provide, 80-4-421
  publication, 80-4-410
Research and market development programs
  administration, 80-11-504, 80-11-511
  adoption, 80-11-504, 80-11-512
  advisory committees, 80-11-503, 80-11-504, 80-11-510 — 80-11-513, 80-11-515
  assessments on commodities, 80-11-504, 80-11-511, 80-11-515, 80-11-516, 80-11-518
  citation of agricultural commodity research and market development enabling act, 80-11-501
  contracts for research and marketing, 80-11-511
  definitions, 80-11-503
  duties of department of agriculture, 80-11-504
  elimination, 80-11-504, 80-11-513
  enforcement, 80-11-504, 80-11-511
  findings and purpose of provisions, 80-11-502
  funds and account for, 80-11-513, 80-11-518, 80-11-519
  gifts, grants, and donations, 80-11-517, 80-11-518
  implementation, 80-11-504
  injunction, 80-11-504, 80-11-516
  invoices for purchase, delivery, or storage charge, 80-11-516
  penalty for violations, 80-11-516, 80-11-518, 80-11-519
  reciprocal agreements, 80-11-504
  rules, 80-11-504, 80-11-511, 80-11-512, 80-11-515
Rulemaking authority, 80-4-403, 80-11-504, 80-11-511, 80-11-512, 80-11-515
Samplers, See **Inspectors, samplers, and weighers**
Sampling procedures, 80-4-711
Scale weight tickets, 80-4-402, See **Warehouses and warehouse operators**
Securities transactions, exemption, 30-10-103, 30-10-105
Seeds, Title 80, chapter 5
Service of process, 80-4-406
Storage charges, See **Warehouses and warehouse operators**
Subpoenas, 80-4-409
Subterminal or terminal warehouses, 80-4-402, See **Warehouses and warehouse operators**
Surety bonds, See **Bonds**
Title
  commodities sold by contract, 80-4-422
  transfer by seller to dealer, 80-4-608
  warehoused liability, retention by depositor, 80-4-525
Toxic substances or chemicals, commodities treated with, 80-4-429, 80-4-724, 80-4-725

AGRICULTURAL COMMODITIES (Continued)

Transportation, secured load requirement — exception, 61-8-370, See also **Dealers**, trucks or tractor-trailer units
Treated commodities, 80-4-429, 80-4-724, 80-4-725
Violations
  cars or trucks containing commodities, seal broken or official weighing by person other than inspector, 80-4-708
  dealers
    defaults on contracts, remedies, 80-4-612
    unauthorized sales or failure to pay for purchased commodities, 80-4-429
  delayed payment contracts, failure to meet requirements, 80-4-429
  false or withholding information, 80-4-428
  fines, 80-4-428, 80-11-211
  generally, 80-4-429
  grain, pooling, 30-14-216, 30-14-224
  hearings, 80-4-424
  injunction, 80-4-427
  inspections, refusal to permit, 80-4-429
  inspectors, samplers, and weighers — misconduct and bribery, 80-4-703
  investigations, 80-4-409, 80-4-424, 80-4-539
  licenses
    failure to have, 80-4-427, 80-4-428
    suspension, revocation, or denial for, 80-4-421
  misrepresentation by dealers or warehouse operators, 80-4-428
  noncompliance with provisions, 80-4-421
  penalties, 80-4-428, 80-4-429
  price, fair — sale or purchase below, 30-14-214, 30-14-224
  prosecution, 80-4-409, 80-4-426
    reporting for, 80-4-430
  receipts
    fraudulent, 80-4-428
    unlawful issuance, 80-4-528
  research and marketing development program, 80-11-516, 80-11-518, 80-11-519
  rules, noncompliance, 80-4-421, 80-4-429
  scale weight tickets, failure to meet requirements, 80-4-429
  toxic substances or chemicals, commodities containing
    delivery, 80-4-429
    sale prohibited when, 80-4-725
  warehouse operators, unauthorized sales or failure to pay for purchased commodities, 80-4-429
  warnings, 80-4-430
  wheat and barley research and marketing provisions, generally, 80-11-211
Warehouses and warehouse operators, 80-4-402
  accounts
    commodity dealer/public warehouse operators, 80-4-415
    examination, 80-4-408
    inspection, refusal to permit, 80-4-429
  action, subject to, 80-4-531
  auditors, See **Inspectors, samplers, and weighers**
  audits, 80-4-538
  bonds, See **Bonds**
  charges
    discrimination prohibited, 80-4-421, 80-4-524
    posting, 80-4-522
  damages, payment, 80-4-531
  dealer, operating as, 80-4-501, 80-4-505

AGRICULTURAL COMMODITIES (Continued)
Warehouses and warehouse operators (Continued)

- delivery
  - grain, from different warehouse, 80-4-532
  - stored commodities, 80-4-531, 80-4-536
- depositors, See **Depositors**
- examiners, See **Inspectors, samplers, and weighers**
- facilities and capacity, 80-4-502, 80-4-504, 80-4-523
- fees, 80-4-416, 80-4-502, 80-4-503
- financial statements, 80-4-409, 80-4-502
- grades and rules, display, 80-4-726
- grain, pooling unlawful, 30-14-216, 30-14-224, See also **Grain, specific provisions**
- growers as warehouse operators, 80-4-527
- injunction, 80-4-538
- inspections, 80-4-531, 80-4-537 — 80-4-539
- insurance requirements, 80-4-421, 80-4-502
  - cancellation, effect, 80-4-534
  - net assets, determination, 80-4-506
- investigations, 80-4-538, 80-4-539
- license — requirements, issuance, and renewal 80-4-501, 80-4-502, See **Licenses and licensing**
- liquidation, revenue from — disposition, 80-4-416
- minors' working in, prohibited, 41-2-106
- misrepresentation by warehouse operators, 80-4-428
- net assets requirements, 80-4-506
  - deficiencies, bonds compensating for, 80-4-405, 80-4-502, 80-4-505
  - failure to maintain requirements, 80-4-421
- notices
  - commodities, to sell, 80-4-536
  - compliance, for, 80-4-538
- operation by department, 80-4-538
- purchase of commodities, failure to pay for, 80-4-429
- railroad rights-of-way, construction on, See **RAILROADS**, **Grain elevators or warehouses**
- receipts, 80-4-402
  - adjustments or substitution, 80-4-529
  - cancellation, 80-4-527
  - delivery, duty of, 80-4-531, 80-4-532
  - fraudulent, 80-4-428
  - growers as warehouse operators, issuance, 80-4-527
  - holders, claims against commodities, 80-4-538
  - issuance, 80-4-527, 80-4-533, 80-4-536
  - lost or destroyed, conditions of reissuance, 80-4-533
  - modification by storage agreement, 80-4-531
  - noncompliance with requirements, 80-4-421
  - sample, submission, 80-4-502
  - scale weight tickets held in lieu of, 80-4-525
  - security, 80-4-533
  - terminal grain warehouse, 80-4-530
  - unlawful use, penalty, 80-4-528
  - weights, specified — holder entitled to, 80-4-531
  - written terms, 80-4-526
- records, 80-4-501, 80-4-521
  - confidentiality, 80-4-409
  - examination, 80-4-408
  - inspections, 80-4-421, 80-4-429
  - scale weight tickets, 80-4-525

AGRICULTURAL COMMODITIES (Continued)
Warehouses and warehouse operators (Continued)
  records (Continued)
    seizure, 80-4-538
  redelivery of commodities, 80-4-529, 80-4-531
  reports, 80-4-407, 80-4-421
  sale of commodities for charges, 80-4-429, 80-4-536
  sampling, procedures, 80-4-711
  scale weight tickets, 80-4-402
    dealers, evidence of delivery, 80-4-613
    form, issuance, and signing, 80-4-525
    noncompliance with requirements, 80-4-421, 80-4-429
    shortage of commodities to cover, 80-4-538
  seizure of commodities and records, 80-4-538
  shortages, 80-4-416, 80-4-503, 80-4-538
  storage and storage contracts
    charges, reasonable and just — hearing, 80-4-522
    modification, 80-4-531
    termination, 80-4-536
  "subterminal warehouses" defined, 80-4-402
  terminal grain warehouse, 80-4-402
    delivery of commodities at, 80-4-531
    outside state, shipment of stored grain to, 80-4-530
  toxic chemicals, delivery of commodities containing, 80-4-429
  two or more warehouses operated in conjunction with each other, 80-4-501, 80-4-504, 80-4-506, 80-4-532
  weights
    scale weight tickets, See **Warehouses and warehouse operators**, scale weight tickets
    specified, receipt holder entitled to, 80-4-531
  withdrawal of commodities, partial, 80-4-529
Weeds and weed control, Title 80, chapter 7, parts 7 — 9, See **WEEDS AND WEED CONTROL**
Weighers, See **Inspectors, samplers, and weighers**
Weighing, 7-21-4203, 80-4-701, 80-4-721, 80-4-722
Weights
  scale weight tickets, See **Warehouses and warehouse operators**, scale weight tickets
  specified, warehouse receipt holder entitled to, 80-4-531
Wheat and Barley Committee, 2-15-3002, 2-18-103; Title 80, chapter 11, part 2
Wheat and barley research and marketing
  administration and enforcement of provisions, 80-11-205
  assessments on wheat and barley, 80-11-206
    allocation and amount, 80-11-224
    employees handling, bond requirements, 80-11-209
    payment and refund, 80-11-207
  contracts or agreements regarding, 80-11-205
  gifts, grants, or donations, 80-11-208, 80-11-210
  growers, 80-11-201
  policy regarding, 80-11-202
  purchaser's delivery of invoices, 80-11-207
  research generally, 80-11-205
  violation of provisions regarding, 80-11-211
  wheat and barley account
    assessments, deposit, 80-11-207, 80-11-210
    committee members' compensation, payment from, 80-11-203
    investment of funds from, 80-11-210

AGRICULTURAL EXPERIMENT STATION
  See **MONTANA STATE UNIVERSITY-BOZEMAN**

AGRICULTURAL HERITAGE PROGRAM
Account, 2-15-3322
Agricultural easements, 2-15-3313
  acquisition, 2-15-3315, 2-15-3316, 2-15-3318, 2-15-3319, 2-15-3322
  criteria and policies for, 2-15-3317, 2-15-3318
  enforcement, 2-15-3318, 2-15-3322
  landowner consideration, 2-15-3320
Citation of Montana Agricultural Heritage Act, 2-15-3312
Commission, 2-15-3312 — 2-15-3322
Core values, 2-15-3315, 2-15-3316, 2-15-3318, 2-15-3320
Definitions, 2-15-3313
Executive director, 2-15-3316
Funds and funding, 2-15-3317, 2-15-3319, 2-15-3321, 2-15-3322
Purpose of provisions, 2-15-3315
Rules, 2-15-3317

AGRICULTURAL LOAN AUTHORITY PROGRAM
Accounts
  agricultural loan authority, 80-12-311
  capital reserve, 80-12-312
Advisers, employment, 80-12-103
Agricultural loan guaranty fund, 80-12-215, 80-12-216
Appropriations, 80-12-216, 80-12-311, 80-12-312
Beginning farmers, land sale to — approval, 80-12-211
Bondholders
  contracts, 80-12-302, 80-12-306
    pledge against impairment, 80-12-307, 80-12-308
  receiver, appointment, 80-12-302
  rights and remedies, 80-12-302, 80-12-314
Bonds, 80-12-102
  additional, 80-12-302
  anticipation notes, 80-12-102
  authorization, 80-12-301
    reassignment, 17-5-1325
  cancellation, 80-12-306
  coupon form, 80-12-301
  denomination, 80-12-301
  execution, 80-12-301
  form, 80-12-301
  full faith, credit, and taxing power of state not pledged, 80-12-301
  interest, rate and payment, 80-12-301, 80-12-312, 80-12-314
  investments, board of — authority, 17-5-1325
  issuance, 80-12-103, 80-12-301, 80-12-302
  loans for issuance, See **Loans**
  maturity, 80-12-301
  negotiability, 80-12-304
  outstanding
    limitation on amount, 80-12-301
    purchase, redemption, or payment, 80-12-313
    refunding, 80-12-302, 80-12-313, 80-12-314
  payment, 80-12-301, 80-12-312
  purchase, 80-12-306
  redemption, 80-12-301, 80-12-306, 80-12-312, 80-12-314
  refunding of outstanding, 80-12-302, 80-12-313, 80-12-314
  registration, 80-12-301

AGRICULTURAL LOAN AUTHORITY PROGRAM (Continued)
Bonds (Continued)

- reserves, 80-12-301, 80-12-302
- resolutions
  - authorization for and specifications, 80-12-301
  - provisions contained by, 80-12-302, 80-12-312
  - recording not required, 80-12-308
- sale, 80-12-301, 80-12-302, 80-12-312
- security, 80-12-302
- serial bonds, 80-12-301
- signatures, validity, 80-12-310
- sinking funds, 80-12-302
- tax exemption, 80-12-305
- term bonds, 80-12-301
- trust indentures, 80-12-303
  - provisions contained by, 80-12-216, 80-12-302, 80-12-312, 80-12-313
  - recording not required, 80-12-308
- uniform commercial code, applicability, 80-12-304
- volume cap, allocation of authority — reassignment, 17-5-1325

Capital reserve accounts, 80-12-312
Citation of Agricultural Loan Authority Act, 80-12-101
Claims, guaranty, 80-12-215, 80-12-216
Consultants, employment, 80-12-103
Default

- loans, 80-12-215, 80-12-216
- obligations and duties, 80-12-302

Expenses, 80-12-302
Fees received by, 80-12-215, 80-12-216, 80-12-311
Guaranty fund, 80-12-215, 80-12-216
Guaranty program, loan, 80-12-215, 80-12-216
Insurance contracts, 80-12-103, 80-12-215, 80-12-216
Investments, 80-12-103, 80-12-313
Land sale to beginning farmers, approval, 80-12-211
Legislature, appropriations, 80-12-216, 80-12-311, 80-12-312
Liability, 80-12-215, 80-12-309
Liens, 80-12-201, 80-12-308
Loans

- agreements, 80-12-201, 80-12-215
- applicants
  - evaluation and selection, 80-12-204
  - qualifications, 80-12-203
- applications, submission, 80-12-203
- approval, 80-12-103, 80-12-201, 80-12-215
- bonds, for issuance of, See **Bonds**
- default, 80-12-215, 80-12-216
- delinquency, 80-12-215, 80-12-216
- guaranty program, 80-12-103, 80-12-215
- immediate repayment, 80-12-202
- interest rate, 80-12-201
- payment
  - guarantee, 80-12-215, 80-12-216
  - schedule, 80-12-201
- purchase, 80-12-103, 80-12-205
- review, 80-12-215
- security, 80-12-201, 80-12-215
- use of, 80-12-201

Mortgages, income from — use, disposition, and payment, 80-12-302

AGRICULTURAL LOAN AUTHORITY PROGRAM (Continued)

Operating expenses, 80-12-302
Pledge against impairment of contracts, 80-12-307, 80-12-308
Powers, 80-12-103, 80-12-104
Property, revenues, and assets of Authority
  bonds payable from, 80-12-301, 80-12-302
  pledge, lien of, 80-12-308
  references to, 80-12-102
Receivers, appointment, 80-12-302
Recording or transfer and fees not required, 80-12-305, 80-12-308
Refunding obligations, 80-12-302, 80-12-313, 80-12-314
Reserve
  funds, 80-12-301, 80-12-302, 80-12-312
  guaranty fund, requirement, 80-12-216
Resolutions
  bonds, 80-12-216, 80-12-301, 80-12-302, 80-12-308
  refunding obligations, 80-12-313
Signatures of members, validity, 80-12-310
Sinking funds, 80-12-302
State debt or liability not constituted by obligation to make guaranty contract payments, 80-12-215
Trustees, duties vested in, 80-12-216, 80-12-302
Trust indentures, 80-12-216, 80-12-302, 80-12-303, 80-12-308, 80-12-312, 80-12-313

AGRICULTURAL MARKETING ASSOCIATIONS
Actions
  marketing agreement, brought upon, 35-17-401
  sale of assets, merger, or consolidation — invalidation, statute of limitations, 35-17-507
Assets
  sale or disposition, 35-17-506, 35-17-507
  stock — acquisition, recall, exchange, or redemption by association, 35-17-302
Assignments
  marketing agreements, 35-17-406, 35-17-408, 35-17-409
  members' interest, 35-17-206
Borrow money, power to, 35-17-106, 35-17-407
Bylaws, 35-17-206
  directors, provisions for, 35-17-206, 35-17-311, 35-17-313
  investment provisions, 35-17-106
  marketing agreement provisions, 35-17-206, 35-17-401
  meeting provisions, 35-17-305
  members, admission requirements, 35-17-301
  merger or consolidation, effect, 35-17-505
  officers, provisions for, 35-17-206, 35-17-312
  stock ownership and transfer restrictions, 35-17-302
Citation of Cooperative Marketing Act, 35-17-101
Consolidation, See **Merger or consolidation**
Definitions, 35-17-103
Directors, board of
  articles of incorporation
    amendment, 35-17-203
    statement in, 35-17-202
  bylaws, provisions in, 35-17-206, 35-17-311, 35-17-313
  compensation, 35-17-206, 35-17-311
  conflict of interest, 35-17-311
  earnings, determination and distribution, 35-17-315
  election and term, 35-17-206, 35-17-311

AGRICULTURAL MARKETING ASSOCIATIONS (Continued)
Directors, board of (Continued)

  marketing agreements with other associations, 35-17-410
  merger or consolidation plan, 35-17-502
  preexisting associations, 35-17-204
  referendum of matters passed by, to members, 35-17-314
  removal, 35-17-313
  reserves, creation, 35-17-315
  special meetings, calling, 35-17-305, 35-17-311, 35-17-313, 35-17-314
  stock, repurchase by association, 35-17-302
  withdrawal or expulsion of member, appraisal of interest, 35-17-206, 35-17-304
Distributions of earnings, 35-17-315
Existence, 35-17-202, 35-17-505
Feasibility study, 35-17-201
Filing
  articles of incorporation, 35-17-202, 35-17-204
    certificate of amendment, 35-17-203
  fees, 35-17-204, 35-17-205, 35-17-409
  marketing agreements, 35-17-403 — 35-17-407, 35-17-409
  merger or consolidation documents, 35-17-504
  removal of officer or director, charges, 35-17-313
Incorporation, 35-17-104
  articles of incorporation, 35-17-202, 35-17-205, 35-17-302, 35-17-505
    amendment and certificate of amendment, 35-17-203, 35-17-205
    certificate of incorporation, 35-17-205
    merger or consolidation, new or surviving association, 35-17-502, 35-17-503, 35-17-505
    preexisting associations, 35-17-204
  fees, 35-17-206
  marketing survey, 35-17-201
Injunctions, 35-17-401
Liability, 35-17-202, 35-17-303
Marketing agreements, 35-17-401
  antimonopoly provisions, exemption from, 35-17-402
  assignment, 35-17-408, 35-17-409
  breach, 35-17-401
  bylaws, provisions in, 35-17-206
  filing for record, 35-17-403 — 35-17-405, 35-17-407
    fees, 35-17-409
  notice, constructive — recording as, 35-17-406
  other associations, with, 35-17-410
  title, transfer effected when, 35-17-407
Meetings of members and stockholders, 35-17-305
  articles of incorporation, amendment, 35-17-203
  assets, sale or disposition, 35-17-506
  bylaws, provisions in, 35-17-206
  directors, board of — vacancies, to fill, 35-17-311
  merger or consolidation, for, 35-17-503
  referendum of matters passed by board of directors, 35-17-314
  removal of officer or director, for, 35-17-313
Members and stockholders, 35-17-103
  articles of incorporation
    amendment, 35-17-203
    statement in, 35-17-202
  assets, sale or disposition, 35-17-506
  bylaws, adoption and contents, 35-17-206
  certificate of membership, 35-17-302
  fees and charges, 35-17-206, 35-17-303

AGRICULTURAL MARKETING ASSOCIATIONS (Continued)
Members and stockholders (Continued)

- liability, 35-17-303
- marketing agreement
  - breach, damages, 35-17-401
  - signing, 35-17-404
- meetings, See **Meetings of members and stockholders**
- merger or consolidation plan, 35-17-502, 35-17-503
- preexisting associations, 35-17-204
- property rights, 35-17-202
- referendum of matters passed by board of directors, to, 35-17-314
- removal of officers or directors, 35-17-313
- suspension, expulsion, or withdrawal, 35-17-206, 35-17-304
- voting and proxy, 35-17-206, 35-17-302, 35-17-305, 35-17-313, 35-17-503, 35-17-506
- who may be, 35-17-301

Merger or consolidation
- authorization, 35-17-501
- effect, 35-17-505
- filing of documents, 35-17-504
- invalidation, action for — statute of limitations, 35-17-507
- plan of, 35-17-502, 35-17-503

Name, 35-17-202, 35-17-404

Notices
- bylaws, provisions in, 35-17-206
- marketing agreement, recording as constructive notice, 35-17-406
- meetings, for, 35-17-305, 35-17-503, 35-17-506

Officers
- articles of incorporation, amendment — execution, 35-17-203
- bylaws, provisions in, 35-17-206, 35-17-312
- election, 35-17-312
- marketing agreement
  - assignment, signing, 35-17-408
  - signing, 35-17-404
- merger or consolidation documents, 35-17-504
- removal, 35-17-313

Policy, declaration, 35-17-102
Powers generally, 35-17-106, 35-17-206
Preexisting associations, 35-17-204
Property, 35-17-106, 35-17-202, 35-17-304, 35-17-505
Purposes, 35-17-105, 35-17-106, 35-17-202
Reserves, 35-17-106, 35-17-315
Seal, 35-17-404, 35-17-408
Securities, offer or sale — registration and federal covered securities exemption, 30-10-105
Short title, 35-17-101

Stock
- articles of incorporation, statement in, 35-17-202, 35-17-302
- bylaws, provisions in, 35-17-206
- distributions in, 35-17-315
- issuance, 35-17-301, 35-17-302
- liability of members, 35-17-303
- organization with or without, 35-17-104, 35-17-202, 35-17-302
- ownership and transfer, limitations, 35-17-302
- powers of association, 35-17-106

Stockholders, See **Members and stockholders**
Trucks owned by, exemption from gross vehicle weight fees, 61-10-206
Wool and sheep pool, tax exemption, 15-31-102

AGRICULTURAL SEEDS
  See also **AGRICULTURAL COMMODITIES**
Administration of provisions, 80-5-136, 80-5-139, 80-5-405, 80-11-304
Advertising, 80-5-120, 80-5-134, 80-5-140, 80-11-302
Agreements with other agencies, 80-5-137
Alfalfa seed
  administration and enforcement of provisions, 80-11-304
  advertising, 80-11-302, 80-11-304
  alfalfa seed committee, 2-15-3004; Title 80, chapter 11, part 3
    alfalfa leaf-cutting bees, duties, Title 80, chapter 6, part 11
  assessment, 80-11-307
    deposit, 80-11-310
    nonpayment, penalty, 80-11-312
    payment, 80-11-308
    refunds, 80-11-309
  citation of alfalfa seed industry act, 80-11-301
  contracts, 80-11-304
  dealers, 80-11-303, 80-11-304, 80-11-308, 80-11-311, 80-11-312
  definitions, 80-11-303
  funds, deposit and disbursement, 80-11-310
  growers, 80-11-302 — 80-11-304, 80-11-307, 80-11-308, 80-11-312
  publicity and sales promotion campaign, 80-11-304
  purpose of provisions and legislative findings, 80-11-302
  research, 80-11-302, 80-11-304
  violations, 80-11-313
Analysis, 80-5-126 — 80-5-128, 80-5-139
  certificate of results, 80-5-129
Apiaries, pollination, Title 80, chapter 6, See **APIARIES**
Assessment on sales into Montana, 80-5-131, 80-5-132
Certification
  agencies for, 80-5-141 — 80-5-143
  application of provisions, 80-5-140
  definitions, 80-5-120
  potatoes, seed, 80-5-402 — 80-5-404
  rules for, 80-5-141, 80-5-143
  self-supporting basis, work to be on, 80-5-142
  unlawful use, penalty, 80-5-144
  withholding when, 80-5-143
Conditioning plants, 80-5-120, 80-5-130, See also **Licenses**
  fees for services, 80-5-130
  screenings, restrictions, 80-5-135
Containers, 80-5-123, 80-5-125, 80-5-134, See also **Labels and labeling**
  potatoes, seed, 80-5-403, 80-5-404
Cooperation with other agencies 80-5-137
Counties, exhibits at seed shows — funding, 7-21-3412
Dealers, 80-5-120, 80-5-130, See also **Licenses**
  alfalfa seed, 80-11-303, 80-11-304, 80-11-308, 80-11-311, 80-11-312
Definitions, 80-5-120, 80-5-402, 80-11-303
Enforcement of provisions, 80-5-136, 80-5-405, 80-11-304
Exemptions from provisions, 80-5-124, 80-5-403, 80-5-404
Flower seeds, 80-5-120, 80-5-123, 80-5-139
Food, Drug, and Cosmetic Act — exclusion, 50-31-103
Funds, deposit, 80-5-132
Grass, lawn, and turf seed, 80-5-123, 80-5-130

AGRICULTURAL SEEDS (Continued)

Growers, 80-5-120, 80-5-124, 80-5-130
  alfalfa seed, 80-11-302 — 80-11-304, 80-11-307, 80-11-308, 80-11-312
Indigenous seeds, 80-5-120, 80-5-123, 80-5-139
Injunction, 80-5-136
Inspections, 80-5-132, 80-5-133
  potatoes, seed, 80-5-402 — 80-5-404
  perishable seeds, vehicles carrying — federal-state certificate, 61-10-128
Labelers, 80-5-120, 80-5-123, 80-5-130, See also **Licenses**
  assessment on sales into Montana, 80-5-131
  exchange between, 80-5-125
Labels and labeling, 80-5-120, 80-5-130, 80-5-136, 80-5-139
  containers, 80-5-123, 80-5-125, 80-5-134
  inspections, 80-5-133
  potatoes, seed, 80-5-403, 80-5-404
  prohibitions, 80-5-134
  requirements and exemptions, 80-5-123, 80-5-124
Licenses — conditioning plants, labelers, and dealers, 80-5-130, 80-5-132, 80-5-134, 80-5-139
  cancellation when, 80-5-136
  discrimination in issuance prohibited, 49-3-204
  records, 80-5-133
  reports of persons licensed, publication, 80-5-138
Liens, 71-3-701 — 71-3-705, See **LIENS, Seed or grain, crop liens for**
Montana State University-Bozeman
  certification responsibilities, 80-5-140 — 80-5-143
  seed laboratory, 20-25-229, 80-5-126 — 80-5-129, 80-5-139
Noncompliance with provisions, 80-5-134, 80-5-136
Potatoes, seed
  administration and enforcement of provisions, 80-5-405
  certification, 80-5-402 — 80-5-404
  citation of seed potato disease control act, 80-5-401
  definitions, 80-5-402
  importation, restrictions and exceptions, 80-5-403
  inspections, 80-5-402 — 80-5-404
  labels and containers, 80-5-403, 80-5-404
  noncertified, planting prohibited, 80-5-404
  produce provisions, nonapplicability, 80-3-302, 80-3-314
  quarantine, 80-5-405
  vehicles carrying, weight restrictions not applicable when, 61-10-128
  violations, 80-5-404, 80-5-405
Produce sold for seed purposes, 80-3-312
Prohibitions, 80-5-124, 80-5-134, 80-5-403, 80-5-404
Records, 80-5-133, 80-5-139, 80-11-311
Rules, 80-5-123, 80-5-128, 80-5-130, 80-5-131, 80-5-134, 80-5-135, 80-5-136, 80-5-139, 80-5-141, 80-5-143
  alfalfa seed, 80-11-304, 80-11-308, 80-11-309, 80-11-311, 80-11-313
  potatoes, seed, 80-5-402, 80-5-405
Sales
  assessment on sales into Montana, 80-5-131, 80-5-132
  bills of lading, 61-10-141, 80-5-130
  bulk sales, 80-5-120, 80-5-123
  containers, labeling, 80-5-125
  dealers, 80-5-130
  implied warranty, exemption, 30-2-316
  license required when, 80-5-130
  prohibitions, 80-5-134

AGRICULTURAL SEEDS (Continued)
Sales (Continued)

- stop sale orders, 80-5-120, 80-5-134, 80-5-136
- violations, 80-5-134

Samples for testing, 80-5-127 — 80-5-129, 80-5-133, 80-5-139
Screenings, 80-5-120, 80-5-135, 80-5-139
Seed account, 80-5-132
Stop sale orders, 80-5-120, 80-5-134, 80-5-136
Testing, 80-5-126 — 80-5-128
- certificate of results, 80-5-129

Vegetable seeds, 80-5-120, 80-5-123, 80-5-139
Violations, 80-5-134, 80-5-136
- alfalfa seed, 80-11-313
- certification, unlawful use, 80-5-144
- destruction of lot of seed remaining in, 80-5-136
- out-of-state labelers selling seed in Montana, failure to submit report or pay assessment, 80-5-131
- penalties, 80-5-124, 80-5-131, 80-5-132, 80-5-136, 80-5-139, 80-5-144, 80-5-405
- potatoes, seed, 80-5-404, 80-5-405
- reports regarding, 80-5-126, 80-5-136
- stop sale order, issuance and enforcement when, 80-5-136

Weed seeds, 80-5-120, 80-5-139
- content in seed for sale, 80-5-123, 80-5-134
- noxious weed seeds
  - content in seed for sale, prohibitions, 80-5-134
  - importation or sale of materials containing, 80-7-701 — 80-7-704, See also **WEEDS AND WEED CONTROL**
  - screenings, restrictions, 80-5-135

AGRICULTURE
See also **FOOD AND FOOD PRODUCTS; LIVESTOCK**
Advertising, outdoor — nonapplicability of provisions, 75-15-103
Agricultural chemical ground water protection, Title 80, chapter 15
Agricultural chemicals, minors' handling prohibited, 41-2-106
Agricultural Heritage Commission, representation on, 2-15-3314
Agricultural Loan Authority Act, Title 80, chapter 12
Agricultural Warehouse, Commodity Dealer, and Grain Standards Act, Title 80, chapter 4, parts 4 — 7
Agriculture Development Council, representation on, 2-15-3015
Air Pollution Control Advisory Council, representation on, 2-15-2106
Anhydrous Ammonia Facilities Safety Act, Title 80, chapter 10, part 5
Apiaries, Title 80, chapter 6
Appropriations for, Const., XII, 1
Associations, Title 35, chapters 16 and 17
Bees and beekeeping, Title 80, chapter 6
Beginning farmers, loans for, Title 80, chapter 12
Building codes, nonapplicability, 50-60-102, 50-60-503
Burial site protection, Title 22, chapter 3, part 8
Business incubators, 90-9-202
Canola seed oil processing facility machinery and equipment, tax on
- classification and rate, 15-6-136
- exemption, 15-6-220

Capital companies, development through and qualified investments, Title 90, chapter 8
Charities, agricultural property — tax exemption when, 15-6-201
Chemicals, use, Title 80, chapter 8
Child labor prohibited, exemptions, 41-2-103 — 41-2-106, 41-2-109

AGRICULTURE (Continued)

Cities and towns
  annexation restricted when, 7-2-4503, 7-2-4608
  commodities — inspection, weighing, and measuring, 7-21-4203
Coal severance tax funds, investment in, See **COAL TRUST FUNDS, In-state investment**
Combine harvesters
  equipment, security interest, 30-9-103
  liens of, Title 71, chapter 3, part 8, See **LIENS, Threshers' liens**
  special fuel permit, 15-70-311, 15-70-312
  special permits and fees, 61-10-124, 61-10-130
  taxation, 15-24-301, 61-10-130, See **TAXATION, PROPERTY, Agricultural**, machinery and equipment
Commercial feeds, Title 80, chapter 9
Commercial fertilizers, Title 80, chapters 10 and 15
Commission merchants, 30-11-401 — 30-11-403
Commodities, Title 80, chapter 4, parts 4 — 7
Concealed weapons, carrying — exemption from criminal provisions, 45-8-317
Conservation districts, Title 76, chapter 15
Conservation easements, Title 76, chapter 6, part 2
Contractor registration provisions, nonapplicability, 39-9-211
Cooperative Extension Service, See **COOPERATIVE EXTENSION SERVICE**
Cooperative marketing, Title 35, chapter 17
Corn, city provisions regarding, 7-21-4203
Counties
  extension work, See **COOPERATIVE EXTENSION SERVICE**
  fairs, 80-1-102; Title 7, chapter 21, part 34
  land owned by, improvement, 7-8-2501
  resources, advertising, 7-21-3201, 7-21-3202, 7-21-3410
  zoning restrictions, protection, 76-2-901 — 76-2-903
Credit life insurance written for loan commitment, amount, 33-21-202
Crop dusting, 80-8-204, See **LIENS, Crop dusting, liens for**; **PESTS AND PESTICIDES, Applicators**; **Insect control programs**
Crops
  damage by wild animals, 87-1-225, 87-1-226, 87-1-304
  environmental control easements, prohibitions or limitations, 76-7-203
  fire protection, 76-11-102
  goods, as, 30-2-105, 30-9-105, 30-9-109, 30-9-122
  hucksters, Title 7, chapter 21, part 25
  identification for sale, 30-2-501
  insect control, Title 80, chapter 7
  insurance, all-risk federal — insurance producer license, 33-17-201, 33-17-212
  liens, Title 71, chapter 3, parts 4, 7 — 9, See **LIENS, Crop dusting, liens for**; **Farm laborers' liens**; **Hail insurance**; **Seed or grain, crop liens for**; **Threshers' liens**
  markets, Title 7, chapter 21, part 33
  production, state land classification for, Title 77, chapter 1, part 4
  research and market development programs, Title 80, chapter 11, part 5
  state lands, recreational use
    closure of land when, 77-1-804
    damage claims, 77-1-809
  sustainable agricultural practices, 20-25-233 — 20-25-236
  tenant for years or at will, rights, 70-16-104, 70-26-206
  wild animals, damage by, 87-1-225, 87-1-226, 87-1-304
Dairies and dairy products, See **DAIRIES AND DAIRY PRODUCTS**
Development corporations, Title 32, chapter 4
Disease control, Title 80, chapter 7

AGRICULTURE (Continued)

Dogs, barking — county ordinance not applicable, 7-23-2110
Easements, conservation, Title 76, chapter 6, part 2, See **LAND USE PLANNING**
Economic development, See **BONDS AND BOND ISSUES; ECONOMIC DEVELOPMENT; INDUSTRIES AND INDUSTRIAL DEVELOPMENT, Development projects**
Eggs, See **POULTRY AND EGGS**
Emergency regulation, 10-3-505
Eminent domain
  drainage and water, to provide, 70-30-102
  relocation assistance, Title 70, chapter 31
Energy conservation grants, 90-2-140
Energy emergencies, effect, 90-4-307
Environmental audits, See **Voluntary environmental audits**
Equipment, See **Machinery and equipment**
Experimental farms, 20-25-225
Experiment Station, See **MONTANA STATE UNIVERSITY-BOZEMAN**
Explosives, use — exemption from and rule compliance with construction blasting provisions, 37-72-101
Export assistance, 90-9-103, 90-9-202, 90-9-401, 90-9-402
Extension Service, See **COOPERATIVE EXTENSION SERVICE**
Fairs, 80-1-102; Title 7, chapter 21, part 34
Farm
  implements, See **Machinery and equipment**
  laborers, See **Laborers**
  name, registration, 30-13-112
  products, standard grades and brands, See **AGRICULTURAL COMMODITIES; PRODUCE**
  statistics, See **Statistics**
Farm animal and research facilities protection, Title 81, chapter 30, part 1
Farmers' market associations, tax exemption, 15-31-102
Feeds, Title 80, chapter 9
Fertilizer Advisory Committee, 2-15-1516; Title 80, chapter 10, part 1
Fertilizers, Title 80, chapters 10 and 15
Fire districts and protection, Title 7, chapter 33, parts 21 and 22, See **FIRES AND FIRE PROTECTION, Rural fire districts; Rural fire protection**
Floodways, agricultural uses within, Title 76, chapter 5, See **FLOOD PLAINS AND FLOODWAYS**
Forage, noxious weed seed free provisions, 7-22-2126; Title 80, chapter 7, part 9, See **WEEDS AND WEED CONTROL**
Forest and Conservation Experiment Station, purpose, 20-25-242
Forest lands, agricultural lands within, 76-13-102, See also **FORESTS AND FORESTRY, Fire hazard reduction or management**
Forest practices in streamside management zones, 77-5-301 — 77-5-305, 77-5-307
Fruit, Title 80, chapter 3, part 3, See **PRODUCE**
Future fisheries review panel, representation on, 87-1-273
Genetic engineering technology research and development, 17-2-131
Grades and brands of farm products, See **AGRICULTURAL COMMODITIES; PRODUCE**
Grain, Title 80, chapter 4, parts 4 — 7
Grazing districts, Title 76, chapter 16
Greenbelt Law, Title 15, chapter 7, part 2
Ground Water Assessment Steering Committee, representation on, 2-15-1523
Growth through
  accountability and audits, 90-9-307

AGRICULTURE (Continued)
Growth through (Continued)

- agricultural development projects and loans, 90-9-103, 90-9-202, 90-9-203, 90-9-301, 90-9-311, 90-9-316
- agriculture development council, 2-15-3015, 90-9-103; Title 90, chapter 9, part 2
- agriculture seed capital account, 90-9-301
- appropriations, 90-9-306
- citation of Montana growth through agriculture act, 90-9-101
- coal producer's license tax revenue for, 15-34-115
- coal severance tax revenue for, 15-35-108
- definitions, 90-9-103
- export assistance, 90-9-103, 90-9-202, 90-9-401, 90-9-402
- investments, 90-9-103, 90-9-202, 90-9-306, 90-9-307
  - return-on-investment agreements, 90-9-303
- marketing enhancement, 90-9-401
- purpose of provisions, 90-9-102
- research and development projects and loans, 90-9-103, 90-9-203, 90-9-301, 90-9-314, 90-9-315, 90-9-318
- rules, 90-9-203
- seed capital projects and loans, 90-9-103, 90-9-202, 90-9-203, 90-9-301, 90-9-312, 90-9-313, 90-9-317
- technology transfer and assistance projects and loans, 90-9-103, 90-9-202, 90-9-318

Hail insurance, Title 80, chapter 2, part 2, See also **INSURERS, FARM MUTUAL**
Hay

- city inspection, weighing, and measuring, 7-21-4203
- commercial feed, 80-9-101, 80-9-205
- fluorides in, ambient air quality standards established through limitations upon, 75-2-202
- highways, seeding and cropping along, 60-2-208
- insect pests, 7-22-2302, 80-7-501
- park commissioners, boards of — sale by
  - county, 7-16-2328
  - municipal, 7-16-4225
- vehicles hauling, 61-10-102, 61-10-123, 61-10-145

Heating oil tanks, releases eligible for reimbursement, 75-11-307, See also **UNDERGROUND STORAGE TANKS**
Hours of employment permitted, Const., XII, 2
Housing projects, 7-15-2121 — 7-15-2124
Hucksters, Title 7, chapter 21, part 25
Human skeletal remains, protection, Title 22, chapter 3, part 8
Implements of husbandry, See **Machinery and equipment**; See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
Insect pest control, Title 80, chapter 7, See also **LIENS, Crop dusting, liens for**
Insurers, farm mutual, Title 33, chapter 4, See **INSURERS, FARM MUTUAL**
Investments, Board of — representation on, 2-15-1808
Irrigation, 75-20-104, See **IRRIGATION; IRRIGATION DISTRICTS**
Label, Montana quality, Title 81, chapter 8, part 7, See **FOOD AND FOOD PRODUCTS, Montana quality label**
Laborers

- hours of employment, Const., XII, 2
- income tax withholding exemption, 15-30-201, 15-30-256
- liens for wages, Title 71, chapter 3, part 4
- minimum wage, 39-3-402, 39-3-404
  - exclusions, 39-3-406
- minors' employment prohibited, exemptions, 41-2-103 — 41-2-106, 41-2-109
- overtime compensation, 39-3-402, 39-3-405
  - exclusions, 39-3-406
- paydays and rate of pay, notice not required, 39-3-203

AGRICULTURE (Continued)
Laborers (Continued)

- unemployment insurance coverage, Title 39, chapter 51, part 2
- workers' compensation coverage exclusions, 39-71-401

Land, See also **Soil**
- annexation restricted when, 7-2-4503, 7-2-4608
- conservation easements, Title 76, chapter 6, part 2
- corrections, department of — purchase by, 53-1-203
- county-owned, improvement, 7-8-2501
- erosion control, Title 76, chapter 15
- family services, department of — purchase by, 52-1-103
- fire protection and conservation, 76-11-101, 76-11-102, See also **NATURAL RESOURCES**
- forest lands to include when, 76-13-102
- grazing, Title 76, chapter 16
- greenbelt law, Title 15, chapter 7, part 2
- insect control, Title 80, chapter 7, part 5
- leases, See **Leases**
- partition of land, separate sales, 70-29-302
- state lands, development for, Title 77, chapter 1, part 6
- subdivision, Title 76, chapters 3 and 4, See **SUBDIVISIONS**
- taxation, See **TAXATION, PROPERTY**
- tenant for years or at will, rights, 70-16-104, 70-26-206
- transfers, certificate exemption, 15-7-307
- unlawful detainer, 70-27-108, See **FORCIBLE ENTRY AND DETAINER AND UNLAWFUL DETAINER**

Land-grant university, 20-25-221, See **MONTANA STATE UNIVERSITY-BOZEMAN**
Landlord-tenant provisions, applicability, 70-24-104, 70-26-206
Leases
- county land advisory board, advisory capacity, 7-8-2709
- departmental authority, 80-2-104
- state lands, Title 77, chapter 1, part 6
- unlawful detainer, 70-27-108, See **FORCIBLE ENTRY AND DETAINER AND UNLAWFUL DETAINER**

Liens, LIENS; SECURED TRANSACTIONS, Filing of financing statement
Livestock, See **LIVESTOCK**
Loans, Title 80, chapters 12 and 13
- credit life insurance written for loan commitment, amount, 33-21-202

Machinery and equipment
- commercial motor vehicle, exception, 61-1-134
- dealership or distribution contracts
  - canceled, inventory repurchase, See **SALES, Dealership or distribution contracts; Farm implements dealership agreements**
  - succession to ownership, Title 30, chapter 11, part 8
- dealers' insurance policies, commercial property floaters, 33-1-228, See also **INSURANCE, MARINE**
- generally, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Gross vehicle weight; Implements of husbandry; Size, weight, and load; Special mobile equipment**
- junk vehicles, shielding and removal — exemption from provision, 75-10-505
- sales personnel, overtime compensation exclusions, 39-3-406
- taxation, See **TAXATION, PROPERTY**

Malting barley facility machinery and equipment, tax on
- classification and rate, 15-6-136
- exemption, 15-6-220

Marketing, Title 80, chapter 11
- commission merchants, 30-11-401 — 30-11-403
- commodity research and market development programs, Title 80, chapter 11, part 5

AGRICULTURE (Continued)
Marketing (Continued)

cooperation by state agencies, 80-11-104
cooperative marketing associations, Title 35, chapter 17
departmental duties, 80-11-103
export assistance, 90-9-103, 90-9-202, 90-9-401, 90-9-402
japan, placement of person in, 90-9-401
legislative intent, 80-11-102
news service, 80-1-102
organic certification program, 80-11-601
pacific rim country, placement of person in, 90-9-401
price, fair, 30-14-214, 30-14-224
sustainable agricultural practices, 20-25-233 — 20-25-236
trade missions, 90-9-401
unfair practices, injunction, 27-19-202, 27-19-204
uniform commercial code, effect, 30-2-102
wheat and barley research and marketing, Title 80, chapter 11, part 2
Markets, Title 7, chapter 21, part 33
Mediation, 80-11-103
Medicinal plants, wild — sustainable agricultural practices, 77-1-138
Merchants, Title 7, chapter 21, part 25
Mining operations
protection from, 82-4-202, 82-4-226, 82-4-231, 82-4-232, 82-4-402, 82-2-403
reclamation, 82-4-434
Minors' employment prohibited, exemptions, 41-2-103 — 41-2-106, 41-2-109
Montana Agricultural Center and Museum of the Northern Great Plains, 23-1-109
Montana State University-Northern, curriculum, 20-25-256
Motor fuel tanks, releases eligible for reimbursement, 75-11-307, See also **UNDERGROUND STORAGE TANKS**
Motor vehicles, See **Machinery and equipment**
Name of farm or ranch, registration, 30-13-112
News service, 80-1-102
Noxious weed management, 7-22-2101, 7-22-2109; Title 80, chapter 7, part 8
Noxious Weed Management Advisory Council, representation on, 80-7-805
Nuisance, agricultural or farming operations become when, 27-30-101, 45-8-111, 76-2-901, 76-2-903
Nurseries and nurserymen, Title 80, chapter 7, part 1
"Occupations" defined, 41-2-103
Oil and gas operations, damage to lands, Title 82, chapter 10, part 5
Organic certification program and advisory council, 80-11-601, 80-11-602
Outdoor advertising, nonapplicability of provisions, 75-15-103
Pesticides Act, Title 80, chapter 8, parts 1 — 3
Pesticides, ground water protection, Title 80, chapter 15
Petroleum storage tank releases, 75-11-307
Plumbing installations on farms or ranches, exemption from certain provisions, 37-69-102, 50-60-503
Port authorities, purpose, 7-14-1104
Postattack emergency regulation, 10-3-505
Poultry, See **POULTRY AND EGGS**
Predators, See **PREDATORS AND PREDATOR CONTROL**
Principal and income determinations, 72-34-404, 72-34-409
Prison industries and vocational training program, 53-30-131, 53-30-132
Produce, Title 80, chapter 3, part 3, See **Crops**; **AGRICULTURAL COMMODITIES**; **PRODUCE**; **PUBLIC MARKETS**
Products
commercialization and marketing, See **Growth through**

AGRICULTURE (Continued)
Products (Continued)

    small business investment companies, investment in — tax incentives, Title 15, chapter 33, part 1
Public markets, Title 7, chapter 21, part 33
Railroad fireguards to protect farmland, 69-14-722
Rangeland resources and rangeland improvement loan program, Title 76, chapter 14, See **RANGELAND RESOURCES**
Rangeland Resources Committee, representation on, 2-15-3305
Research, 20-25-224, See also **Growth through**; **Marketing**; **MONTANA STATE UNIVERSITY-BOZEMAN, Agricultural Experiment Station**
    commodity research and market development programs, Title 80, chapter 11, part 5
    farm animal and research facilities protection, Title 81, chapter 30, part 1
    organic certification program, 80-11-601
Research and commercialization projects, 90-3-1003
Rivers and streams, use, See **RIVERS AND STREAMS**, generally
Rodent control, Title 80, chapter 7, part 11
Rural housing projects, 7-15-2121 — 7-15-2124
Rural rehabilitation, Title 80, chapter 2, part 1
Sales, See **Marketing**
Schools, educational program, 15-30-151, 15-30-152
Secured transactions, Title 30, chapter 9, See **SECURED TRANSACTIONS**
Seed capital projects and loans, See **Growth through**
Seeds, Title 80, chapter 5
Shelterbelts, establishment, 20-25-242, 76-13-104
Soil, See also **Land**
    amendments, Title 80, chapter 10
    conservation districts, Title 76, chapter 15
    survey and mapping program, 76-11-201, 76-11-202
    sustainable agricultural practices, 20-25-233 — 20-25-236
Solid waste disposal, applicability of provisions, 75-10-214
Spraying of crops, lien for labor, Title 71, chapter 3, part 9
Standard grades and brands for farm products, See **AGRICULTURAL COMMODITIES; PRODUCE**
State lands
    development for, Title 77, chapter 1, part 6
    equalization payments, acres involved, 77-1-501, 77-1-502
Statistics
    collection, 80-1-201
    compilation generally, 80-1-102
    due when, 80-1-202
    how obtained, 80-1-203
    penalty for refusal to furnish, 80-1-204
Storage tanks on farms and ranches
    diked areas or shutoff devices not required when, 50-3-103
    violations, notice, 50-62-112
Streamside management zones, forest practices in, 77-5-301 — 77-5-305, 77-5-307
Sustainable agricultural practices, 20-25-233 — 20-25-236, 77-1-138
Swathers, lien of, Title 71, chapter 3, part 8
Taxation, See **TAXATION, PROPERTY**
Technology development projects, See **Growth through**
Threshers' liens, Title 71, chapter 3, part 8
Transportation, See **Marketing**
Underground storage tank leak prevention program, nonapplicability, 75-11-503
Unemployment insurance coverage, 39-51-202 — 39-51-206
University system facilities, 20-25-302
Upper Clark Fork River Basin Steering Committee, representation on, 85-2-338

AGRICULTURE (Continued)

Utility lines, relocation, See **UTILITIES, Relocation**
Vegetables, Title 80, chapter 3, part 3, See **PRODUCE**
Vehicles, See **Machinery and equipment**
Vertebrate pest management, Title 80, chapter 7, part 11
Vertebrate Pest Management Advisory Council, representation on, 80-7-1104
Vocational education training program, minors' employment exemptions, 41-2-109, 41-2-110
Voluntary environmental audits
    applicability, limitation, 75-1-1206, 80-1-306
    citation of voluntary environmental audit act, 75-1-1201, 80-1-301
    definitions, 75-1-1203, 80-1-303
    information, submission and use, 75-1-1205, 80-1-305
    penalties, civil or administrative — immunity, 75-1-1204, 80-1-304
    purpose, 75-1-1202, 80-1-302
Water, See also **IRRIGATION**
    agricultural chemical ground water protection, Title 80, chapter 15
    beneficial use, 85-2-102
    chronically dewatered watercourses, identification factors, 85-2-150
    development and utilization for, policy of state, 85-1-102, 85-1-602, 85-1-610
    eminent domain to provide, 70-30-102
    ground water assessment, Title 85, chapter 2, part 9
    ground water, order for controlled ground water area — preferences, 85-2-507
    irrigation districts, noninterference and right-of-way, 85-7-1932
    mining, strip and underground — damage by, 82-4-253
    policy of state, 85-1-101
    state projects for, 85-1-102, 85-1-204
    wells, drilling permits, 37-43-302
    yellowstone river basin appropriations, moratorium, Title 85, chapter 2, part 6
Water quality, conservation for, See **WATER QUALITY; WATER SUPPLY, PUBLIC**
Water quality districts, water withdrawals within — fee assessment prohibited, 7-13-4523
Watershed advisory groups, 75-5-103, 75-5-702 — 75-5-704
Weather modification and control, Title 85, chapter 3
Weed control
    crops, lien for labor, Title 71, chapter 3, part 9
    management, 7-22-2101, 7-22-2109; Title 80, chapter 7, parts 7 — 9
Wetlands Protection Advisory Council, representation on, 2-15-3405
Wildlife importation or introduction provisions, nonapplicability, 87-5-703
Windbreaks, establishment, 20-25-242, 76-13-104, 76-13-111
Woodlots, establishment, 20-25-242, 76-13-104, 76-13-111
Zoning and nuisance ordinances, protection, 76-2-901 — 76-2-903

AGRICULTURE, DEPARTMENT OF, 2-15-104, 80-1-101; Const., XII, 1; Title 2, chapter 15, part 30
    See also **EXECUTIVE BRANCH**
Agricultural chemical ground water protection, duties, Title 80, chapter 15
Agricultural commodities, duties, Title 80, chapter 4
Agricultural commodity research and market development programs, duties, Title 80, chapter 11, part 5
Agricultural Heritage Commission, allocation, 2-15-3314
Agricultural heritage program, duties, 2-15-3312 — 2-15-3322
Agricultural Loan Authority Act, Title 80, chapter 12
Agricultural products, inspection, 81-8-701
Agricultural seeds, duties, Title 80, chapter 5
Agriculture Development Council, allocation, 2-15-3015
Alfalfa leaf-cutting bees, duties, Title 80, chapter 6, part 11

AGRICULTURE, DEPARTMENT OF (Continued)

Alfalfa Seed Committee, allocation, 2-15-3004
Alfalfa seed, duties, Title 80, chapter 11, part 3
Anhydrous ammonia facilities, Title 80, chapter 10, part 5
Apiaries, inspection and certification, Title 80, chapter 6, parts 1 — 3
Commercial feed regulations, administration, Title 80, chapter 9
Commercial fertilizer regulations, Title 80, chapter 10
County products, appropriation for promotion, 7-21-3201, 7-21-3202
Croplands, insect pest control, Title 7, chapter 22, part 23; Title 80, chapter 7, part 5
Director, 2-15-3001
  agriculture development council, member, 2-15-3015
  agricultural heritage program executive director, hiring, 2-15-3316
  alfalfa seed committee, member, 2-15-3004
  drought advisory committee, appointment to, 2-15-3308
  fertilizer advisory committee, member, 2-15-1516
  hail insurance, board of — member, 2-15-3003
  medicinal plants, wild — task force, representation on, 77-1-138
  mint committee, member, 2-15-3006
  noxious weed management advisory council, member, 80-7-805
  organic certification advisory council, membership, 80-11-601
  pesticides, advisory council regarding — appointment, 80-8-108
  small business registration and licensing system plan, board of review — duties, 30-16-302
  state-tribal economic development commission, notification of funding programs or opportunities, 90-1-132
  water pollution control advisory council, member, 2-15-2107
  wheat and barley committee, member, 2-15-3002
Drought Advisory Committee, representation on, 2-15-3308
Environmental audits, voluntary — responsibilities, 75-1-1203 — 75-1-1206, 80-1-303 — 80-1-306
Environmental Quality Council, report to, 75-1-314
Food products, inspection, 81-8-701
Grain, Title 80, chapter 4, See **AGRICULTURAL COMMODITIES**
Ground Water Assessment Steering Committee, appointments to, 2-15-1523
Growth through agriculture, Title 90, chapter 9
Hail insurance, Title 80, chapter 2, part 2, See **HAIL INSURANCE**
Hail Insurance, Board of — allocation, 2-15-3003
Indian reservations, economic development, 90-1-132, 90-9-202
Laboratories, See **AGRICULTURAL COMMODITIES; MONTANA STATE UNIVERSITY-BOZEMAN, Seed Laboratory**
Legislative Business and Labor Interim Committee, duties, 5-5-223
Marketing duties, 80-11-101 — 80-11-104
Market news service, 80-1-102
Milk price control, enforcement, 81-23-103
Mint and mint oil production, Title 80, chapter 11, part 4
Mint Committee, allocation, 2-15-3006
Mosquito control district boards, reports, 7-22-2418
Natural resource information system data source agency, 90-15-102
Noxious weed management, Title 80, chapter 7, parts 8 and 9
Nursery stock, Title 80, chapter 7, part 1
Organic certification program and advisory council, 80-11-601, 80-11-602
Pesticide regulation and registration, Title 80, chapter 8
Pest management, See **PESTS AND PESTICIDES**
Powers and duties generally, 80-1-102
Produce, duties, Title 80, chapter 3, part 3
Rodent control, authority, Title 7, chapter 22, parts 22 and 25; Title 80, chapter 7, chapter 11

AGRICULTURE, DEPARTMENT OF (Continued)

Rural rehabilitation
  in-lieu payments for taxes (PILT), See **COUNTY FINANCE; STATE FINANCE, Federal sums in lieu of taxes**
  liability, 80-2-105
  powers concerning, 80-2-104
  rules, 80-2-106
  trust assets, 80-2-101 — 80-2-103
Schools
  educational program, development and presentation, 15-30-151 — 15-30-153
  model school integrated pest and pesticide management safety program, Title 80, chapter 8, part 4
Small business registration and licensing system plan, cooperation in implementation, 30-16-303
State-Tribal Economic Development Commission, duties, 90-1-132
Statistics, compilation, 80-1-102; Title 80, chapter 1, part 2
Vertebrate pest management, authority, Title 7, chapter 22, parts 22 and 25; Title 80, chapter 7, part 11
Weed management, 23-2-803; Title 7, chapter 22, part 21; Title 80, chapter 7, part 7
Wheat and Barley Committee, allocation, 2-15-3002
Wheat and barley research and marketing, duties, Title 80, chapter 11, part 2
Wildlife having harmful effect on agriculture, control — consultations concerning, 87-5-716

AGRICULTURE DEVELOPMENT COUNCIL, 2-15-3015; Title 90, chapter 9, part 2
  See also **AGRICULTURE, Growth through**

AIDS PREVENTION ACT, Title 50, chapter 16, part 10
  See **DISEASES**

AIRPORTS AND LANDING FIELDS
  See also **AERONAUTICS**
Actions
  hazard regulations, enforcement, 67-5-211
  zoning violations, abatement, 67-6-211
Adjustment, Boards of
  airport hazard, 67-4-312, 67-4-313
  zoning, 67-6-205 — 67-6-207
Airport authorities
  agreements, 67-11-203
  "airport authority" defined, 67-1-101, 67-11-102
  architectural services contracts, Title 18, chapter 8, part 2
  audits, Title 2, chapter 7, part 5
  citation of airport authorities act, 67-11-101
  commissioners
    appointment and powers, 67-11-104
    municipal airport authority, 67-11-102
    regional airport authority, 67-11-103
  cooperation and aid of municipalities, 67-11-106
  county merger, effect, 7-3-144
  creation, 67-11-102, 67-11-103
  definitions, 67-1-101, 67-11-203
  eminent domain proceedings, authorization for, 67-11-201, 67-11-204, 67-11-231, 67-11-401
  employees, 67-11-104
  enforcement, 67-5-211
  engineering services contracts, Title 18, chapter 8, part 2
  establishment of airports by, 67-11-201

AIRPORTS AND LANDING FIELDS (Continued)
Airport authorities (Continued)

- executive officers, 67-11-104
- financial reports, Title 2, chapter 7, part 5
- functions declared public purpose, 67-11-105
- funding for airport purposes, 67-11-106, 67-11-201, 67-11-205, 67-11-301, 67-11-302
  - aeronautical loans, 67-1-305 — 67-1-307
  - bonds issued when, 67-11-301, 67-11-303
  - federal and state money, disposition, 67-11-305
  - gifts and loans, 67-11-305
  - reserve fund, 67-11-304
- joint authority and privileges, 67-11-204
  - funding for, 67-11-205
  - powers, 67-11-204, 67-11-206
- land surveying services contracts, Title 18, chapter 8, part 2
- municipal airport authority, 67-11-102
- municipalities, cooperation and aid, 67-11-106
- officers, 67-11-104
- operation of airports, 67-11-211, 67-11-222
- out-of-state airports, jurisdiction, 67-11-401
- parks, airports near, 67-11-221
- ports of entry, airports near, 67-11-221
- powers
  - commissioners, vested in, 67-11-104
  - generally, 67-11-201, 67-11-203
  - supplemental, 67-11-206
- property
  - acquisition, 67-11-106, 67-11-201, 67-11-204, 67-11-231
  - disposal, 67-11-232
  - tax exemption on, 67-11-306
- public purpose, 67-11-105
- quorum, 67-11-104
- recreation areas, airports near or in, 67-11-221
- regional airport authority, 67-11-103
- rules by, 67-11-202
- supplemental powers, 67-11-206
- taxation
  - certification of levy, 67-11-201, 67-11-301
  - county levies, 67-11-201, 67-11-302
  - exemptions, 67-11-306
  - municipal levies, 67-11-201, 67-11-301
- water ports, power to establish, 67-11-201
- zoning authority unaffected, 67-11-241, See also **Zoning and hazard regulations**

"Airport" defined, 67-1-101
Alcoholic beverage licenses, 16-4-208, 16-4-501, See also **ALCOHOLIC BEVERAGES, Licenses and licensing**
Approach areas, buildings in, See **Height of buildings and structures**
Authorities, See **Airport authorities**
Bond issues, 67-10-402, 67-11-301, 67-11-303
Building heights, See **Height of buildings and structures**
Cities and towns, See also **Local government**

- annexation restricted when, 7-2-4503
- boards and commissions, appointed — budget exemptions, 7-6-4259
- bond issues for, See **CITY FINANCE, Revenue bonds**
- landing fields, acquisition, 7-14-4801
- revenues from airports, 67-10-404

Definitions, 67-1-101, 67-4-102, 67-5-102, 67-10-204, 67-11-303

AIRPORTS AND LANDING FIELDS (Continued)

Development or improvement programs, funding, 15-70-204, 67-1-301, 67-1-305 — 67-1-307
Easements, acquisition, 67-2-301, 67-6-301, 67-10-201, 67-11-201
Emergency landing strips
  flood plains and floodways, uses within, 76-5-401
  zoning regulations, exemption from, 67-5-102
Eminent domain proceedings
  airport authorities, 67-11-201, 67-11-204, 67-11-231, 67-11-401
  city or town councils, 7-14-4801
  generally, 67-6-301
  local government, 67-10-102, 67-10-103, 67-10-201, 67-10-205
  municipalities, 67-10-221
  nonconforming existing structures, 67-5-202
  out-of-state, reciprocity, 67-11-401
  state airports, 67-2-301
Establishment, See **Airport authorities**; **Municipal airports**
Exclusive use prohibited, 67-2-101
Extraterritorial airports, jurisdiction and reciprocity, 67-11-401
Federal aid regulations, 67-2-403, 67-10-405
Fines for violations, 67-4-401, 67-5-212, 67-6-211
Firearms, transportation — local government prohibitions not applicable, 45-8-351
Flight paths, See **Influence areas**; **Zoning and hazard regulations**
Flight plans to be filed when, 67-3-212
Foreign airports, jurisdiction and reciprocity, 67-11-401
Funding, See **Airport authorities**; **Municipal airports**
Garbage disposal methods, inspection, 81-2-510
Grants, 67-1-304
Hazard regulations, See **Zoning and hazard regulations**
Height of buildings and structures
  "building" defined, 67-1-101
  criteria and guidelines for regulation, 67-4-203
  federal regulations, consistent with, 67-4-202
  influence areas, See **Influence areas**
  nonconforming existing structures
    acquisition, 67-5-202
    prior, rules respecting, 67-4-303, 67-4-311
  nonconforming uses
    interference prohibited when, 67-6-203
    variance for, 67-4-313
  permit for erection of building, 67-5-203
  restrictions and safety consideration, 67-5-201
  rules, adoption, 67-4-301
  "structure" defined, 67-1-101
  zoning ordinances, conformity, 67-6-204
Highways and roads to, 67-10-211, 67-11-106, 67-11-201
Hunting purposes, use unlawful, 87-3-126
Improvement project loans, 67-1-301, 67-1-304 — 67-1-307
Influence areas
  board of airport hazard adjustment, See **Local government**
  definitions, 67-1-101, 67-4-102
  designation, 67-4-201
    effect, 67-4-202
    redesignation, 67-4-204
  federal regulations, applicability, 67-4-202, 67-4-203
  hearings, public, 67-4-201, 67-4-302

AIRPORTS AND LANDING FIELDS (Continued)
Influence areas (Continued)

- land use, See **Land use**
- legislative intent, 67-4-101
- local government, See **Local government**
- noise and vibration, See **Noise and vibration**
- permit system for land use changes, 67-4-311
- purpose of regulations, 67-4-101
- regulation, criteria and guidelines for, 67-4-203
  - amendment, 67-4-204
  - state lands, located on, 67-4-211
- residential subdivisions, 67-4-303
- rules, 67-4-301 — 67-4-303, 67-4-311
- state lands, located on, 67-4-211
- variances, 67-4-313, 67-4-314
- zoning ordinances, effect on, 67-4-304

Injunctions, 67-4-402, 67-6-211
Inspection of premises, 67-3-105
Insurance
- ticket agents, 33-17-212
- vending machines, licensing, 33-17-221

Land use
- annexation restricted when, 7-2-4503
- federal regulations, consistent with, 67-4-202
- nonconforming uses
  - prior, rules respecting, 67-4-303, 67-4-311
  - variance granted when, 67-4-313
- permit system for changes, 67-4-311
- regulation, criteria and guidelines for, 67-4-203
  - amendment, 67-4-204
- residential subdivisions, 67-4-303

Leases
- airport authorities, 67-11-106, 67-11-201, 67-11-204, 67-11-211, 67-11-222, 67-11-232
- generally, 67-2-101, 67-5-101
- municipal airports, 67-10-102, 67-10-201, 67-10-203, 67-10-205, 67-10-222, 67-10-302
- operation and use privileges, 67-10-302, 67-11-211
- property generally, 67-1-101, 67-2-301, 67-2-302, 67-10-102, 67-10-201, 67-10-203, 67-10-205, 67-10-222, 67-11-106, 67-11-201, 67-11-204, 67-11-222, 67-11-232
- state airports, for, 67-2-301, 67-2-302

Liens, 67-10-403
Livestock, Department of — inspections, 81-2-510
Loans for improvement projects, 67-1-301, 67-1-304 — 67-1-307
Local government, See also **Cities and towns**
- board of airport hazard adjustment
  - appointment, 67-4-312
  - variances, applications, 67-4-313
- budget exemptions, 7-6-2348, 7-6-4259
- damages uncollectible from, 67-4-202, 67-4-313
- hearings, 67-4-302
- heights, adoption of rules for, 67-4-301
- injunction to abate violations, 67-4-402
- markers and lights installed by, when, 67-4-314
- notice of hearing by, 67-4-302
- zoning powers, See **Zoning and hazard regulations**

Markers and lights
- airport authorities, powers, 67-11-201
- easements for, 67-2-301

AIRPORTS AND LANDING FIELDS (Continued)
Markers and lights (Continued)

- local government to install when, 67-4-314
- permits and variances, requirement, 67-6-207
- restrictions on lights, 67-5-204
- safety devices, maintained as, 67-5-201
- variance areas, installation in, 67-4-314

Municipal airport authorities, Title 67, chapter 11, See **Airport authorities**
Municipal airports

- airport guards or police, 67-10-301
- assistance to other municipalities when, 67-10-203
- charges, 67-10-202
- citation of municipal airports act, 67-10-101
- construction of municipal airports act, uniformity, 67-10-104
- coordination with state and federal operation and design, 67-10-201
- definitions, 67-10-204
- eminent domain proceedings authorized when, 67-6-301, 67-10-102, 67-10-103, 67-10-201, 67-10-205, 67-10-221
- establishment, 67-1-104, 67-2-402, 67-10-102, 67-10-201, 67-10-221, 67-10-303
  - federal or state money, 67-2-403, 67-10-405
  - joint board, 67-10-205
- federal aid applications, 67-10-405
- funding
  - aeronautical loans, 67-1-305 — 67-1-307
  - appropriation and taxation, 67-10-401
  - bonds issued when, 67-10-402
  - federal and state money, disposition, 67-10-405
  - joint authority, 67-10-206
  - joint fund established, 67-10-202
  - reserve fund for runway maintenance, 67-10-402
  - revenue and sale proceeds, disposition, 67-10-404
  - taxation provisions, 67-10-402
- hazards, zoning limitations for, 67-10-231
- joint authority and privileges
  - acquisition of property, 67-10-102
  - board, creation and powers, 67-10-205
  - funding, 67-10-206
  - powers, exercise of, 67-10-204
  - taxation, 67-10-402
- location, 67-10-102
- municipal airport authority, See **Airport authorities**
- “municipality” defined, 67-1-101
- operation and use, 67-10-301 — 67-10-303
  - expenses, 67-10-202
  - runway maintenance, reserve fund, 67-10-402
- powers of municipalities, 67-10-201 — 67-10-203
  - regulatory authority, 67-10-301
  - supplemental, 67-10-207, 67-10-303
- property
  - acquisition, 67-1-104, 67-2-301, 67-2-302, 67-6-301, 67-10-102, 67-10-205, 67-10-221
  - disposal, 67-10-205, 67-10-222, 67-10-404
  - tax exemption on, 67-10-406
- public purpose, 67-10-103
- road construction, 67-10-211
- runway maintenance, reserve fund, 67-10-402
- state facilities, lease of, 67-2-302
- tax exemptions, 67-10-301, 67-10-406

AIRPORTS AND LANDING FIELDS (Continued)
Municipal airports (Continued)

  transportation, department of — assistance in road construction when, 67-10-211
  zoning authority unaffected, 67-10-231, See also **Zoning and hazard regulations**
Noise and vibration
  damages caused by, 67-4-202, 67-4-313
  regulation, criteria and guidelines for, 67-4-203
    amendment, 67-4-204
Operation of airports, See **Airport authorities**; **Municipal airports**
Out-of-state airports, jurisdiction and reciprocity, 67-11-401
Passenger terminals, fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
Pilots, flight plans to be filed when, 67-3-212, See also **AERONAUTICS**, **Licensing**
Police, airport — employment and education standards, 7-32-303
Port authorities, taxation, 67-10-402, See **PORT AUTHORITIES**, **Taxes**
Property
  acquisition
    airport authorities, 67-11-106, 67-11-201, 67-11-204, 67-11-231
    airport zoning act, 67-6-301
    generally, 67-1-104
    municipal airports, 67-10-102, 67-10-205, 67-10-221
    state airports, 67-2-301, 67-2-302
  disposal, 67-11-232
  liens, 67-10-403
  tax exemption, 67-10-406, 67-11-306
Regional airport authorities, Title 67, chapter 11, See **Airport authorities**
Residential subdivisions, effect of influence areas, 67-4-303
State airports
  acquisition or disposal of property, 67-1-104, 67-2-301, 67-2-302
  air carriers property tax, disposition, 67-1-303
  eminent domain proceedings, 67-2-301
  flight plans for flights originating at, 67-3-212
  operation generally, 67-2-302
  security measures, 67-2-302
Subdivisions
  airport land, exemption from provisions when, 76-3-205
  residential, effect of influence areas, 67-4-303
Taxation, See **TAXATION, PROPERTY**
Terminals, fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
Trees, See generally **Height of buildings and structures**; **Influence areas**, **Zoning and hazard regulations**
Violations
  hazard regulations, violations, 67-5-212
  influence areas, violations, 67-4-401
  zoning act violations, 67-6-211
Water ports, establishment, 67-11-201
Workforce drug and alcohol testing, 39-2-205 — 39-2-211
Yellowstone Airport, beer and wine license, 16-4-304
Zoning and hazard regulations
  acquisition of property in lieu of, 67-6-301
  adjustment, board of, 67-6-205 — 67-6-207
  administration of regulations, 67-6-205
  adoption of regulations, procedures, 67-6-201, 67-6-202
  airport authorities act, effect, 67-11-241
  airport authorities, power to establish, 67-11-201
  airport zoning commission, appointment and function, 67-6-202

AIRPORTS AND LANDING FIELDS (Continued)
Zoning and hazard regulations (Continued)

- amendment of regulations, procedures, 67-6-201, 67-6-202
- appeals and judicial review, 67-6-206
- authority not limited, 67-2-301
- board of airport hazard adjustment, See **Local government**
- boundaries of restricted building area, 67-5-201
- building heights, See **Height of buildings and structures**
- citation of airport zoning act, 67-6-101
- commission, appointment and functions, 67-6-202
- conflict
  - ordinances, 67-6-204
  - political subdivisions, between, 67-6-201, 67-6-204
- conformity with existing regulations, 67-6-204
- constitutional limitations, 67-6-103
- creation or establishment of hazards, prevention, 67-6-102, 67-6-201
- definitions, 67-1-101
- emergency landing strips, exemption, 67-5-102
- enforcement, 67-5-211, 67-6-205
- influence areas, effect on, 67-4-304
- injunction to abate violations, 67-6-211
- joint airport zoning boards, 67-6-201 — 67-6-203, 67-6-205
- legislative intent, 67-6-102
- lights, See **Markers and lights**
- local government
  - permits, action on, 67-6-207
  - powers, 67-6-201, 67-6-204, 67-6-301
- markers, See **Markers and lights**
- merger with other ordinances, 67-6-204
- municipal airports
  - acquisition or elimination of hazards, 67-10-103
  - effect on zoning authority, 67-10-231
- nonconforming existing structure, acquisition, 67-5-202
- nuisance, public — hazard as, 67-6-102
- permit for erection of building, 67-5-203
- permit system, 67-6-207
- power to zone, 67-6-201
- purpose of regulations, 67-5-101
- reasonableness required, 67-6-203
- repeal of regulations, procedures, 67-6-201, 67-6-202
- variances, 67-4-313, 67-4-314, 67-6-207

AIR QUALITY
Abatement of pollution, See **Prevention, abatement, and control of pollution**
Actions
- air contaminant sources, establishment of existence of trade secrets, 75-2-105
- emissions — prevention, abatement, and control, 75-2-401
- enforcement, 75-2-412, 75-2-413
- operating permit program, by department, 75-2-218
- personal cause unabridged, 75-2-104

Administration of provisions, 75-2-111
- departmental responsibility, 75-2-112, 75-2-301
- fees, 75-2-220, 75-2-221
- local control programs, 75-2-301

Affidavits required when, 75-2-211, 75-2-421
"Air contaminant" defined, 75-2-103, See **Emissions**
Air Pollution Control Advisory Council, 2-15-2106; Title 75, chapter 2, part 1

AIR QUALITY (Continued)

Air pollutants, reduction, 75-2-215
"Air pollution" defined, 75-2-103
Ambient air quality standards, 75-2-202
Analyses, publication, 75-2-105
Appeal procedures, 75-2-411
  fee assessment, 75-2-211
Asbestos regulation, See **ASBESTOS**
Citation of Clean Air Act of Montana, 75-2-101
Commercial medical waste or commercial hazardous waste, burning, See **Incineration permits**
Compliance with provisions, See also **Noncompliance penalties**
  inspections to ascertain, 75-2-403
  small business stationary source, advisory council, 75-2-107
  voluntary, obtaining, 75-2-401
Construction of air contaminant devices, See **Facility construction, installation, alteration, operation, or use**
Control programs, See also **Prevention, abatement, and control of pollution**
  departmental, 75-2-301
  local, See also **Smoke abatement program**
    federal aid, 75-2-302
    general provisions, 75-2-301
    state aid, 75-2-112, 75-2-302
  support for, 75-2-102
Cooperation regarding, 75-2-112
Definitions, 75-2-103, 75-2-423
Educational programs, 75-2-112
Emergency procedures, 75-2-301, 75-2-402
  energy emergencies, suspension of controls, 90-4-310
Emissions, 75-2-103
  CERCLA, release provisions — exclusions, 75-10-602
  classification of contaminant, 75-2-201
  confidentiality, data and operating permits nonapplicable when, 75-2-105
  continuing study of, 75-2-211
  departmental control, 75-2-301
  emergency procedures, 75-2-402
  fees, 75-2-220, 75-2-221
  incinerators, See **Incineration permits**
  information submittal, requirements and procedures, 75-2-211
  inspections, 75-2-403
  levels, limitations, 75-2-203
  local control programs, limitations, 75-2-301
  motor vehicles, 75-2-112
  noncompliance, See **Noncompliance penalties**
  operating permit program, limitations — incorporation, 75-2-217
  operation of equipment, machines, or devices — prohibited by rule, 75-2-204
  order for corrective action, 75-2-401
  prevention, abatement, or control, See **Prevention, abatement, and control of pollution**
  records concerning, 75-2-105, 75-2-111
  reduction or discontinuance, 75-2-215, 75-2-402
  reports, 75-2-201
  trade secrets, confidentiality when, 75-2-105
  variance from rules, 75-2-212
  workplace, in, Title 50, chapter 70, See **OCCUPATIONAL DISEASE, Workplace emission controls**

AIR QUALITY (Continued)

Energy emergencies, suspension of controls, 90-4-310
Enforcement of provisions, 75-2-111
  fees, 75-2-220, 75-2-221
  injunction, 75-2-412, 75-2-413
  local control programs, 75-2-301
  orders, 75-2-112, 75-2-401
  out-of-state litigants, 75-2-413
  permits, terms and conditions, 75-2-211
  proceedings, 75-2-412, 75-2-413
    noncompliance penalties, effect, 75-2-429
Environmental impact
  analysis, 75-2-112
  statements, 75-2-211, 75-2-212, 75-2-301
Environmental standards, federal regulations or guidelines — comparable stringency requirement, 75-2-207, 75-2-301
Equipment, operation prohibited by rule, 75-2-204
Exemptions, 75-2-212, 75-2-217
Facility construction, installation, alteration, operation, or use, See also **Operating permit program**
  consultations concerning, 75-2-112
  hearings, 75-2-205
  permits for, 75-2-204, 75-2-211
  prohibited when, 75-2-204
  variances, 75-2-212
Facility siting provisions, Title 75, chapter 20, See **FACILITY SITING**
Federal standards, 75-2-203
Fines, disposition, 75-2-412, 75-2-413
Fluorides, ambient air quality standards for, 75-2-202
Funds, 75-2-112, 75-2-206, 75-2-211, 75-2-212
Government
  cooperation, 75-2-112
  local programs, See **Control programs**; **Smoke abatement program**
  responsibilities, distribution, 75-2-102
Grants, 75-2-112, 75-2-206
Hazardous wastes, See **Incineration permits**; **HAZARDOUS WASTES**
Incineration permits
  commercial hazardous waste, 75-2-230, 75-2-231, 75-2-413
  commercial medical waste, exclusion, 75-2-231
  denial or modification, 75-2-233
  disclosure statement required, 75-2-232
  hazardous or solid wastes, 75-2-215, 75-2-216
  medical waste, 75-2-231
  moratorium on certain permits, 75-2-216
  requirements, 75-2-215
Information, dissemination, 75-2-112
Injunction, 75-2-412
Inspections, 75-2-403
Investigations, 75-2-112, 75-2-212
Laboratory facilities, 75-2-112
Limitation of provisions, 75-2-104
Local control programs, See **Control programs**; **Smoke abatement program**
Machine or devise, operation or use prohibited by rule, 75-2-204
Medical waste burning, See **Incineration permits**
Megalandfill siting, Title 75, chapter 10, part 9, See **MEGALANDFILL SITING**

AIR QUALITY (Continued)

Mining operations
  metal mining, suspension — effect, 82-4-341
  reclamation plans, 82-4-231, 82-4-336
Motor vehicles, 75-2-112, See **Emissions**
Noncompliance penalties
  amount
    adjustment, 75-2-424
    deposit, 75-2-427
    determination, 75-2-422, 75-2-425
  challenges, 75-2-425, 75-2-426
  exemptions, 75-2-421, 75-2-425
  hearings, 75-2-421, 75-2-424, 75-2-426
  late charge, 75-2-422
  notice of noncompliance, 75-2-425
  payment, manner of making, 75-2-423
  persons subject to, 75-2-421
  remedies, effect on, 75-2-429
  standards, new — effect on, 75-2-428
Operating permit program, 75-2-217
  air contaminant source, classification and reports, 75-2-201
  application, completeness, 75-2-218
  duration and renewal, 75-2-217
  equipment, machines, or devises — prohibited by rule, 75-2-204
  exemptions, 75-2-217
  fees, 75-2-220, 75-2-221
  limitations, 75-2-219
Penalties, 75-2-220, 75-2-232, 75-2-401, 75-2-412, 75-2-413, See also **Noncompliance penalties**
Permits, 75-2-204, 75-2-211, 75-2-215, 75-2-231
  alteration or transfer, 75-2-211, 75-2-215, 75-2-231, 75-2-232
  applications, 75-2-111, 75-2-211
  compliance, inspections to ascertain, 75-2-403
  denial or modification, 75-2-233
  disclosure statement, 75-2-232
  facility siting act, application under, Title 75, chapter 20, See **FACILITY SITING, Air and water quality**
  fees, 75-2-220, 75-2-221
  incineration, See **Incineration permits**
  local control programs, administration, 75-2-301
  operating permit program, 75-2-217 — 75-2-219
  violations, 75-2-401, 75-2-412, 75-2-413
Policy of state, 75-2-102
Prevention, abatement, and control of pollution
  emissions, See **Emissions**
  energy emergencies, suspension of controls, 90-4-310
  local programs, See **Control programs**; **Smoke abatement program**
  orders for, 75-2-401
  plan for, 75-2-112
  statewide program, 75-2-102
  studies and investigations, 75-2-112
  workplace, in, 50-70-105, See **OCCUPATIONAL DISEASE, Workplace emission controls**
Purpose of provisions, 75-2-102
Records
  advisory council, 75-2-122, 75-2-123

AIR QUALITY (Continued)
Records (Continued)

- air contaminant sources, confidentiality when, 75-2-105
- emissions, concerning, 75-2-111

Regional control programs, See **Control programs**
Renewable resource, protection of air as, Title 85, chapter 1, part 6
Research, 75-2-112
Sanitarians, authority, 37-40-101
Services concerning, 75-2-112
Small Business Compliance Assistance Advisory Council, 2-15-2110, 75-2-106
Small business stationary source, 75-2-103

- exceptions, 75-2-108
- fees, supporting, 75-2-220
- noncompliance penalties, 75-2-421, 75-2-422
- representative, duties, 75-2-106, 75-2-109
- technical and environmental compliance assistance program, 75-2-107
- waivers, 75-2-108

Smoke abatement program

- bond issues, 7-31-101, 7-31-112
  - authorization, 7-31-101, 7-31-106, 7-31-107
  - city or town, 7-31-107, 7-31-111
  - county, 7-31-106, 7-31-111
  - disposition, 7-31-113
  - election, 7-31-106, 7-31-107
    - conduct, 7-31-109
    - effect, 7-31-110
    - expenses, 7-31-111
    - notice, 7-31-108
  - payment, 7-31-116
- contractor's bond, 7-31-104, 7-31-110
- contracts, 7-31-103
  - modification, 7-31-105
  - petition, 7-31-102, 7-31-106, 7-31-107

Smoking areas in public places, designation, Title 50, chapter 40, See **SMOKING AND SMOKERS**
Solid waste, See **Incineration permits**; **SOLID WASTE MANAGEMENT**
Standards

- ambient air quality, 75-2-202
- noncompliance penalty, effect on, 75-2-428

Stationary source, 75-2-103, See **Operating permit program**; **Small business stationary source**
Studies, 75-2-112, 75-2-206
Summaries, publication, 75-2-105
Sulfur dioxide, study of effects, 75-2-206
Training programs, 75-2-112
Variances, 75-2-212
Violations, 75-2-217, 75-2-232, 75-2-233, 75-2-401, 75-2-412, 75-2-413
Workplace, in, Title 50, chapter 70, See **OCCUPATIONAL DISEASE**, **Workplace emission controls**

ALCOHOL FUELS
Alcohol Tax Incentive and Administration Act of 1983, Title 15, chapter 70, part 5

ALCOHOLIC BEVERAGES
Abuse of and dependency, See **CHEMICAL DEPENDENCY**
Actions

- beer brewer, importer, and wholesaler disputes — forum, 16-3-222
- beer tax, nonpayment by brewer or wholesaler — collection, 16-1-409

ALCOHOLIC BEVERAGES (Continued)
Actions (Continued)

  boating, waterskiing, or surfboarding under the influence of, 23-2-535
  driving under the influence of, 61-8-401, 61-8-404
  flying under the influence of, 67-1-211
  misdemeanor actions, jurisdiction of courts, 16-6-201
  nuisance abatement, 16-6-313
  purveyors, liability for injuries involving consumption, 27-1-710
  table wine distribution violations, to enjoin, 16-3-421
  table wine supplier and distributor disputes, forum, 16-3-416
Administration of laws, 16-1-301 — 16-1-303
Advertising, 16-2-101, 16-3-103, 16-3-241, 16-3-244, 16-4-420
Affidavits, 16-6-313
Agency liquor stores, 16-1-106, 16-2-101
  advertising, 16-3-103
  agency franchise agreements, 16-1-106, 16-2-101, 18-4-313
  commissions, 16-2-101
  consumption on premises prohibited, 16-2-107
  damaged or defective merchandise, disposal, 16-1-304
  definitions, 16-1-106
  employees, 16-1-304, 16-2-105, 16-2-107
  establishment, 16-1-302, 16-2-101
  hours of business, 16-1-303, 16-2-104, 16-2-105
  licensees' sale of liquor not purchased from, unlawful, 16-6-303
  lien of state on inventory, 16-2-110
  management and supervision, 16-1-301
  number and location, 16-2-109
  open containers on premises prohibited, 16-2-107
  prices, how fixed, 16-1-303, 16-2-101
  purchase price of liquor, 16-2-101
  rules for, 16-1-303, 16-2-105, 16-2-106
  sales
    confiscated beverages, 16-6-106, 16-6-107
    credit limitations, 16-2-106, 16-2-203
    discounts when, 16-2-201
    invoice procedures, 16-2-103
    place and time, restrictions, 16-2-105
    policy of state, 16-1-103
    posted price, 16-2-203
      less than, sale unlawful, 16-3-307
    solicitation, 16-3-103
  secured transactions, liquor excluded from, 30-9-104
  table wine, 16-2-101, 16-2-106, 16-2-301, 16-3-403
  transporting beverages to or from, 16-3-106
  variety of liquor for sale, determination, 16-1-303
  withdrawal of merchandise prohibited when, 16-1-304
Age restrictions, 16-3-301, 16-3-305; Const., II, 14
  misrepresentation of age, 16-3-301, 16-6-305, 61-5-206
Aircraft, operation under the influence, 53-24-106, 67-1-204, 67-1-211
Airlines, See **Carriers**
Alcoholism, See **CHEMICAL DEPENDENCY**
Amusement ride operators or passengers not to be under the influence, 27-1-743, 27-1-744
Beer brewers, importers, and wholesalers
  advertising restrictions, 16-3-241, 16-3-244
  carriers, 16-1-102, 16-3-104, 16-3-232, 16-3-235, See also **Carriers**
  consumption on premises, 16-3-213, 16-3-214, 16-3-234

ALCOHOLIC BEVERAGES (Continued)
Beer brewers, importers, and wholesalers (Continued)

  contracts, agreements, and franchises
    "distribute" defined, 16-3-218
    evidence of relationship, 16-3-224
    filing, 16-3-226
    illegal acts, 16-3-221
    injunction when, 16-3-225
    mandatory provisions, 16-3-222
    purpose of provisions, 16-3-217
    service obligations of wholesalers, 16-3-220
    transfer of wholesaler's interest, 16-3-223
  definitions, 16-1-106, 16-3-213, 16-3-218
  dock sales restricted, 16-3-219
  fixtures furnished by, restrictions, 16-3-241
  imported beer, 16-3-201, 16-3-214, 16-3-230, 16-3-235, 16-4-101, 16-6-104
  inspection of books and premises, 16-3-211, 16-3-230, 16-3-231, 16-4-406
  licenses, See **Licenses and licensing**
  lien upon property when, 16-1-409
  location, city regulation, 7-21-4204
  policy of state, 16-1-201
  purchases by wholesalers from brewers and importers, 16-3-212
  records, 16-3-230
  report requirements, 16-3-211, 16-3-231
  retailers, 16-3-219, 16-3-242, 16-3-243, 16-3-301
  retail sales unlawful when, 16-3-213
  sales, 16-3-212 — 16-3-214, 16-3-217, 16-3-219, 16-3-230, 16-3-232, 16-3-233, 16-3-301
  sample rooms, 16-3-213, 16-3-214
  scope of alcoholic beverage code, 16-3-101, 16-3-103
  small breweries, 16-3-213, 16-3-214
  storage depots, 16-1-106, 16-3-214, 16-3-230, 16-4-102, 16-4-501
  subwarehouses, 16-1-106, 16-3-230, 16-4-103, 16-4-501
  tax returns, payment, and penalty for failure to make, 16-1-406, 16-1-409
  unlawful acts, 16-3-213, 16-3-221
  warehouses, 16-1-106, 16-3-219, 16-3-230, 16-4-103, 16-4-501, See also **Warehouses**
Beer generally
  advertising restrictions and exceptions, 16-3-241, 16-3-244
  alcoholic content, 16-3-201, 16-3-211, 16-3-231, 16-3-244, 16-4-104
  carriers, See **Carriers**
  containers, See **Containers**
  defined, 16-1-106
  licenses, See **Licenses and licensing**
  liquor, defined as, 16-1-102
  manufacture, importation, sale, or possession — regulations, 16-1-102, 16-3-201
  personal brewing, 16-3-201, 16-6-301
  policy of state, 16-1-102
  sales, 16-1-102, 16-3-103, 16-3-201, 16-3-202, 16-3-302
  taxation, 16-1-406, 16-1-409, See also **Taxation**
  transporting, 16-1-102, 16-3-106
Beer retailers, See also **Retail establishments**
  advertising, 16-3-241, 16-3-244
  brewers, importers, and wholesalers
    credit limitations, 16-3-243, 16-4-404
    dock sales restricted, 16-3-219
    financial interest by, prohibited, 16-3-242
    fixtures or advertising furnished by, restrictions, 16-3-241, 16-3-244
    purchases from, 16-3-232, 16-3-301

ALCOHOLIC BEVERAGES (Continued)
Beer retailers (Continued)
  brewers, importers, and wholesalers (Continued)
    service obligations of wholesalers, 16-3-220
  consumption on or off premises, 16-3-302, 16-3-303
  inspections, 16-4-104, 16-4-406, 16-6-103
  licenses, See **Licenses and licensing**
  unlawful practices, 16-3-301, See also **Violations**
Blood testing requirements, Title 61, chapter 8, part 4
Boating, waterskiing, or surfboarding under the influence, 23-2-523, 23-2-535, 53-24-106
Bottle clubs prohibited, 16-6-306
Bottles, 16-3-308, 16-3-411, See also **Containers**
Bus depots, restrictions, 16-3-305
Carriers
  beer, 16-1-102, 16-3-104, 16-3-232, 16-3-235
  inspections, 16-6-103, 16-6-108, 16-6-109
  passenger carriers, 16-1-402, 16-1-403, 16-4-302, 16-4-501
  records, 16-3-235, 16-3-405, 16-6-108, 16-6-109
  table wine, 16-3-403, 16-3-405
  transporting beverages, 16-1-102, 16-1-303, 16-3-106, 16-3-405
Cities and towns
  agency liquor stores, See **Agency liquor stores**
  beer tax, disposition of revenue, 16-1-406
  brewery and distillery location, regulation, 7-21-4204
  licenses
    all-beverages, 16-4-201
    golf course beer and wine, 16-4-109
    issuance, ordinances to restrict — prohibited, 16-3-309
    local licenses and fees, 16-4-503
    restaurant beer and wine license, 16-4-420 — 16-4-423
    retail beer or wine, 16-4-105
    table wine distributor's license fee prohibited, 16-4-108
  liquor license tax revenue, disposition and use, 16-1-404, 16-1-405
  resort tax, 7-6-1501 — 7-6-1509
  retail establishments, See **Retail establishments**
  sales, ordinances to prohibit, 16-3-309, 16-4-405
Code, Montana Alcoholic Beverage
  administration, Title 16, chapter 1, part 3
  chapters, enumeration, 16-1-105
  citation, 16-1-101
  construction, 16-1-101, 16-1-104
  enforcement, 16-1-405; Title 16, chapter 6
  exemptions, 16-1-201 — 16-1-203
  scope, 16-1-201 — 16-1-205, 16-3-101
Concealed weapons, carrying
  prohibited place, in, 45-8-328
  under the influence, while, 45-8-327
Confiscation, 16-3-402, 16-6-102, 16-6-104 — 16-6-107
Consumption
  county option, 16-1-205
  golf courses, at, 16-3-302
  hotels, restrictions, 16-3-105
  innkeepers, unlawful consumption by guests — effect, 70-6-513
  liability for injuries involving, 27-1-710
  off premises
    agency liquor stores, table wine, 16-2-101
    beer retailers, 16-3-303
    licenses and fees, 16-3-310, 16-4-115, 16-4-401, 16-4-501

ALCOHOLIC BEVERAGES (Continued)
Consumption (Continued)
  off premises (Continued)
    restaurant beer and wine license, 16-4-420
    wineries, domestic, 16-3-411
  on premises
    agency liquor stores, prohibited, 16-2-107
    arts organizations, nonprofit — at exhibitions, presentations, or performances, 16-4-303
    beer brewers, when, 16-3-213, 16-3-214
    beer retailers, 16-3-302
    beer wholesalers, unlawful, 16-3-234
    drug stores, prohibited, 16-6-307
    indian tribal licensees, 16-4-110
    license requirements, 16-4-401
    military reservation enlisted men's or officers' clubs, 16-4-110
    retail establishments, suitable premises, 16-3-311
    table wine distributors, unlawful, 16-3-403
    wine license amendment, 16-4-105
    wineries, domestic, 16-3-411
  possession, consumption constitutes when, 45-5-624
  retail establishments, restrictions, 16-3-304, 16-3-305
  transporting beverages, 16-3-106
  warranty of merchantability, 30-2-314
  wineries, domestic — at, 16-3-411
Containers
  "barrel" defined, 30-12-101
  beer, 16-1-406, 16-3-302, 75-10-301 — 75-10-303
  bottles, 16-3-308, 16-3-411
  damaged or defective merchandise, 16-1-304
  detachable openings prohibited, 75-10-301 — 75-10-303
  open containers unlawful when, 16-2-107, 16-3-106
  "package" defined, 16-1-106
  packaging, how determined, 16-1-302
  seizure, 16-6-104 — 16-6-107
  wineries, 16-3-411, 16-4-107
Counties
  fairs, beer sales, 16-3-103, 16-4-111, 16-4-204, 16-4-301, 16-4-501
  licenses
    all-beverages, 16-4-201
    golf course beer and wine, 16-4-109
    issuance, ordinances to restrict — prohibited, 16-3-309
    local licenses and fees, 16-4-503
    protests, 16-4-207
    retail beer, 16-4-105
  liquor license tax revenue, disposition and use, 16-1-404, 16-1-405
  retail establishments, proximity of churches and schools — ordinances limiting, 16-3-306
  sales and consumption, option to prohibit, 16-1-205, 16-3-309
Credit limitations, 16-2-106, 16-2-203, 16-3-243, 16-3-406, 16-4-404
Criminal proceedings, release of defendant — conditions, 46-9-108
Definitions, 16-1-106
  barrel, 30-12-101
  based on population, 16-1-411
  bottle club, 16-6-306
  control, 16-4-202
  default and liquor license, 16-4-801
  distribute, 16-3-218
  intoxicating quantity, 16-6-305
  intoxicating substance, 45-2-101

ALCOHOLIC BEVERAGES (Continued)
Definitions (Continued)

- licensed activity and pending planning, annexation, and zoning ordinances, 16-4-203
- Montana heritage retail alcoholic beverage licenses, 16-4-305
- nonprofit arts organization, 16-4-303
- resort area, 16-4-202
- restaurant, 16-4-420
- small brewery, 16-3-213
- table wine, 16-1-411, 16-2-301, 16-3-418
- table wine distributor provisions, 16-1-106, 16-3-415
- vendor, 16-3-107
- workforce drug and alcohol testing provisions, 39-2-206

Distillers, 7-21-4204, 16-1-201, 16-1-304, 16-3-101
Distribution, 16-1-101 — 16-1-104, 16-1-304, 16-3-101, 16-4-107; Title 16, chapter 3, part 4
Dram Shop Law, 27-1-710
Driver's license, alteration or unauthorized use to obtain, 61-5-206
Driving under the influence, Title 61, chapter 8, part 4, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
Drugs

- health care professionals — exemption for prescribing, preparing, or administering, 16-1-203, 16-6-305
- label to state alcohol content, 50-31-306
- restrictions, 16-1-202, 16-6-301, 16-6-305, 16-6-308

Drugstores, See **Pharmacies**
Employees, departmental, 16-1-303, 16-1-304
Enforcement, 16-1-405; Title 16, chapter 6
Evidence

- agency franchise agreement, adjusted commission percentage inadequacy, 16-2-101
- analyst's report, prima facie evidence of contents, 16-6-207
- beer — brewers, importers, and wholesalers
  - contractual or franchise relationship, 16-3-224
  - licensing requirements, 16-3-214
  - wholesaler classifications, 16-3-221
- beverage and packaging, illegal — kept as evidence when confiscated, 16-6-104, 16-6-105
- circumstantial evidence, 16-6-205
- inferences, 16-6-208, 16-6-209
- licenses and licensing
  - applications, consignment to private courier when, 16-4-105
  - grocery stores or pharmacies, suitability of premises, 16-4-115
  - public convenience and necessity, 16-4-203
  - requirements, 16-3-214, 16-4-101
  - retail establishments, denial, 16-4-405, 16-4-413
- liquor excise tax accounting methods, presumption of purchases outside state and sold for consumption within state, 16-1-403
- offenses, parties to, 16-6-310, 16-6-311
- sales, legal age — presumption, 16-3-301
- violations, proof of, 16-6-206

Federal laws, applicability, 16-1-106, 16-1-201, 16-1-202, 16-3-308, 16-4-407
Flying under the influence, 53-24-106, 67-1-204, 67-1-211
Food, Drug, and Cosmetic Act — applicability of laws, 50-31-103
Food establishments, 16-3-305, 16-3-306, 16-4-105, 16-4-210, 16-4-420 — 16-4-423, 16-4-501
Golf courses, 16-3-302, 16-4-109
Grocery stores, 16-2-101, 16-3-305, 16-4-115, 16-4-402, 16-4-501, 45-5-624
Hard cider, 16-1-106

- distribution, 16-3-418
- taxation, 16-1-411

Health care professionals, alcohol and related substances administered by, 16-1-203, 16-6-305

ALCOHOLIC BEVERAGES (Continued)

Hospitals and related facilities or institutions, allowances and restrictions, 16-1-204, 16-6-309, 53-1-103
Hotels, restrictions, 16-3-105, 16-3-305, 16-3-306
Hours of business
  agency liquor stores, 16-1-303, 16-2-104
  restaurant beer and wine license, sales prohibited when, 16-4-422
  retail establishments, 16-3-304, 16-3-305
Identification cards, false procurement or alteration, 16-6-305, 61-5-206
Importation
  beer, 16-3-201, 16-3-214, 16-3-230, 16-3-235, 16-4-101
  "import" defined, 16-1-106
  investigations, 16-6-101
  licenses permitting, criteria, 16-4-401
  limitations, 16-1-104, 16-6-301
  liquor, 16-1-201, 16-1-302, 16-1-304
  table wine, See **Table wine**
  wineries, domestic, 16-3-411
Innkeepers
  eviction of guests, 70-6-511
  refusal of services, 70-6-512
  unlawful consumption or possession by guests, effect, 70-6-513
Injunctions
  beer brewer, importer, or wholesaler franchise cancellation — to prevent, 16-3-225
  nuisance abatement, 16-6-313
  table wine distribution violations, 16-3-421
Inspections
  beer brewers, importers, and wholesalers, 16-3-211, 16-3-230, 16-3-231
  beer retailers, 16-4-104
  carriers, 16-6-103, 16-6-108, 16-6-109
  retail licensees, 16-2-103, 16-6-103
  rules for, 16-1-303
  table wine distributors, 16-3-402, 16-3-404
Investigations, investigators, and prosecuting officers, 16-1-304, 16-4-115, 16-4-207, 16-4-402, 16-4-406, 16-6-101 — 16-6-106
  contracts for investigative services, 16-1-302
Liability
  parent, guardian, or other person — for damages involving sale or provision to minor, 16-6-305
  parties to offenses, 16-6-305, 16-6-310, 16-6-311
  professional employer organizations and groups, liquor liability insurance, 39-8-207
  purveyors, for injuries involving consumption, 27-1-710
Licenses and licensing
  all-beverages licenses, 16-3-103, 16-3-219, 16-3-302, 16-3-306, 16-3-418, 16-4-201, 16-4-203 — 16-4-205, 16-4-207, 16-4-301, 16-4-302, 16-4-305, 16-4-501, 16-4-503, 23-5-119
    agency liquor stores open on mondays, petition by licensees for, 16-2-104
    airports, 16-4-203, 16-4-208, 16-4-501
    resort retail, 16-4-202, 16-4-203, 16-4-210, 16-4-501
      tour boat endorsement, 16-4-210
  appeals, 16-4-411, 16-4-412
  applications, criteria for decision on, 16-4-203, 16-4-207, 16-4-401 — 16-4-403, 16-4-412, 16-4-420
  arts organizations, nonprofit — special beer and table wine license, 16-4-303, 16-4-501
  beer and wine, 16-3-302, 16-4-105, 16-4-109, 16-4-111, 16-4-115, 16-4-301, 16-4-303 — 16-4-305, 16-4-402, 16-4-501, 23-5-119
    restaurant beer and wine, 16-4-420 — 16-4-423

ALCOHOLIC BEVERAGES (Continued)
Licenses and licensing (Continued)

- beer brewers, importers, and wholesalers, 16-3-213, 16-3-214, 16-3-243, 16-4-101 — 16-4-103, 16-4-106, 16-4-501
- beer manufacture, import, or sale — application and fee, 16-4-101
- beer, retail sales, 16-3-103, 16-3-243, 16-3-306, 16-3-310, 16-4-101, 16-4-104, 16-4-105, 16-4-109 — 16-4-111, 16-4-115, 16-4-203, 16-4-204, 16-4-207, 16-4-301, 16-4-402, 16-4-501, 16-4-503, 23-5-119
- business entity ownership, changes in — approval required, 16-4-415
- catering endorsement, 16-3-103, 16-4-111, 16-4-204, 16-4-402
- census as basis for determination of quotas, 16-4-502
- conditional approval, 16-4-402, 16-4-405
- contents, 16-4-404
- criteria, Title 16, chapter 4, part 4
- denial, 16-4-207, 16-4-402, 16-4-405, 16-4-413, 16-4-420, 16-4-421
- discrimination, 49-2-304, 49-3-204
- display, 16-4-101, 16-4-103, 16-4-104, 16-4-108, 16-4-404
- fees, 16-1-303, 16-2-108, 16-3-214, 16-3-310, 16-4-101 — 16-4-105, 16-4-108, 16-4-111, 16-4-115, 16-4-204, 16-4-210, 16-4-301, 16-4-402, 16-4-407, 16-4-420, 16-4-501, 16-4-503
- fingerprint requirements, 16-4-403
- food establishments
  - restaurant beer and wine license, 16-4-420 — 16-4-423
  - wine license amendment, 16-4-105, 16-4-501
- fraternal organizations
  - all-beverages licenses, 16-4-201, 16-4-501
  - beer and wine licenses, 16-4-105, 16-4-501
  - discrimination provisions, exemption, 49-2-304, 49-3-204
  - location of building, 16-3-306
  - special permits, 16-4-301, 16-4-501
- gambling licenses or permits, 23-5-117, 23-5-119, 23-5-306, 23-5-502, 23-5-611, 23-5-629
- golf courses, 16-3-302, 16-4-109
- grocery stores, beer or wine license, 16-4-115, 16-4-402, 16-4-501
- hearings
  - airport all-beverages license, issuance, 16-4-208
  - applications, on, 16-4-207, 16-4-402
  - denial of license, 16-4-405, 16-4-413, 16-4-421
  - protests, 16-4-207, 16-4-404, 16-4-405
  - public convenience and necessity, determination, 16-4-203, 16-4-204
  - resort area, determination and boundary changes, 16-4-202
  - restrictions, special, 16-1-302
  - special permits, not required, 16-4-301
  - transfer of license, 16-4-203, 16-4-204
  - violations by licensees, 16-4-406
- indian tribal licensees
  - all-beverages license, 16-4-204, 16-4-209
  - beer licenses, 16-4-110
- innkeepers, effect of unlawful consumption or possession by guests, 70-6-513
- investigation of applicants or licensees, 16-4-115, 16-4-207, 16-4-402, 16-4-406, 16-6-101
- issuance, 16-1-103, 16-1-302 — 16-1-304, 16-3-309, 16-4-203, 16-4-304, 16-4-407, 16-4-420
- lapse provision, 16-3-310
- letter of credit in lieu of fee, 16-4-402, 16-4-501
- local licenses and fees, 16-4-503
- local ordinances to restrict number issued, 16-3-309
- military reservation enlisted men's or officers' clubs
  - all-beverages licenses, 16-4-201, 16-4-209
  - beer license, 16-4-110
- Montana heritage retail alcoholic beverage licenses, 16-4-305

ALCOHOLIC BEVERAGES (Continued)
Licenses and licensing (Continued)

- moratorium on issuance, 16-4-413
- nonuser status when, 16-4-801
- passenger carrier licenses, 16-4-302, 16-4-501
- pharmacies, beer or wine license, 16-4-115, 16-4-402, 16-4-501
- privilege, issuance as, 16-4-401, 16-4-404
- protests, 16-4-207, 16-4-404
- public convenience and necessity, 16-4-105, 16-4-202 — 16-4-204, 16-4-207, 16-4-208, 16-4-404, 16-4-405
- quota system, 16-4-105, 16-4-109, 16-4-110, 16-4-201, 16-4-202 — 16-4-204, 16-4-207, 16-4-209, 16-4-305, 16-4-420, 16-4-501, 16-4-502
- renewal, 16-3-306, 16-4-105, 16-4-201, 16-4-402, 16-4-406 — 16-4-408, 16-4-421, 16-4-501, 70-6-513
- restaurant beer and wine license, 16-4-420
  - denial, 16-4-421
  - prohibited practices, 16-4-423
  - sale of beer and wine prohibited when, 16-4-105, 16-4-422
- restrictions, special, 16-1-302
- revocation, 16-4-115, 16-4-402, 16-4-404, 16-4-406 — 16-4-408, 16-4-411, 16-4-412, 16-4-801, 16-6-303, 16-6-314, 70-6-513
- rules for, 16-1-303
- sale of license, 16-4-202, 16-4-404, 16-4-420, 16-4-801
- sales without license unlawful, 16-6-302
- security interest in, 16-4-801
- special permits and licenses, 16-3-103, 16-3-411, 16-4-301 — 16-4-305, 16-4-402, 16-4-501
- suspension, 16-4-115, 16-4-404, 16-4-406 — 16-4-408, 16-4-411, 16-4-412, 70-6-513
- table wine distributors, 16-4-106, 16-4-108, 16-4-501
- table wine retailers, 16-4-105, 16-4-106, 16-4-115, 16-4-402, 16-4-501
- table wine, special permits or licenses, 16-4-301, 16-4-303, 16-4-501
- transfer, 16-4-106, 16-4-109, 16-4-110, 16-4-202 — 16-4-205, 16-4-207, 16-4-209, 16-4-401, 16-4-402, 16-4-404, 16-4-411 — 16-4-413, 16-4-415, 16-4-420, 16-4-501, 16-4-801, 23-5-119
- veterans organizations
  - all-beverages licenses, 16-4-201, 16-4-501
  - beer and wine licenses, 16-4-105, 16-4-501
  - special permits, 16-4-301, 16-4-501
- wine license amendment, 16-4-105, 16-4-305, 16-4-501
- wineries, domestic, 16-3-411
- yellowstone airport, beer and wine license, 16-4-304

Liquor
- advertising restrictions and exemptions, 16-3-103
- agency liquor stores, See **Agency liquor stores**
- bottles, refilling prohibited, 16-3-308
- definitions, 16-1-102, 16-1-106, 30-12-101
- elections, illegal influence or consideration, 13-35-214, 13-35-215
- importation, 16-1-201, 16-1-302, 16-1-304
- markup, 16-1-402 — 16-1-404
- price
  - advertising restrictions, 16-3-103
  - agency liquor stores, 16-2-101, 16-2-203
  - discounts when, 16-2-201
  - discrimination, nonapplicability, 30-14-901
  - fixing, 16-1-303, 16-2-101
  - posted price, 16-1-103, 16-1-106, 16-2-101, 16-2-201, 16-2-203, 16-3-307
  - retail price, 16-1-106, 16-2-101
  - taxes, computation, 16-1-403, 16-1-404

ALCOHOLIC BEVERAGES (Continued)
Liquor (Continued)

professional employer organizations and groups, liquor liability insurance, 39-8-207
sales, 16-1-103, 16-1-201, 16-1-302, 16-1-303, 16-2-108, 16-2-201, 16-2-203, 16-3-107
transporting, 16-3-106
vendors, resident representative required, 16-3-107
wineries, domestic — purchase by, 16-3-411
Malting barley facility machinery and equipment, tax on
classification and rate, 15-6-136
exemption, 15-6-220
Manufacture of, 16-1-101, 16-1-102, 16-1-201, 16-1-303, 16-1-304, 16-3-101, 16-4-401, 16-6-301, 16-6-312, 16-6-313
Marriage
invalidity, declaration of — when, 40-1-402
licenses not issued to applicants under the influence, 40-1-210
Medicines, restrictions, 16-1-202, 16-6-301, 16-6-305, 16-6-308
Minors
bartenders, prohibited as, 39-2-306
jurisdiction of courts, 41-5-203
misrepresentation of age unlawful, 16-3-301, 16-6-305, 16-6-314, 61-5-206
possession or attempt to purchase unlawful, 16-3-301, 16-6-305, 16-6-314, 45-5-624
selling or providing to, unlawful when, 16-3-301, 16-6-305, 16-6-314, 27-1-710, 45-5-622, 45-5-623
youth in need of supervision, 41-5-103
Neglect
beer brewers or wholesalers, nonpayment of tax, 16-1-409
carriers, submission of records for inspection, 16-6-109
Nuisance, public, 16-6-312, 16-6-313
Open containers unlawful when, 16-2-107, 16-3-106
Out-of-state purchases, limitations, 16-6-301
Packaging, See **Containers**
Passenger carriers, 16-1-402, 16-1-403, 16-4-302, 16-4-501, See also **Carriers**
Pharmaceutical compounds, restrictions, 16-1-202, 16-6-301, 16-6-305, 16-6-308
Pharmacies
administering or sale of compounds containing alcohol, 16-1-203
beer or wine sales, retail licenses for, 16-4-115, 16-4-402, 16-4-501
consumption on premises prohibited, 16-6-307
drugs and medicines, restrictions, 16-1-202, 16-6-301, 16-6-305, 16-6-308
retail establishments operated with, sale of beverages, 16-3-305
Pharmacy, Board of — authority not applicable, 50-32-104
Policy of state, 16-1-101 — 16-1-103, 16-3-401
Possession
beer, policy of state, 16-1-102, 16-3-201
consumption constitutes when, 45-5-624
criminal laws limitation, 53-24-106
innkeepers, unlawful possession by guests — effect, 70-6-513
investigations, 16-6-101
unlawful when, 16-3-301, 16-6-301, 16-6-305, 16-6-314, 45-5-624
Powers and duties of Department of Revenue, Title 16, chapter 1, part 3
Price, See **Liquor**; **Table wine**
Property and money of Department of Revenue, title to, 16-1-305
Prosecution of violations
appeal procedures, 16-6-202
defense need not be negatived, 16-6-204
description of offenses, 16-6-203, 16-6-204
evidence, 16-6-205 — 16-6-207, 16-6-209
inferences, 16-6-208, 16-6-209

ALCOHOLIC BEVERAGES (Continued)
Prosecution of violations (Continued)

- investigators and prosecuting officers, 16-6-101 — 16-6-106
- jurisdiction of courts, 16-6-201
- proof of violations, 16-6-206
- search and seizure, 16-6-102, 16-6-104 — 16-6-107

Purchase, unlawful attempt to, 45-5-624
Railroads, 16-3-305, See also **Carriers**
Rectifiers, 16-1-201, 16-1-304, 16-3-101
Residence requirements
- license, 16-4-401
- liquor vendors' representatives, 16-3-107

Retail establishments, See also **Beer retailers**
- advertising restrictions, 16-3-103, 16-3-241, 16-3-244
- age, misrepresentation unlawful, 16-6-305, 61-5-206
- agency liquor stores, purchases from
  - invoice procedures, 16-2-103
  - posted price, at, 16-2-203
  - sale of liquor not purchased from, unlawful, 16-6-303
- bartenders, minors prohibited as, 39-2-306
- bottles, refilling prohibited, 16-3-308
- churches, proximity to, 16-3-306
- cigarette vending machines, 16-11-306
- concealed weapon, carrying in, 45-8-328
- credit limitations, 16-2-106, 16-2-203
- dice games, 23-5-112, 23-5-160
- discriminatory practices, See **DISCRIMINATION, Public accommodations**
- fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION,** generally
- food service establishments, 50-50-102, See **FOOD ESTABLISHMENTS**
- gambling licenses or permits
  - live card game tables, 23-5-119, 23-5-306
  - operator's license, 23-5-117
  - sports pools and sports tab games, 23-5-119, 23-5-502
  - video gambling machines, 23-5-119, 23-5-611, 23-5-629
- hours of business, 16-3-304, 16-3-305
- inspections when, 16-1-303, 16-4-406, 16-6-103, See also **FOOD ESTABLISHMENTS**
- intoxicated persons, selling or providing alcohol to, 16-3-301, 16-6-304, 27-1-710
- liability for injuries involving consumption, 27-1-710
- licenses, See **Licenses and licensing**; **FOOD ESTABLISHMENTS**
- liquor sales, state policy, 16-1-103
- local ordinances, 16-1-205, 16-3-304, 16-3-309, 16-4-405
- races between animals, 23-5-502
- resort tax, applicability, 7-6-1501 — 7-6-1509
- right to work provisions, exclusion, 39-33-104
- rules for, 16-1-303
- sales prohibited or unlawful when, 16-3-301, 16-3-307, 16-3-309, 16-6-303, 16-6-305
- schools, proximity to, 16-3-306
- smoking in, 50-40-104, 50-40-107
- suitable premises, 16-3-311
- video gambling machines, placement, 23-5-603
- violations of alcoholic beverage code, 16-6-314

Revenue, disposition, 15-1-501, 16-1-305, 16-1-306, 16-2-108, 16-4-501
Rules, 16-1-106, 16-1-302, 16-1-303
- agency liquor stores, 16-1-303, 16-2-105, 16-2-106
- analyst's report as prima facie evidence of contents, 16-6-207

ALCOHOLIC BEVERAGES (Continued)
Rules (Continued)

- beer brewers, importers, and wholesalers
  - contracts, agreements, and franchises, 16-3-221
  - licensing, 16-3-214
- carriers, transporting beverages, 16-3-106
- compliance, inspections to determine, 16-6-103
- dispensation of beverages, 16-3-101
- licenses and licensing, 16-3-214, 16-4-105, 16-4-109, 16-4-110, 16-4-115, 16-4-201, 16-4-208, 16-4-209, 16-4-402, 16-4-406, 16-4-420
- liquor
  - advertising, for, 16-3-103
  - retail sale, 16-1-103
- manufacture of beverages, 16-1-201
- resort area, determination, 16-4-202
- sales solicitation, 16-3-103
- violation, 16-4-406

Sales
- agency liquor stores, at, See **Agency liquor stores**
- arts organizations, nonprofit — by, when, 16-4-303
- beer brewers, importers, and wholesalers, See **Beer brewers, importers, and wholesalers**
- beer generally, 16-1-102, 16-3-103, 16-3-201, 16-3-202, 16-3-302
- beer retailers, 16-3-301
- bottles, refilling prohibited, 16-3-308
- canvassing unlawful, 16-3-103
- confiscated beverages, 16-6-106, 16-6-107
- conflict of interest, 16-1-304
- credit limitations, 16-2-106, 16-2-203
- criminal laws limitation, 53-24-106
- golf courses, at, 16-3-302
- illegal, premises declared nuisance, 16-6-312, 16-6-313
- investigations, 16-6-101
- legal age, presumption, 16-3-301
- licenses, without — unlawful, 16-6-302
- liquor, 16-1-103, 16-1-201, 16-1-302, 16-1-303, 16-2-108, 16-2-201, 16-2-203, 16-3-103, 16-3-107, 16-6-303
- local ordinances, 16-1-205, 16-3-309
- policy of state, 16-1-101 — 16-1-104, 16-3-401
- retail establishments, prohibited or unlawful when, 16-3-307, 16-3-309, 16-6-305
- solicitation unlawful when, 16-1-304, 16-3-103
- table wine, 16-1-201, 16-2-301, 16-3-403
- tour boats, restrictions, 16-4-210
- unlawful when, 16-3-307, 16-3-308, 16-6-301, 16-6-303, 16-6-305
- warranty of merchantability, 30-2-314
- wineries, domestic, 16-3-411

Samples for testing purposes, requirements, 16-1-304
Search and seizure, 16-3-402, 16-6-102, 16-6-104 — 16-6-107, 16-6-301
Secured transactions
- applicability of provisions, 30-9-203
- licenses
  - persons filing security interest, fingerprint requirements, 16-4-403
  - security interest in, 16-4-801

Table wine
- agency liquor stores, 16-2-101, 16-2-106, 16-2-203, 16-2-301
- alcoholic content analyzed when, 16-3-404
- carriers, reports, 16-3-405

ALCOHOLIC BEVERAGES (Continued)
Table wine (Continued)

- citation of wine distribution act, 16-3-401
- definitions, 16-1-106, 16-1-411, 16-2-301, 16-3-218, 16-3-415, 16-3-418
- distribute, 16-3-218
- distributors
  - agreement of distributorship, 16-3-415 — 16-3-421
  - appointments, dual, 16-3-418
  - beer, sale allowed when, 16-4-108
  - domestic wineries, 16-3-411
  - financial interest in retailers prohibited, 16-3-406
  - hard cider, distribution, 16-3-418
  - inspections, 16-3-402, 16-3-404
  - licenses, 16-4-106, 16-4-108, See also **Licenses and licensing**
  - records, 16-3-402
  - reports, 16-3-404
  - sales, 16-3-219, 16-3-403
  - subwarehouses, 16-3-402, 16-4-108, 16-4-501
  - tax, 16-1-411, 16-2-301
  - warehouses, 16-1-411, 16-3-219, 16-3-402, 16-3-418, 16-4-108, 16-4-501
- hearings, 16-3-416, 16-4-107
- importation, 16-1-106, 16-1-201, 16-1-411, 16-3-401, 16-3-402, 16-3-405, 16-4-107
- injunction, 16-3-421
- licenses, 16-4-106, 16-4-108, 16-4-115, 16-4-301, 16-4-303, 16-4-402, 16-4-501, See also **Licenses and licensing**
- policy of state, 16-3-401
- price
  - discrimination, nonapplicability of provisions, 30-14-901
  - fixing, 16-3-401, 16-3-419
  - posted price, 16-2-203
  - retail selling price, 16-2-301
- retailers, 16-3-219, 16-3-406, 16-4-106, 16-4-115, 16-4-402, See also **Licenses and licensing**
- sales, 16-1-201, 16-2-301, 16-3-403
- suppliers, agreement of distributorship, 16-3-415 — 16-3-421
- taxation, 16-1-411, 16-2-301, See also **Taxation**
- transporting, 16-3-106
- violations, 16-3-421
- wineries, 16-3-406, 16-3-411, 16-3-415, 16-4-107

Taxation
- allocation of revenue, 15-1-501, 16-1-306, 16-1-401, 16-1-404 — 16-1-406, 16-1-411, 16-2-108, 16-2-301, 53-24-108
- beer, 16-1-406, 16-1-409
- collection, conflict of interest, 16-1-304
- hard cider, 16-1-411
- liquor
  - excise tax, 16-1-401 — 16-1-403
  - license tax, 16-1-404, 16-1-405
- resort tax, applicability, 7-6-1501 — 7-6-1509
- rules for, 16-1-303
- table wine, 16-1-411, 16-2-301
- uniform penalties and interest, 15-1-217

Trademarks and service marks, 16-3-241, 16-3-244, 30-13-331
Transfer unlawful when, 16-6-301
Transporting, See **Carriers**
Urine testing requirements, 39-2-207, 39-2-208; Title 61, chapter 8, part 4
Video gambling machines, placement, 23-5-603

ALCOHOLIC BEVERAGES (Continued)

Violations, 16-6-314, See also **Prosecution of violations**
- advertising when, 16-3-103, 16-3-241
- age for possession, attempt to purchase, and use, 16-3-301, 16-6-305, 16-6-314, 45-5-623, 45-5-624
- beer
  - alcoholic content provision, violation, 16-3-201
  - brewers, importers, and wholesalers — furnishing of fixtures or advertising matter to retailers, 16-3-241
  - brewers or importers
    - contracts, agreements, or franchises — illegal acts, 16-3-221
    - retail sales, 16-3-213
  - retailers, transporting beer between licensed premises, 16-3-301
  - tax, nonpayment by brewers and wholesalers, 16-1-409
  - wholesalers
    - consumption on premises, 16-3-234
    - sales to public, 16-3-233
- bottle clubs, operation of, 16-6-306
- carriers
  - beer purchases, when, 16-3-104
  - records, refusal to allow inspection, 16-6-109
- consumption on premises
  - beer wholesalers, 16-3-234
  - drug stores, 16-6-307
  - table wine distributors, 16-3-403
- corporation offenses, liability, 16-6-310
- criminal laws limitation, 53-24-106
- elections, illegal influence or consideration, 13-35-214, 13-35-215
- fines, 16-1-409, 16-6-302, 16-6-303, 16-6-312, 16-6-313
- identification cards, false procurement or alteration, 16-6-305
- institutional inmates or patients, distribution to, 16-6-309, 53-1-103
- intoxicated persons, selling or giving to, 16-3-301, 16-6-304
- licensees, 16-4-406, 16-6-314
  - beer
    - brewers or wholesalers, not purchased from, 16-3-301
    - retailers, transporting beer between licensed premises, 16-3-301
  - liquor not purchased from agency liquor store, 16-6-303
- medicines, patent — sales, 16-6-308
- minors
  - bartenders, employment as, 39-2-306
  - jurisdiction of courts, 41-5-203
  - misrepresentation of age, 16-3-301, 16-6-305
  - possession or attempt to purchase, 16-3-301, 16-6-305, 16-6-314, 45-5-624
  - selling to or giving to, 16-3-301, 16-6-305, 16-6-314, 45-5-622, 45-5-623
  - youth in need of supervision, 41-5-103
- nuisance, public — premises where beverages illegally handled, 16-6-312
- parties to, liability, 16-6-305, 16-6-310, 16-6-311, 27-1-710
- penalties, 16-1-409, 16-4-406, 16-6-314
- possession or attempt to purchase by persons under 21 years of age, 16-6-305, 16-6-314, 45-5-624
- sales
  - beer brewers or importers, retail sales by, 16-3-213
  - beer wholesalers, to public, 16-3-233
  - closed hours, during, 16-3-305
  - license, without, 16-6-302

ALCOHOLIC BEVERAGES (Continued)
Violations (Continued)
    sales (Continued)
        liquor
            agency liquor store, not purchased from, 16-6-303
            posted price, at less than, 16-3-307
        solicitation when, 16-1-304, 16-3-103
        table wine distributors, to public, 16-3-403
    security interest in license, person holding — operation of business after default of licensee or without temporary authority, 16-4-801
    selling or giving to persons under 21 years of age, 16-3-301, 16-6-305, 16-6-314, 45-5-622, 45-5-623
    table wine distributors, consumption on premises or sales to public, 16-3-403
Warehouses
    beer wholesalers, 16-3-219, 16-3-230, 16-4-103, 16-4-501
    bonded withdrawal, 30-7-201
    damaged or defective merchandise, disposal, 16-1-304
    definitions, 16-1-106
    employees, 16-1-304
    food warehouse, nonapplicability, 50-50-102
    forfeited beverages, to state liquor warehouse, 16-6-107
    imported beer, distribution, 16-3-230
    inventory, requirements, 16-1-304, 16-2-101
    rules for, 16-1-303
    state liquor warehouse, 16-1-106, 16-1-303, 16-1-304, 16-2-101, 16-3-106
    subwarehouses, 16-1-106, 16-3-230, 16-3-402, 16-4-103, 16-4-108, 16-4-501
    table wine distributors, 16-1-411, 16-3-219, 16-3-402, 16-3-418, 16-4-108, 16-4-501
    withdrawal of merchandise prohibited when, 16-1-304
Wine, 16-1-106, 16-3-302, 16-4-105, 16-4-111, 16-4-501, See also **Table wine**
Wineries and importers, 16-3-406, 16-3-411, 16-3-415, 16-4-107, See also **Table wine**
Workforce drug and alcohol testing, 39-2-205 — 39-2-211

ALCOHOLISM
    See **CHEMICAL DEPENDENCY**

ALFALFA LEAF-CUTTING BEES
    See also **APIARIES**
Abandonment, 80-6-1103
Administration of provisions, 80-6-1103, 80-6-1112
Alfalfa Seed Committee, representation on and duties, 2-15-3004; Title 80, chapter 6, part 11
Alfalfa seed production, 80-6-1103, See also **AGRICULTURAL SEEDS**
Analysis, 80-6-1105, 80-6-1106, 80-6-1112
Certification, 80-6-1102
    applications, 80-6-1105, 80-6-1107
    fees, 80-6-1105, 80-6-1112
    imported bees, 80-6-1107
    issuance, 80-6-1105
    recertification, 80-6-1105
    sale of bees, 80-6-1108
    standards, 80-6-1103, 80-6-1105
Citation of Alfalfa Leaf-Cutting Bee Management Act, 80-6-1101
Containers, 80-6-1105
Contamination, 80-6-1103
Custom pollination and pollinators, 80-6-1102
Disinfection or destruction, 80-6-1103
Emergency situations, 80-6-1102
Equipment, 80-6-1102
    disinfection, destruction, or removal, 80-6-1103
    imported bees, 80-6-1107

ALFALFA LEAF-CUTTING BEES (Continued)
Equipment (Continued)

- inspections, 80-6-1103
- moving, 80-6-1108
- quarantines, 80-6-1103

Fines for violations, 80-6-1110
Importation, 80-6-1103, 80-6-1107, 80-6-1110
Inspections, 80-6-1103
Laboratory
- authorization, 80-6-1106
- services, contract for, 80-6-1112

Moving of bees, equipment, or nesting material, 80-6-1108, 80-6-1110
Nesting materials, 80-6-1102
- abandonment, 80-6-1103
- disinfection, destruction, or removal, 80-6-1103
- fees, 80-6-1112
- quarantines, 80-6-1103
- used, purchase, 80-6-1108

Pathogens, parasites, predators, nest destroyers, and chalkbrood, 80-6-1102
- analysis for, 80-6-1105
- standards, rules for, 80-6-1103

Penalties, 80-6-1110, 80-6-1111
Permits, 80-6-1108
Program to be self-supporting, 80-6-1109, 80-6-1112
Quarantines, 80-6-1103, 80-6-1107, 80-6-1108
Rearing of bees, 80-6-1103, 80-6-1108
Registration, requirements, 80-6-1107, 80-6-1111
Removal, 80-6-1103
Restrictions, 80-6-1107, 80-6-1108
Sale, 80-6-1108
Samples, 80-6-1103, 80-6-1105, 80-6-1107, 80-6-1108, 80-6-1112
Standards, 80-6-1103 — 80-6-1105
Unrestricted area, 80-6-1102
- rearing of bees, 80-6-1108

Violations and penalty, 80-6-1110
- quarantine ordered for, 80-6-1103

Wild trapping, 80-6-1102
- restrictions, 80-6-1108
- violations and penalty, 80-6-1110

ALFALFA SEED, Title 80, chapter 11, part 3
- See **AGRICULTURAL SEEDS**

ALTERNATIVE DISPUTE RESOLUTION
Appellate alternative dispute resolution/mediation, Title 25, chapter 21, M.R.App.P., Rule 54; Rule 54 Appendix, Forms 1 — 6
Arbitration, Title 27, chapter 5, See **ARBITRATION**
Child abuse and neglect proceedings, expenses when court-ordered, 3-5-901
Conciliation law, Title 40, chapter 3, See **CONCILIATION**
Family law cases, funding, 3-2-714
Mediation
- agriculture, producers and distributors — controversies, 80-11-103
- collective bargaining for public employees, 39-31-307, 39-31-309, 39-34-101
- disabilities, children with — special education surrogate parents, 20-7-462
- family law, Title 40, chapter 4, part 3
- taxation, uniform dispute review procedure, 15-1-211
- water mediators, 85-5-110, 85-5-111

ALTERNATIVE DISPUTE RESOLUTION (Continued)
Mediation (Continued)

  workers' compensation disputes, Title 39, chapter 71, part 24, See **WORKERS' COMPENSATION, Mediation of disputes**
Public employees, collective bargaining, Title 39, chapter 31, part 4, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING, Unfair labor practices**
Taxation, uniform dispute review procedure, 15-1-211

ALTERNATIVE HEALTH CARE BOARD, 2-15-1840; Title 37, chapters 26 and 27
  See **MIDWIVES; NATUROPATHY AND NATUROPATHIC PHYSICIANS**

AMBULANCES
  See **EMERGENCY MEDICAL SERVICES, Transportation or treatment services**

AMICUS CURIAE, Title 25, chapter 21, M.R.App.P., Rule 24

AMUSEMENT GAMES
Definitions, 23-6-101
Enumeration, 23-6-104
Gambling activity, exclusion, 23-5-112
Gambling and illegal gambling devices and enterprises prohibited, 23-6-106
Gift enterprise, nonapplicability, 23-5-112
Inspections, 23-6-105
Permits, 23-6-102, 23-6-103
Prizes, 23-6-101, 23-6-102, 23-6-104
Requirements, 23-6-102
Rules, 23-6-102, 23-6-104
Violations, 23-6-107

AMUSEMENT RIDES
Definitions, 27-1-742
Injuries, reporting, 27-1-743, 27-1-745
Operator's responsibilities, 27-1-743, 27-1-745
Passenger responsibilities and prohibitions, 27-1-743, 27-1-744
Purpose of provisions, 27-1-741

ANATOMICAL GIFTS
  See also **BLOOD, TISSUE, ORGANS, AND BONES**
AIDS testing requirements, 50-16-1007, 50-16-1008
Acceptance, 72-17-202, 72-17-301
Amendment, 72-17-201
Autopsy, applicability of laws, 72-17-207, 72-17-215, 72-17-301
Citation of Uniform Anatomical Gift Act, 72-17-101
County coroner
  liability, 72-17-207
  release and permitting removal of parts, 72-17-215
Death, rights and duties at, 72-17-301
Definitions, 72-17-102
Document of gift, 61-5-301, 72-17-102, 72-17-201, 72-17-214
  delivery or deposit, 72-17-208
  designation of physician or surgeon, 72-17-201, 72-17-301
  inquiry and search for, 72-17-213
Donees, 72-17-202
  amendment or revocation, delivery to, 72-17-201
  document of gift, 72-17-201, 72-17-208
  eye tissue, 72-17-312
  notification to, 72-17-213
  rights created by gift, 72-17-301
Examination authorized by gift, 50-16-1007, 50-16-1008, 72-17-207

ANATOMICAL GIFTS (Continued)

Eye banks or storage facilities, 72-17-312
Eye enucleations, 72-17-102, 72-17-201, 72-17-214, 72-17-215, 72-17-301, 72-17-311
Health care facility procurement program, 50-5-212
Health officer, release and permitting removal of parts when, 72-17-215
HIV-related testing requirements, 50-16-1007, 50-16-1008
Liability, 72-17-207, 72-17-213
Making a gift, 72-17-201, 72-17-207, 72-17-213 — 72-17-215
Medical acceptability, 50-16-1007, 72-17-207, 72-17-213
Motor vehicle registration, voluntary donation for procurement awareness and education, 61-3-303
Objections to making, 72-17-214, 72-17-215
Potential donors, identification, 50-5-212, 72-17-213
Procurement and use, coordination, 72-17-108
Procurement organization, 72-17-102
    document of gift deposited with, 72-17-208
    donee, as, 72-17-202
    notification to, 72-17-213
    request for parts, 72-17-215
Purchase of parts prohibited, 72-17-302
Purposes of gift, 72-17-201, 72-17-202, 72-17-213, 72-17-214
Records, 72-17-213, 72-17-215
Refusal to make, 72-17-201, 72-17-202, 72-17-213 — 72-17-215
Rejection, 72-17-202, 72-17-301
Removal or transplant of parts, 72-17-201, 72-17-213 — 72-17-215, 72-17-301, 72-17-302, 72-17-311
Request for, 50-5-212, 72-17-213, 72-17-215
Revocation, 61-5-301, 72-17-201, 72-17-214
Rulemaking authority, 72-17-213
Sale of parts prohibited, 72-17-302
Uniformity of provisions, 72-17-103

ANESTHESIOLOGISTS OR ANESTHETISTS, 37-4-511, 37-8-202

ANHYDROUS AMMONIA FACILITIES SAFETY ACT, Title 80, chapter 10, part 5
    See **COMMERCIAL FERTILIZERS**

ANIMALS
    See also **DOGS**; **FISH AND WILDLIFE**; **LIVESTOCK**; **PREDATORS AND PREDATOR CONTROL**
Adoption
    deposit, penalty, and exceptions, 7-23-4202
    information required, 7-23-4201
    spaying or neutering requirements, 7-23-4202, 7-23-4203
Agisters' liens, Title 71, chapter 3, part 12, See **LIENS**
Animal shelters, 81-30-103
Baby birds or animals, sales unlawful when, 81-8-401, 81-8-402
Betting on contests or races of, unlawful when, 23-4-301
Care, duty of
    bailment, depositary, 70-6-206
    borrower, by, 70-7-105
Cities and towns, regulation, 7-1-4124, 7-14-4102, 7-14-4123, 7-23-4101, 7-23-4104
County sheriff, duties, 7-32-2121
Cruelty to, 7-23-4104, 45-8-211, 81-30-103
    damages, exemplary, 27-1-222, 27-1-301
Dead animals
    disposal, 75-10-212, 75-10-213, 75-10-233

ANIMALS (Continued)
Dead animals (Continued)

- water quality sewage systems, other wastes, 75-5-103
- water supply contamination, other wastes, 75-6-102

Execution, exemption, 25-13-609
Farm animal and research facilities protection
- action for damages, 81-30-104
- citation of farm animal and research facilities protection act, 81-30-101
- definitions, 81-30-102
- unlawful acts, 81-30-103, 81-30-105

Feed, Title 80, chapter 9, See **COMMERCIAL FEEDS**
Fighting, offense of causing animals to fight, 45-8-210
Finders, notice to owner, 70-5-103
Fireworks, discharge in vicinity of — unlawful when, 50-37-103
Impoundment when, 7-1-4124, 7-23-4101
Injuring or killing
- damages, exemplary, 27-1-222, 27-1-301
- medical care for injured animal, failure to provide, 45-8-211
- unlawful when, 45-6-101, 45-8-211
- vicious dogs, by, 7-23-2109

Insurance
- commercial property floaters, 33-1-228, See **INSURANCE, MARINE**
- draft or riding animals, against loss or damage, 33-1-206, See **INSURANCE, CASUALTY,** generally
- live animal floaters, 33-1-227, See also **INSURANCE, MARINE**

Lease contracts, unborn young as goods, 30-2A-103, 30-2A-217
Natural history objects, preservation, 22-3-107
Ownership, 50-23-102, 70-1-104, 70-2-111, See also **Adoption**
Paleontological remains, 22-3-421, See **ANTIQUITIES, Heritage properties and paleontological remains**
Park Commissioners, County Board of — rules for protection, 7-16-2322
Principal and income determinations, 72-34-404, 72-34-409, See also **TRUSTS, Principal and income, determination**
Property rights in, 50-23-102, 70-1-104, 70-2-111, 72-34-404, 72-34-409
Rabies control in wild animals, Title 50, chapter 23, part 1
Races between pigs, gerbils, or hamsters, 23-5-502
Research facilities, See **Farm animal and research facilities protection**
Ritual abuse of minor, 27-2-217, 45-1-205, 45-5-627
Rodents, Title 7, chapter 22, part 22; Title 80, chapter 7, part 11, See **PESTS AND PESTICIDES**
Sales, 30-2-105, 30-2-401, 30-2-501, See also **Adoption**
Secured transactions, unborn young as goods, 30-9-105, 30-9-122
State
- animal, 1-1-508
- fossil, 1-1-509

Trusts for domestic or pet animals, 72-2-1017
Vertebrate pest management, Title 7, chapter 22, part 25; Title 80, chapter 7, part 11, See **PESTS AND PESTICIDES**
Veterinarians, Title 37, chapter 18

ANNEXATION
Cemetery districts, 7-35-2114 — 7-35-2116
Cities and towns, See **CITIES AND TOWNS**
Community college districts, territory contiguous to, 20-15-231
Counties, See **COUNTIES**
County park districts, 7-16-2441
County rodent control districts, 7-22-2231

ANNEXATION (Continued)

Drainage districts, See **DRAINAGE DISTRICTS, Boundaries and acreage**, additions or alterations
Hospital districts, 7-34-2151 — 7-34-2155
Irrigation districts, See **IRRIGATION DISTRICTS, Acreage and boundaries**, addition of lands to district
Mosquito control districts, 7-22-2441 — 7-22-2444
Rural fire districts, 7-2-4734, 7-33-2125 — 7-33-2127, 7-33-2129, See also **FIRES AND FIRE PROTECTION**
School districts, See **SCHOOL DISTRICTS AND TRUSTEES, Elementary districts; High school districts**
Subdivisions, 76-3-601, 76-3-605, See also **CITIES AND TOWNS, Annexation with provision of services; SUBDIVISIONS**
Television districts, 7-13-2541
Vertebrate pest management, county rodent control districts, 7-22-2231
Water conservancy districts, See **WATER CONSERVANCY DISTRICTS**

ANTI-INTIMIDATION ACT OF 1996, Title 27, chapter 1, part 15
See **INTIMIDATION**

ANTILAPSE STATUTE, 72-2-613

ANTIQUITIES
See also **HISTORICAL SOCIETY**
Advertising, outdoor — proximity to highway, 75-15-111
Aircraft, fee in lieu of tax — amount, 67-3-206
Archaeological sites, 15-24-1602, 22-3-802, 22-3-805, 23-1-101, 23-1-102, 23-1-107, 23-2-902, 72-16-446, 75-10-920, 82-4-202, 82-4-227, 82-4-434, 87-1-209; Const., IX, 4
Archives, See **HISTORICAL SOCIETY**
Burial sites or materials, protection, See **Human skeletal remains and burial site protection**
Capitol and other state buildings, policies, 2-17-806
Capitol restoration, 5-17-205, 5-17-207
Cave Conservation Act, Title 23, chapter 2, part 9
Community service volunteer projects, 90-14-105
Environmental policy, Title 75, chapter 1, part 1
Estate and inheritance taxes, in-kind payment for preservation, 72-16-445 — 72-16-450
Evidence, as, Title 26, chapter 10, M.R.Ev., Rules 803, 901
Firearms
  sawed-off, possession by collector, 45-8-340
  shows and collectors, local government prohibitions not applicable, 45-8-351
Heritage Preservation and Development Commission, 22-3-1002
  acquisition and management of property, 22-3-1001 — 22-3-1004
  heritage preservation and development account, 15-65-121, 22-3-1004
  Montana heritage retail alcoholic beverage licenses, 16-4-205, 16-4-305
Heritage properties and paleontological remains
  consultation requests, findings, and public hearings, 22-3-429
  definitions, 22-3-421
  discoveries, 22-3-435, 22-3-442
  environmental review, 22-3-433, 22-3-434, 75-10-920
  identification and documentation, 2-17-107, 22-3-423, 22-3-424, 22-3-428, 22-3-433, 22-3-441
  impacts, avoidance and mitigation, 22-3-430, 22-3-433
  inventories, 22-3-422 — 22-3-424, 22-3-428
  nominations to register, 22-3-423, 22-3-431
  permits, antiquities, 22-3-421, 22-3-432, 22-3-442
  procedures and guidelines required, 22-3-428
  reproduction or sale, restrictions, 22-3-441, 22-3-442

ANTIQUITIES (Continued)
Heritage properties and paleontological remains (Continued)

right-of-way deeds, issuance — nonapplicability, 77-1-130
state agencies, 2-17-107; Title 22, chapter 3, part 4
state lands, on, 22-3-423, 22-3-424, 22-3-431, 22-3-433, 22-3-435, 77-2-102
tax abatement provisions, 15-24-1601 — 15-24-1607
violations and penalty, 22-3-441, 22-3-442
Historic Preservation Office, 2-15-1512, 22-3-421
inventory reports deposited with, 22-3-424
opencut mining reclamation plans, evaluation of archaeological or historical values, 82-4-434
preservation project applicants, cooperation, 22-2-308
preservation review board, advisory capacity, 22-3-422
tax abatement provisions for eligible properties, duties, 15-24-1602, 15-24-1604 — 15-24-1606
Historic preservation officer, 22-3-421, 22-3-423
appointment and supervision, 2-15-1512
burial preservation board nominees, submission, 22-3-804
heritage properties and paleontological remains, duties, 22-3-423, 22-3-428 — 22-3-431, 22-3-433, 22-3-435
human skeletal remains and burial sites or materials, duties, 22-3-805 — 22-3-807
permits, antiquities — issuance and guidelines, 22-3-432
state agencies, 2-17-107, 22-3-423, 22-3-424
Historic records network, 22-3-102, 22-3-107, 22-3-211, 22-3-212
Historic sites and buildings
acquisition, 23-1-102, 23-1-108, 87-1-209; Const., IX, 4
bannack, preservation or restoration of buildings and resources — advertising and bid requirements not applicable, 18-2-301
city property containing, transfer to nonprofit organization when, 7-8-4201
county property containing, transfer to nonprofit organization when, 7-8-2111
funding, 15-65-121, 22-3-603, 23-1-108
grant-kohrs ranch national historic site, 2-1-214, 85-20-401
historical society, purpose, 22-3-101, 22-3-102
local management of state-owned, 22-3-601 — 22-3-603
megalandfill siting certification proceedings, parties to, 75-10-927
open-space land provisions, 76-6-102, 76-6-104
state historic sites, 23-1-101, 23-1-102, 23-1-107, 23-1-108
state planning, department of commerce functions, 90-1-102
tax abatement provisions, 15-24-1601 — 15-24-1607
tax credit for preservation, 15-30-180, 15-31-151
virginia city and nevada city properties, 15-34-115, 22-3-1003, 22-3-1004
zoning districts, effect, 76-2-202, 76-2-302
Human skeletal remains and burial site protection
burial preservation board, duties, Title 22, chapter 3, part 8
burial site records, 22-3-807
citation of human skeletal remains and burial site protection act, 22-3-801
closure of burial preservation board meetings, 22-3-802, 22-3-810
damages, actions for, 22-3-809
definitions, 22-3-803, 22-3-805
disclosure prohibited
  information, 22-3-808
  location of burial sites, 22-3-802
  records, 2-6-102, 22-3-807
discovery, report requirements, 22-3-804, 22-3-805
  failure to give notice, 22-3-808
fees, grants, and donations, 22-3-804, 22-3-806, 22-3-811
field review, 22-3-804, 22-3-805, 22-3-811
forensic examination, need for — determination, 22-3-802, 22-3-805, 22-3-806

ANTIQUITIES (Continued)
Human skeletal remains and burial site protection (Continued)

  legislative findings and intent, 22-3-802
  prohibited acts and penalties, 22-3-808, 22-3-809
  registry of burial sites, 22-3-804
  scientific analysis, permit for, 22-3-804, 22-3-806, 22-3-808
Landowner's liability to gratuitous permittee, 70-16-301, 70-16-302
Megalandfill siting provisions, 75-10-920, 75-10-927
Mining operations, effect, 82-2-402, 82-4-202, 82-4-227, 82-4-228, 82-4-239, 82-4-371, 82-4-402, 82-4-434, 82-4-445; Title 22, chapter 3, part 8
Motorcycles, collector's items — operating and equipment requirements, 61-8-359, 61-9-203, 61-9-204
Motor vehicles, collector's items — license plates, 61-3-313, 61-3-333, 61-3-411, 61-3-412, 61-9-312
Museums, See **MUSEUMS**
National Register of Historic Places, 2-17-107, 15-24-1601, 15-24-1602, 15-24-1604, 22-3-421 — 22-3-423, 22-3-429, 22-3-431
Paddlefish roe as caviar, donation and sale program — advisory committee proposals and projects, 87-4-601
Paleontological remains, See **Heritage properties and paleontological remains**
Preservation and protection generally, 7-8-2111, 7-8-4201, 90-1-102; Const., IX, 4
  cultural and aesthetic project grants, 22-2-308
  easements for, 22-3-434, 70-17-101, 70-17-102
  heritage properties and paleontological remains, Title 22, chapter 3, part 4
  historic buildings, tax credit, 15-30-180, 15-31-151
Preservation Review Board, 2-15-1512, 22-3-421, 22-3-422, 22-3-431, 22-3-433
Regents of Higher Education, Board of — land sales, requirements, 20-25-307
Roadside historical signs and historic sites, installation and maintenance, 15-65-121
Slot machines, possession and sale permitted, 23-5-153
Snowmobiles, registration, 23-2-621
Subdivisions, park dedication requirement, 76-3-621
Switchblade knives, registration of collection, 45-8-331
Tourist-oriented directional signs, business eligibility, 60-5-522
Traction engine licenses, waiver of experience requirement when, 50-74-308
Treasure state living cultural treasures program, 2-15-236 — 2-15-238
Veterans' and Pioneers' Memorial Building, 22-3-110, 22-3-301 — 22-3-303

ANTITRUST
  See **TRADE REGULATION AND COMPETITION**

APARTMENT HOUSES
  See **HOUSING**; **LANDLORD AND TENANT**

APHASIOLOGY AND APHASIOLOGISTS, Title 37, chapter 15
  See **SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS**

APIARIES
Abandonment, 80-6-104
Alfalfa leaf-cutting bees, Title 80, chapter 6, part 11, See **ALFALFA LEAF-CUTTING BEES**
Bees
  combless packages, importation in, 80-6-203
  inspection, 80-6-202
  taxation, 15-6-207, 15-24-921, 15-24-922, 15-24-925, See also **TAXATION, PROPERTY, Agricultural**
Certificates
  health, 80-6-202, 80-6-203
  inspection, 80-6-202

APIARIES (Continued)
Certificates (Continued)

- registration, See **Registration**

Colonies, 80-6-101
- increase when, 80-6-103
- transfer when, 80-6-201
  - penalty for violation, 80-6-303

Enlargement, 80-6-103, 80-6-303
Equipment, 80-6-101
- disinfection when, 80-6-201, 80-6-303
- quarantine when, 80-6-202
- sale when, 80-6-104
- used, importation, 80-6-202

Fines for violations, 80-6-303
General apiaries, 80-6-101
- enlargement when, 80-6-103
- location restrictions, 80-6-111, 80-6-115
- registration, 80-6-111

Hives, 80-6-101, See **Colonies**; **Equipment**
Hobbyist apiaries, 80-6-101
- general apiaries, proximity, 80-6-111
- location restrictions, 80-6-111, 80-6-115
- registration, 80-6-114

Honey, 50-31-103, 50-31-204, 50-31-502, 50-31-506, 50-31-508
Importation of bees or equipment, 80-6-202, 80-6-203
Inspections
- bees, 80-6-202
- disease, for, 80-6-201
- equipment, 80-6-202
- fees, 80-6-202, 80-6-302

Label, Montana quality, Title 81, chapter 8, part 7, See **FOOD AND FOOD PRODUCTS, Montana quality label**
Laboratory, authorization, 80-6-311
Laborers
- income tax withholding exemption, 15-30-201, 15-30-256
- minimum wage, 39-3-402, 39-3-404, 39-3-406
- overtime compensation, 39-3-402, 39-3-405, 39-3-406
- unemployment insurance coverage, 39-51-205, See **UNEMPLOYMENT INSURANCE, Agricultural labor**

Landowner apiaries, 80-6-101
- general apiaries, proximity, 80-6-111
- location restrictions, 80-6-115
- registration, 80-6-113

Leaf-cutting bees, Title 80, chapter 6, part 11, See **ALFALFA LEAF-CUTTING BEES**
Location, 80-6-111, 80-6-115
- changing, 80-6-103
- registration, inclusion in, 80-6-102
- restrictions, 80-6-115

Marketing associations, See **AGRICULTURAL MARKETING ASSOCIATIONS**
Pollination apiaries, 80-6-101
- general apiaries, proximity, 80-6-111
- location restrictions, 80-6-115
- registration, 80-6-112

Quarantines, 80-6-201, 80-6-202
- penalty for violation, 80-6-303

APIARIES (Continued)

Registration
  certificates
    hobbyist apiaries, restrictions, 80-6-114
    issuance, 80-6-102
    landowner apiaries, restrictions, 80-6-113
    lapse when, 80-6-103
    pollination apiaries, restrictions, 80-6-112
  fees, 80-6-105, 80-6-302
  forfeiture, 80-6-102, 80-6-104
  general apiaries, 80-6-111
  hobbyist apiaries, 80-6-114
  landowner apiaries, 80-6-113
  pollination apiaries, 80-6-112
  termination of rights, 80-6-102, 80-6-104
Sale, 80-6-103, 80-6-201
Taxation of bees, 15-6-207, 15-24-921, 15-24-922, 15-24-925, See also **TAXATION, PROPERTY, Agricultural**
Transfer, 80-6-103
Unemployment insurance coverage, 39-51-205, See **UNEMPLOYMENT INSURANCE, Agricultural labor**
Violations
  colonies, order for transfer, 80-6-201, 80-6-303
  enlargement when, 80-6-103, 80-6-303
  equipment, order for disinfection, 80-6-201, 80-6-303
  penalties, 80-6-303
  quarantine, 80-6-201, 80-6-303
  registration, failure or refusal to, 80-6-102
  rules generally, 80-6-201, 80-6-303
Zoning restrictions, protection, 76-2-901 — 76-2-903

APPEALS
  See **ADMINISTRATIVE APPEALS**; **APPELLATE PROCEDURE**

APPELLATE ALTERNATIVE DISPUTE RESOLUTION/MEDIATION, Title 25, chapter 21, M.R.App.P., Rule 54; Rule 54 Appendix, Forms 1 — 6

APPELLATE DEFENDER COMMISSION AND SYSTEM, 2-15-1020, 3-5-901, 46-8-210 — 46-8-213

APPELLATE PROCEDURE
Administrative appeals, See **ADMINISTRATIVE APPEALS**
Affidavits
  in forma pauperis, Title 25, chapter 21, M.R.App.P., Rule 18; Appendix, Form 2
  injunction orders, appeals from, Title 25, chapter 21, M.R.App.P., Rule 40
  motions, to support, Title 25, chapter 21, M.R.App.P., Rule 22
Affirmance of judgment or order, 3-2-204, 46-20-701, 46-20-703; Title 25, chapter 21, M.R.App.P., Rules 7, 12, 14
Agreed statement of facts, Title 25, chapter 21, M.R.App.P., Rule 9
Alternative dispute resolution/mediation
  appeals subject to, Title 25, chapter 21, M.R.App.P., Rule 54(a)
  confidentiality, Title 25, chapter 21, M.R.App.P., Rules 54(e), 54(f); Rule 54 Appendix, Form 4
  mediation certification compliance, notice requiring, Title 25, chapter 21, M.R.App.P., Rule 54 Appendix, Form 6
  mediation process, Title 25, chapter 21, M.R.App.P., Rule 54(e)
    completion, Title 25, chapter 21, M.R.App.P., Rule 54(g)

APPELLATE PROCEDURE (Continued)
Alternative dispute resolution/mediation (Continued)

- mediator
  - report, Title 25, chapter 21, M.R.App.P., Rules 54(c), 54(g); Rule 54 Appendix, Form 5
  - selection or appointment, payment, and immunity, Title 25, chapter 21, M.R.App.P., Rules 54(d), 54(e); Rule 54 Appendix, Forms 2 and 3
- notice of appeal, filing, Title 25, chapter 21, M.R.App.P., Rules 4, 54(b), 54(d); Rule 54 Appendix, Forms 1 and 6
- statement of position, Title 25, chapter 21, M.R.App.P., Rule 54(e); Rule 54 Appendix, Form 4
- supplementary process, Title 25, chapter 21, M.R.App.P., Rule 54(c)
- time limitations, Title 25, chapter 21, M.R.App.P., Rules 54(b), 54(g); Rule 54 Appendix, Form 3
  - stipulation for holding other time requirements in abeyance, Title 25, chapter 21, M.R.App.P., Rules 9, 10, 54(c), 54(g)

Amicus curiae, 72-31-232; Title 25, chapter 21, M.R.App.P., Rule 24
Arbitration orders or judgment, 27-5-324
Argument, See **Oral argument**
Birth date, judicial determination, 27-32-303
Briefs, Title 25, chapter 21, M.R.App.P., Rule 23

- amicus curiae, of, Title 25, chapter 21, M.R.App.P., Rules 24, 27
- appendix to, Title 25, chapter 21, M.R.App.P., Rules 18, 23, 25, 27, 33
- certification of question of law, applicability, Title 25, chapter 21, M.R.App.P., Rule 44
- costs, 41-5-111; Title 25, chapter 21, M.R.App.P., Rule 33
- filing, 75-2-411; Title 25, chapter 21, M.R.App.P., Rules 20, 25, 26, 29
- form, Title 25, chapter 21, M.R.App.P., Rules 18, 23, 27
- motions, to support, Title 25, chapter 21, M.R.App.P., Rule 22
- notice of supplemental authority, Title 25, chapter 21, M.R.App.P., Rule 23
- reading from by counsel not permitted, Title 25, chapter 21, M.R.App.P., Rule 29
- service, Title 25, chapter 21, M.R.App.P., Rules 20, 26

Calendar, Title 25, chapter 21, M.R.App.P., Rule 39, See also **DISTRICT COURTS**, **Calendar**, precedence; **SUPREME COURT**, **Calendar precedence**
Certification of questions of law, Title 25, chapter 21, M.R.App.P., Rule 44
Child custody determination, enforcement orders, 40-7-314
City courts, See **CITY COURTS**
Consolidated appeals, Title 25, chapter 21, M.R.App.P., Rule 4
Constitutional questions, Title 25, chapter 21, M.R.App.P., Rule 38
Construction contractors and subcontractors, payment — enforcement actions, 28-2-2105
Copies

- decisions, Title 25, chapter 21, M.R.App.P., Rule 35
- papers
  - duplication, Title 25, chapter 21, M.R.App.P., Rule 27
  - number to be filed, Title 25, chapter 21, M.R.App.P., Rules 10, 20, 26, 34

Costs, Title 25, chapter 21, M.R.App.P., Rule 33

- bill of costs, 25-10-503
- briefs, on, Title 25, chapter 21, M.R.App.P., Rule 23
- certification of question of law, applicability, Title 25, chapter 21, M.R.App.P., Rule 44
- criminal proceedings, See **Criminal proceedings, specific provisions**
- discretionary, 25-10-104
- filing of the record, Title 25, chapter 21, M.R.App.P., Rule 11
- in forma pauperis, Title 25, chapter 21, M.R.App.P., Rule 18
- prisoners in legal custody, 25-10-404
- security for, Title 25, chapter 21, M.R.App.P., Rules 6, 7, 18
- transcript
  - cross appeals, Title 25, chapter 21, M.R.App.P., Rule 23
  - filing fee, 3-2-403
  - preparation, 25-10-201; Title 25, chapter 21, M.R.App.P., Rules 9, 33

APPELLATE PROCEDURE (Continued)
Costs (Continued)

- undertaking for, Title 25, chapter 21, M.R.App.P., Rules 6, 8
  - additional security, Title 25, chapter 21, M.R.App.P., Rule 10
  - subrogation of surety, 25-13-105
- united states supreme court, when appealed to, Title 25, chapter 21, M.R.App.P., Rule 35
- voluntary dismissal, effect, Title 25, chapter 21, M.R.App.P., Rule 36

Counsel
- briefs, Title 25, chapter 21, M.R.App.P., Rules 23, 26, 27, See also **Briefs**
- criminal proceedings, assigned counsel — request for withdrawal, 46-8-103
- death, effect, Title 25, chapter 21, M.R.App.P., Rules 4, 37
- decision, notice to, Title 25, chapter 21, M.R.App.P., Rule 35
- extension of time, Title 25, chapter 21, M.R.App.P., Rule 21
- motions, See **Motions**
- notice of appeal, Title 25, chapter 21, M.R.App.P., Rules 4, 37
- notice of supplemental authority, copy to, Title 25, chapter 21, M.R.App.P., Rule 23
- oral argument, Title 25, chapter 21, M.R.App.P., Rule 29, See also **Oral argument**
- prehearing conference, Title 25, chapter 21, M.R.App.P., Rule 28
- records, removal from clerk's office, Title 25, chapter 21, M.R.App.P., Rule 39
- service of papers upon, Title 25, chapter 21, M.R.App.P., Rules 20, 22
- transcript of proceedings, Title 25, chapter 21, M.R.App.P., Rule 9

Criminal proceedings, specific provisions
- affirmance of judgment, 46-20-701, 46-20-703
- alcoholic beverage code convictions or orders, 16-6-202
- appellate defender system, 2-15-1020, 3-5-901, 46-8-210 — 46-8-213
- bail
  - admission pending appeal, 46-9-107, 46-9-121, 46-20-204; Title 25, chapter 21, M.R.App.P., Rule 7
  - exoneration, 46-20-707
  - habeas corpus, pending appeal of hearing on writ, 46-22-307
  - precedence on calendar, effect, Title 25, chapter 21, M.R.App.P., Rule 39
- briefs, filing, Title 25, chapter 21, M.R.App.P., Rule 20, See also **Briefs**
- city court, appeal from, 3-5-303, 3-11-301, 46-17-203, 46-17-304, 46-17-311, 46-21-101
- codefendants, separate appeals, 46-20-105
- conviction becomes final when, 46-21-102
- costs
  - appellate defender program, 3-5-901
  - indigent persons, Title 25, chapter 21, M.R.App.P., Rule 9; Appendix, Form 2
  - transcript, preparation, Title 25, chapter 21, M.R.App.P., Rules 9, 23
  - undertaking not required, Title 25, chapter 21, M.R.App.P., Rule 6
- counsel, assigned — request for withdrawal, 46-8-103
- crime victims, notification, 46-24-211
- death sentence
  - errors of trial court, consideration, 46-18-310
  - review, 46-18-307
    - time for and consolidation with appeal, 46-18-308
  - stay of execution pending appeal, 46-20-204; Title 25, chapter 21, M.R.App.P., Rule 7
- decision, 46-20-703; Title 25, chapter 21, M.R.App.P., Rule 35
- error by trial court, effect, 46-18-310, 46-20-104, 46-20-701; Title 25, chapter 21, M.R.App.P., Rules 1, 2
- evidence
  - pendency of appeal, hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
  - statement when no report or transcript unavailable, Title 25, chapter 21, M.R.App.P., Rule 9
  - writings to refresh witness' memory, Title 26, chapter 10, M.R.Ev., Rule 612
- executive clemency, governor's decisions — not appealable, 46-23-301

APPELLATE PROCEDURE (Continued)
Criminal proceedings, specific provisions (Continued)

- habeas corpus
  - applicability of laws, 46-22-101
  - state appeal of petitioner's discharge, 46-22-307
  - supreme court, proceedings in, Title 25, chapter 21, M.R.App.P., Rule 17
- in forma pauperis
  - affidavit form, Title 25, chapter 21, M.R.App.P., Appendix, Form 2
  - appellate defender system, 2-15-1020, 3-5-901, 46-8-210 — 46-8-213
  - transcripts, Title 25, chapter 21, M.R.App.P., Rule 9
- joinder of appeal, 46-20-105
- judgment or order, appeal from, 46-9-107, 46-12-204, 46-20-103, 46-20-104; Title 25, chapter 21, M.R.App.P., Rule 1; Title 25, chapter 30, part 2, U.M.C.R.App., Rule 1
- jury in trial court, presumption of admonition to, 46-16-501
- justice's court, appeal from, 3-5-303, 46-17-203, 46-17-311, 46-21-101
  - notice to be docketed, 3-10-501
- modification of judgment, 46-20-703
- motions
  - dismissal, for, Title 25, chapter 21, M.R.App.P., Rule 22
  - service, Title 25, chapter 21, M.R.App.P., Rule 20
- municipal court, appeal from, See **MUNICIPAL COURTS, Appeals to district court**
- new trial, order for, 46-20-703, See also **CRIMINAL PROCEDURE, New trial**
- notice of appeal, 46-17-311, 46-20-101; Title 25, chapter 30, part 2, U.M.C.R.App., Rule 5
  - attorney general, service upon, 46-1-302
  - time for filing, Title 25, chapter 21, M.R.App.P., Rule 5
- objections
  - opposing counsel, Title 25, chapter 21, M.R.App.P., Rules 21, 22
  - record on appeal, contained in, 46-20-701; Title 25, chapter 21, M.R.App.P., Rule 2
- pardons and parole, board of — orders not reviewable, 46-23-107
- postconviction hearing
  - appeal from, 46-21-203
  - appeal unavailable, petition when, 46-21-101
  - effect of appeal, 46-21-105
- record on appeal, Title 25, chapter 21, M.R.App.P., Rule 9
  - review, elements considered, 46-20-701; Title 25, chapter 21, M.R.App.P., Rule 2
- reduction of offense or punishment, 46-20-703
- remand, 46-20-706
- reversal of judgment, 46-20-701, 46-20-703, 46-20-707; Title 25, chapter 21, M.R.App.P., Rule 7
- rights of parties, appeal determined in accordance with, 46-13-104, 46-20-701; Title 25, chapter 21, M.R.App.P., Rule 2
- rules of appellate procedure, scope, Title 25, chapter 21, M.R.App.P., Rule 1
- scope of appeal by
  - defendant, 46-20-104; Title 25, chapter 30, part 2, U.M.C.R.App., Rule 5
  - state, 46-20-103; Title 25, chapter 30, part 2, U.M.C.R.App., Rule 5
- scope of review, Title 25, chapter 21, M.R.App.P., Rule 2
- set aside of proceedings subsequent to judgment, 46-20-703
- single method of review, 46-20-101
- state, appeal by — effect, 46-20-205; Title 25, chapter 21, M.R.App.P., Rule 7
- stay of execution pending appeal, 46-20-204, 46-20-205; Title 25, chapter 21, M.R.App.P., Rule 7
- termination of appeal, 46-20-706

Cross appeals

- alternative dispute resolution/mediation, Title 25, chapter 21, M.R.App.P., Rules 54(b), 54(d), 54(e)
- briefs, Title 25, chapter 21, M.R.App.P., Rules 23, 26
- oral argument, Title 25, chapter 21, M.R.App.P., Rule 29

APPELLATE PROCEDURE (Continued)

Damages when appeal without merit, Title 25, chapter 21, M.R.App.P., Rule 32
Decision, notice and copy, Title 25, chapter 21, M.R.App.P., Rule 35
Declaratory judgment, from, 27-8-312
Depositions pending appeal, Title 25, chapter 20, M.R.Civ.P., Rule 27(b)
Dismissal
  alternative dispute resolution/mediation process, stipulation for, Title 25, chapter 21, M.R.App.P., Rule 54(g); Rule 54 Appendix, Form 5
  effect, Title 25, chapter 21, M.R.App.P., Rule 12
  grounds, Title 25, chapter 21, M.R.App.P., Rules 4, 11, 26
  motion for, Title 25, chapter 21, M.R.App.P., Rules 10, 11, 22, 26, 36
  supersedeas bond as security, Title 25, chapter 21, M.R.App.P., Rule 7
  voluntary, Title 25, chapter 21, M.R.App.P., Rule 36
District courts
  appeals from, See this heading generally
  appeals to, See **DISTRICT COURT JURISDICTION, Appellate jurisdiction**
Docket entries
  appeal, docketing of, Title 25, chapter 21, M.R.App.P., Rules 10, 11, 36
  appendix to brief, in, Title 25, chapter 21, M.R.App.P., Rule 25
  notice of appeal, names to whom copies sent, Title 25, chapter 21, M.R.App.P., Rule 4
  record on appeal, Title 25, chapter 21, M.R.App.P., Rules 9, 10
  transmittal, Title 25, chapter 21, M.R.App.P., Rule 10
Duplication of papers, Title 25, chapter 21, M.R.App.P., Rule 27
Error of trial court, effect, 46-18-310, 46-20-104, 46-20-701; Title 25, chapter 21, M.R.App.P., Rule 14
Estate and probate appeals, applicability of laws, 72-1-209
Evidence
  alternative dispute resolution/mediation process
    exhibits, attachment, Title 25, chapter 21, M.R.App.P., Rule 54(e); Rule 54 Appendix, Form 4
    inadmissibility, Title 25, chapter 21, M.R.App.P., Rule 54(f)
  appendix to briefs, in, Title 25, chapter 21, M.R.App.P., Rule 25
  physical exhibits not documents, use, Title 25, chapter 21, M.R.App.P., Rules 10, 29
  statement when no report or transcript unavailable, Title 25, chapter 21, M.R.App.P., Rule 9
  transmission, Title 25, chapter 21, M.R.App.P., Rule 10
  writings to refresh witness' memory, Title 26, chapter 10, M.R.Ev., Rule 612
Exclusive method of review, 25-12-101, 46-20-101
Exhibits, See **Evidence**
Ex parte
  injunction orders, application, Title 25, chapter 21, M.R.App.P., Rule 40
  motions, Title 25, chapter 21, M.R.App.P., Rule 5
  stay of execution pending appeal, application, Title 25, chapter 21, M.R.App.P., Rule 7
Fees, See **Costs**
Findings of fact and conclusions of law
  appealable when, Title 25, chapter 20, M.R.Civ.P., Rule 52(a)
  statement in briefs, Title 25, chapter 21, M.R.App.P., Rules 23, 25
Form
  alternative dispute resolution/mediation, Title 25, chapter 21, M.R.App.P., Rule 54 Appendix, Forms 1 — 6
  briefs, Title 25, chapter 21, M.R.App.P., Rules 18, 23, 27
  in forma pauperis, affidavit, Title 25, chapter 21, M.R.App.P., Appendix, Form 2
  notice of appeal, Title 25, chapter 21, M.R.App.P., Rule 54 Appendix, Form 1; Appendix, Form 1
  papers and motions, Title 25, chapter 21, M.R.App.P., Rule 27
Frivolous litigation, 46-8-103
Guardian, reversal of appointment on appeal, Title 25, chapter 21, M.R.App.P., Rule 13

APPELLATE PROCEDURE (Continued)

Habeas corpus, appeal of petitioner's discharge, 46-22-307, See also **Criminal proceedings, specific provisions**
Hearing, See **Oral argument**
Indigent persons, Title 25, chapter 21, M.R.App.P., Rule 18; Appendix, Form 2
In forma pauperis, Title 25, chapter 21, M.R.App.P., Rule 18; Appendix, Form 2
Injunction orders, Title 25, chapter 20, M.R.Civ.P., Rule 62(c); Title 25, chapter 21, M.R.App.P., Rule 40
Issues
  agreed statement of facts, statement in, Title 25, chapter 21, M.R.App.P., Rule 9
  briefs, statement in, Title 25, chapter 21, M.R.App.P., Rule 23
  prehearing conference, Title 25, chapter 21, M.R.App.P., Rule 28
Joint appeals, 46-20-105; Title 25, chapter 21, M.R.App.P., Rule 4
Judge pro tempore, from judgments by, 3-5-118
Judge, disqualification, 3-1-803
Judgment or order of district court, appeal from, Title 25, chapter 21, M.R.App.P., Rule 1, See also this heading generally
  briefs, statement in, Title 25, chapter 21, M.R.App.P., Rule 23
  interest on judgment, Title 25, chapter 21, M.R.App.P., Rule 31
Judgment on appeal
  certification and entry, Title 25, chapter 21, M.R.App.P., Rule 16
  rehearing, petition not permitted, Title 25, chapter 21, M.R.App.P., Rule 34
Jurisdiction of supreme court, 3-2-201 — 3-2-205; Const., VII, 2
Justices' courts, See **JUSTICES' COURTS**
Limited liability companies, involuntary dissolution — denial of reinstatement, 35-8-913
Modification of judgment or order, 3-2-204, 46-20-703; Title 25, chapter 21, M.R.App.P., Rules 7, 15, 31, 35
Motions, Title 25, chapter 21, M.R.App.P., Rule 22
  amicus curiae, Title 25, chapter 21, M.R.App.P., Rule 24
  consolidated appeals, Title 25, chapter 21, M.R.App.P., Rule 4
  dismissal, for, Title 25, chapter 21, M.R.App.P., Rules 10, 11, 22, 26, 36
  entry and notice of orders, Title 25, chapter 21, M.R.App.P., Rule 30
  evidence, physical exhibits — transmittal, Title 25, chapter 21, M.R.App.P., Rule 10
  ex parte, Title 25, chapter 21, M.R.App.P., Rule 5
  extension of time, Title 25, chapter 21, M.R.App.P., Rules 5, 10, 21
  filing and service, Title 25, chapter 21, M.R.App.P., Rule 20
  form, Title 25, chapter 21, M.R.App.P., Rule 27
  in forma pauperis, for leave to proceed on, Title 25, chapter 21, M.R.App.P., Rule 18
  notice of appeal, extension of time for filing, Title 25, chapter 21, M.R.App.P., Rule 5
  oral arguments, postponement of hearing or request for additional time, Title 25, chapter 21, M.R.App.P., Rule 29
  prehearing conference, Title 25, chapter 21, M.R.App.P., Rule 28
  record on appeal, time changed for transmission, Title 25, chapter 21, M.R.App.P., Rule 10
  substitution of parties, Title 25, chapter 21, M.R.App.P., Rule 37
  surety's liability, for enforcement, Title 25, chapter 21, M.R.App.P., Rule 8
  suspension of rules, for, Title 25, chapter 21, M.R.App.P., Rule 3
Municipal courts, See **MUNICIPAL COURTS**
New trial, Title 25, chapter 20, M.R.Civ.P., Rules 50(c), 50(d), 59(f)
Notice of appeal
  attorney general, service upon — when, 25-1-502
  criminal proceedings, 46-1-302, 46-17-311, 46-20-101; Title 25, chapter 30, part 2, U.M.C.R.App., Rule 5
  death of party, effect, Title 25, chapter 21, M.R.App.P., Rule 37
  filing, content, and service, Title 25, chapter 21, M.R.App.P., Rules 4, 23, 33, 38, 54(b), 54(d); Rule 54 Appendix, Form 1
    time for filing, Title 25, chapter 21, M.R.App.P., Rules 5, 21, 54(b)

APPELLATE PROCEDURE (Continued)
Notice of appeal (Continued)

- form, Title 25, chapter 21, M.R.App.P., Rule 4; Rule 54 Appendix, Form 1; Appendix, Form 1

Notice of Supplemental Authority, Title 25, chapter 21, M.R.App.P., Rule 23
Oral argument, Title 25, chapter 21, M.R.App.P., Rule 29
- amicus curiae, Title 25, chapter 21, M.R.App.P., Rule 24
- calendar, date on, Title 25, chapter 21, M.R.App.P., Rule 39
- certification of question of law, applicability, Title 25, chapter 21, M.R.App.P., Rule 44
- failure to file brief, effect, Title 25, chapter 21, M.R.App.P., Rules 26, 29
- injunction orders, no argument, Title 25, chapter 21, M.R.App.P., Rule 40
- notice of supplemental authority, Title 25, chapter 21, M.R.App.P., Rule 23
- rehearing, petition for, Title 25, chapter 21, M.R.App.P., Rule 34

Orders, entry and notice, Title 25, chapter 21, M.R.App.P., Rule 30, See also **Motions**
Papers
- filing, Title 25, chapter 21, M.R.App.P., Rule 20
- form, Title 25, chapter 21, M.R.App.P., Rule 27

Parties
- agreed statement of facts, Title 25, chapter 21, M.R.App.P., Rule 9
- alternative dispute resolution/mediation, Title 25, chapter 21, M.R.App.P., Rules 54(b), 54(c), 54(d), 54(e), 54(g)
- briefs, references in and copies, Title 25, chapter 21, M.R.App.P., Rule 23
- constitutional questions, notice to supreme court and attorney general, Title 25, chapter 21, M.R.App.P., Rule 38
- death, effect, Title 25, chapter 21, M.R.App.P., Rules 4, 37
- designation, Title 25, chapter 21, M.R.App.P., Rules 1, 23, 29
- joint or consolidated appeals, Title 25, chapter 21, M.R.App.P., Rule 4
- notice of appeal, Title 25, chapter 21, M.R.App.P., Rules 4, 5, 54(b)
- notice of supplemental authority, Title 25, chapter 21, M.R.App.P., Rule 23
- record on appeal, Title 25, chapter 21, M.R.App.P., Rule 10
- service of papers, Title 25, chapter 21, M.R.App.P., Rule 20
- substitution, Title 25, chapter 21, M.R.App.P., Rule 37
- suspension of rules, application, Title 25, chapter 21, M.R.App.P., Rule 3

Perishable property, sale pending appeal, Title 25, chapter 21, M.R.App.P., Rule 7
Permitted when, 25-12-102; Title 25, chapter 21, M.R.App.P., Rule 1
Personal representative, reversal of appointment on appeal, Title 25, chapter 21, M.R.App.P., Rule 13
Power of attorney, statutory — authority, claims and litigation, 72-31-232
Prehearing conference, Title 25, chapter 21, M.R.App.P., Rule 28
Preliminary hearing, record for, Title 25, chapter 21, M.R.App.P., Rule 10
Prisoners in legal custody, fee or security, 25-10-404
Record on appeal, Title 25, chapter 21, M.R.App.P., Rule 9
- appendix to brief, in, Title 25, chapter 21, M.R.App.P., Rule 25
- briefs, references in, Title 25, chapter 21, M.R.App.P., Rule 23
- costs, Title 25, chapter 21, M.R.App.P., Rule 33
- criminal proceedings, review — elements considered, 46-20-701; Title 25, chapter 21, M.R.App.P., Rule 2
- filing, Title 25, chapter 21, M.R.App.P., Rule 11
- reading from by counsel not permitted, Title 25, chapter 21, M.R.App.P., Rule 29
- removal from clerk's office, permission, Title 25, chapter 21, M.R.App.P., Rule 39
- service upon each party required, Title 25, chapter 20, M.R.Civ.P., Rule 5(a)
- transmission, Title 25, chapter 21, M.R.App.P., Rules 10, 11, 33

Records, removal from clerk's office, Title 25, chapter 21, M.R.App.P., Rule 39
Rehearing, petitions for, Title 25, chapter 21, M.R.App.P., Rules 20, 27, 34, 35
Remand, Title 25, chapter 21, M.R.App.P., Rule 35
Remedial powers of the supreme court, Title 25, chapter 21, M.R.App.P., Rule 15
Remittitur
- certification, Title 25, chapter 21, M.R.App.P., Rule 16

APPELLATE PROCEDURE (Continued)
Remittitur (Continued)

costs, award in, Title 25, chapter 21, M.R.App.P., Rule 33
issuance, Title 25, chapter 21, M.R.App.P., Rule 35
rehearing not permitted when, Title 25, chapter 21, M.R.App.P., Rule 34
united states supreme court, on mandate from, Title 25, chapter 21, M.R.App.P., Rule 35
Respondent
alternative dispute resolution/mediation process, Title 25, chapter 21, M.R.App.P., Rule 54(e)
review of ruling against, Title 25, chapter 21, M.R.App.P., Rule 14
Reversal of judgment, 3-2-204, 46-20-701, 46-20-703, 46-20-707; Title 25, chapter 21, M.R.App.P., Rules 7, 14, 15, 31, 35
statute of limitations, effect on, 27-2-407
Rules of Appellate Procedure, Const., VII, 2; Title 25, chapter 21
applicability, 25-12-101, 25-12-102; Title 25, chapter 20, M.R.Civ.P., Rule 72; Title 25, chapter 21, M.R.App.P., Rule 52
certiorari, writ of, 27-25-103
mandamus, writ of, 27-26-103
citation, Title 25, chapter 21, M.R.App.P., Rule 53
effective date, Title 25, chapter 21, M.R.App.P., Rule 53
forms, Title 25, chapter 21, M.R.App.P., Appendix
judicial notice, Title 26, chapter 10, M.R.Ev., Rule 202
preexisting proceedings, Title 25, chapter 21, M.R.App.P., Rule 53
publication with Montana code annotated, 1-11-204
scope, 25-12-101, 25-12-102; Title 25, chapter 21, M.R.App.P., Rule 1
statutes, effect on, Title 25, chapter 21, M.R.App.P., Rule 53
suspension, Title 25, chapter 21, M.R.App.P., Rule 3
Scope of review, 72-1-209; Title 25, chapter 21, M.R.App.P., Rule 2
Separate appeals, Title 25, chapter 21, M.R.App.P., Rule 29
Service
acknowledgment of service, Title 25, chapter 21, M.R.App.P., Rules 20, 26
alternative dispute resolution/mediation, order of mediator's appointment, Title 25, chapter 21, M.R.App.P., Rule 54(d)
briefs, Title 25, chapter 21, M.R.App.P., Rules 20, 25, 26
notice of appeal, Title 25, chapter 21, M.R.App.P., Rule 54 Appendix, Form 1
papers, Title 25, chapter 21, M.R.App.P., Rules 20, 21, 22
personal representative, on, Title 25, chapter 21, M.R.App.P., Rule 37
record on appeal, Title 25, chapter 20, M.R.Civ.P., Rule 5(a)
Small claims courts, See **SMALL CLAIMS COURTS**
Special proceedings, appeals in, See **SPECIAL PROCEEDINGS**
Stay of execution pending appeal, Title 25, chapter 21, M.R.App.P., Rules 7, 10
criminal proceedings, 46-20-204, 46-20-205; Title 25, chapter 21, M.R.App.P., Rule 7
state, in favor of, Title 25, chapter 20, M.R.Civ.P., Rule 62(e)
supreme court's power not limited, Title 25, chapter 20, M.R.Civ.P., Rule 62(g)
Submission of controversy without action, decision subject to, 27-7-104
Supersedeas bond, 39-71-2910; Title 25, chapter 21, M.R.App.P., Rules 7, 8, 10, 33
Sureties, 25-13-105; Title 25, chapter 21, M.R.App.P., Rules 6, 7, 8
subrogation, 25-13-105
Tax dispute resolution, final decisions, 15-1-211
Time
alternative dispute resolution/mediation process, Title 25, chapter 21, M.R.App.P., Rules 54(b), 54(g)
briefs, filing and service, Title 25, chapter 21, M.R.App.P., Rule 26
computation and extension, Title 25, chapter 21, M.R.App.P., Rule 21
motions for dismissal or other relief, filing of answer, Title 25, chapter 21, M.R.App.P., Rule 22
notice of appeal, filing, Title 25, chapter 21, M.R.App.P., Rule 5
oral argument, for, Title 25, chapter 21, M.R.App.P., Rule 29

APPELLATE PROCEDURE (Continued)
Time (Continued)

- record on appeal, transmission, Title 25, chapter 21, M.R.App.P., Rule 10
- rehearing, petitions for, Title 25, chapter 21, M.R.App.P., Rule 34
- statement of evidence, preparation, Title 25, chapter 21, M.R.App.P., Rule 9
- sureties, justification, Title 25, chapter 21, M.R.App.P., Rule 8
- transcript, order for or petition to support, Title 25, chapter 21, M.R.App.P., Rule 9

Transcripts of proceedings, Title 25, chapter 21, M.R.App.P., Rules 9, 23, See also **Record on appeal**
- costs, See **Costs**
- cross appeals, Title 25, chapter 21, M.R.App.P., Rule 23
- filing and service, Title 25, chapter 21, M.R.App.P., Rule 20
- transmission, Title 25, chapter 21, M.R.App.P., Rule 10

United States Supreme Court, mandate from, Title 25, chapter 21, M.R.App.P., Rule 35

APPORTIONMENT, Const., V, 14; Title 5, chapter 1

APPRENTICESHIP AND APPRENTICES
Agreements, 39-6-105, 39-6-106
- cancellation or termination, 39-2-606, 39-6-101, 39-6-106
- duties of department of labor and industry, 39-6-101
- settlement of differences, 39-6-102, 39-6-106
- standards, 39-6-101, 39-6-104, 39-6-105

Certificates of completion, 39-6-101
Committees, state and local, 39-6-104
Compliance with provisions voluntary, 39-6-107
Cosmetologists, manicurists, and estheticians, 37-31-203
Credit for previous training or experience, 39-6-106
Discriminatory practices, 49-2-303, 49-3-203, See also **DISCRIMINATION, Employment**
Electricians, 37-68-303, 37-68-305, 37-68-311, 37-68-314
Federal funding, 39-6-102
Federal law, applicability, 39-6-101
Fire protection equipment installation or service trainees, 50-39-101, 50-39-108
Force — justifiable use by parent, guardian, or teacher, 45-3-107
Funding, 39-6-102
Instruction, 39-6-103, 39-6-106
Midwives, 37-27-103, 37-27-105, 37-27-201, 37-27-205
Minimum wage exclusion, 39-3-406
Minors as, 39-6-106, 41-2-103, 41-2-107, 41-2-110
Overtime wage exclusion, 39-3-406
Plumbers, 37-69-302, 37-69-304, 37-69-323
Probation, 39-6-106
Records, 39-6-101
Registration, 39-6-101, 39-6-106
Rules, 39-6-101
State employee pay schedules for employees in trades and crafts, 2-18-303
Vocational education, state and local boards — responsibilities, 39-6-103
Wages, 39-3-406, 39-6-106
Water well contractors and drillers, 37-43-102, 37-43-202, 37-43-302, 37-43-305, 37-43-308, 37-43-313
Workers' compensation, "beneficiary" defined, 39-71-116

APPROPRIATIONS
Agriculture, Const., XII, 1
Appropriation bills, 1-2-201, 5-4-303, 5-4-305, 17-7-305, 17-7-501; Const., V, 11
Bonds and bond issues, statutory appropriation, 17-7-502

APPROPRIATIONS (Continued)

Budget
  amendments, 17-7-102, 17-7-151, 17-7-402, 17-7-403, 17-7-501, 17-7-502, 17-8-103, 53-20-214, 69-1-224, 75-10-621, 75-10-704, 80-2-102
  balanced, to be, 17-7-140; Const., VIII, 8; VIII, 9
  budget comparisons, 17-7-151
  budget request contents, 17-7-111
  executive budget, contents, 17-7-123, 17-7-151
  funds subject to, 17-7-102, 17-7-111, 17-7-123
Budget director, reports, 17-1-131
Capital projects, 17-7-206
Claims for disbursements, 17-8-202
Deficiency, 2-18-302, 17-7-301, 17-7-305, 17-7-311
Effective date, statutes providing for, 1-2-201
Emergency, 17-7-151
Encumbrance, 17-7-302, 17-7-303
Exceeding anticipated revenue, may not, 17-7-140; Const., VIII, 8; VIII, 9
Expenditure, See also **STATE FINANCE, Disbursements**; **TREASURY FUNDS AND ACCOUNTS**
  general appropriations act, money in, 17-7-138
  in excess of appropriations, 2-18-302, 5-12-102, 5-12-401, 17-8-103, 17-8-104, 17-8-106
  limitations, 17-8-103, 17-8-105, 17-8-106
  nongeneral fund money, expenditure first, 17-2-108
  procedures, 17-8-101, 17-8-102; Const., VIII, 14
  quarterly allotment system, 17-8-102
  reduction, 17-7-301, 17-7-311
  second fiscal year appropriations, from, 17-7-301, 17-7-311
"Feed bill", 17-7-305
Fiscal note requirements, nonapplicability, 5-4-201
Funds requiring appropriation only, 17-8-101
General appropriation bills, Const., V, 11
General appropriations act, 17-1-507, 17-7-123, 17-7-138, 17-7-140, 17-7-301
General fund appropriations
  decrease when, 17-2-108
  state special revenue accounts, termination — effect, 17-1-504
General fund budget deficit, 17-7-140
Initiative, may not be enacted by, 13-27-101; Const., III, 4
Insufficient, 17-2-107, 17-7-301, 17-7-311
Law
  appropriation bill becomes, when, 5-4-305
  appropriation made by, 17-7-501, 17-7-502, 17-8-101; Const., VIII, 14
Laws of Montana, index for, 5-11-205, 5-11-206
Limitations, 17-1-201, 17-8-103, 17-8-105, 17-8-106; Const., VIII, 8; VIII, 9
Line item vetoes in bills containing, 5-4-303, 5-4-305
Misuse, 17-8-103, 17-8-104
Nongeneral fund money, expenditure first, 17-2-108
Program transfers, 17-7-139
Property of state agency, as, 2-15-132
Reappropriations, 17-7-212, 17-7-303
Records, 17-1-111
Referendum, may not be subject of, 13-27-101; Const., III, 5
Revenue
  anticipated, may not exceed, 17-7-140; Const., VIII, 8; VIII, 9
  dedication
    definitions, 17-1-502
    legislative intent, 17-1-501

APPROPRIATIONS (Continued)
Revenue (Continued)
  dedication (Continued)
    principles of, 17-1-507
    review and evaluation, criteria for, 17-1-501, 17-1-505
    termination of special revenue accounts, effect, 17-1-504
    transfer of special revenue account balances to general fund, 17-1-503
  estimates, 5-18-107, 17-7-140
Reversion, 2-8-121, 17-7-140, 17-7-151, 17-7-302, 17-7-304, 20-25-428
State resources, of, 17-7-150, 17-7-151
Statutory, 17-7-111, 17-7-501, 17-7-502
  estimates, 17-7-151
  review and evaluation, guidelines for, 17-1-501, 17-1-508
Supplemental, 2-18-302, 2-19-102, 17-7-140, 17-7-151, 17-7-301, 17-7-305, 17-7-311, 20-9-351
Temporary, 2-9-202, 2-18-812, 17-7-501, 90-9-306, See also **Budget**, amendments
Transfer, 2-17-303, 17-7-139, 17-7-141, 17-8-101
Treasury funds, for, 17-2-101 — 17-2-107
Types, 17-7-501
Unexpended, 2-8-121, 2-18-106, 17-7-304

AQUATIC ECOSYSTEM PROTECTION
  See **FISH AND WILDLIFE, Lands or waters**; **LAKES, Shore protection**; **RIVERS AND STREAMS, Streambed protection**

ARBITRATION
  See also generally **REMEDIES**; **SPECIAL PROCEEDINGS**
Agreement to arbitrate, 27-5-114, 27-5-312, 27-5-322
Agriculture, Department of — authority, 80-11-103
Appeals, 27-5-324
Applications to court generally, how made, 27-5-321, 27-5-323
Arbitrators
  appointment, 27-5-211
  award, duties, 27-5-213, 27-5-216, 27-5-217, 27-5-312
    vacating by court, grounds, 27-5-312
  contempt not in presence of court, statement of facts, 3-1-512
  expenses and fees, 27-5-218, 39-2-914, 75-7-115, 77-2-107, 77-4-129, 77-6-306, 87-5-505
  firefighters and public employers, for, Title 39, chapter 34, part 1
  hearing, duties, 27-5-213
  majority action by, 27-5-212, 27-5-213
  presumption of adjudication, 26-1-602
  public employees' collective bargaining, training, 39-31-311
  streambed alteration projects, Title 75, chapter 7, part 1
  subpoenas and depositions, authority, 27-5-215
  wrongful discharge from employment, arbitration, 39-2-914, 39-2-915
Attorney
  fees, 27-5-218
  party's right to representation, 27-5-214
  venue, waiver, 27-5-323
Award, 27-5-213, 27-5-216
  confirmation, 27-5-311 — 27-5-314, 27-5-324
  expenses and fees, inclusion, 27-5-218
  judgment on, 27-5-314, 27-5-322, 27-5-324
  modification or correction, 27-5-217, 27-5-311 — 27-5-314, 27-5-324
  vacating, 27-5-311 — 27-5-313, 27-5-324
  wrongful discharge from employment, 39-2-914
Chiropractic malpractice claims subject to, 27-12-105
Citation of Uniform Arbitration Act, 27-5-111
Conservator's power, 72-5-427
Construction contractors and subcontractors, payment — enforcement, 28-2-2105

ARBITRATION (Continued)

Contract provisions, applicability, 27-5-114, 28-2-708
County land, leasehold improvements — value, 7-8-2509
Defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
Depositions, 27-5-215
Deferred deposit loan documents, inclusion of clause mandating — prohibited, 31-1-723
Estates and probate, secured claims — payment, 72-3-811
Evidence, 26-1-602, 27-5-213, 27-5-215, 27-5-312
Expenses and fees, 27-5-218, 27-5-314, 39-2-914, 39-34-106, 75-7-115, 75-7-117, 77-2-107, 77-4-129, 77-6-306, 87-5-505
Firefighters and public employers, between, Title 39, chapter 34, part 1
Foreign-money claims, Title 25, chapter 9, part 7
Hail insurance, disputed appraisals, 80-2-243
Hearing, 27-5-213, 27-5-214, 27-5-312, 27-5-323, 75-7-117
Insurers
  farm mutual, amount of claimant's loss or damage, 33-4-302, 33-4-411
  liquidation, security held by secured creditor — value, 33-2-1370
  reinsurance agreement, 33-2-1216
  unfair claim settlement practices, 33-18-201
Interpretation of provisions, 27-5-112
Jurisdiction of district court, 27-5-322, See also **DISTRICT COURT JURISDICTION**
Labor agreements, applicability, 27-5-113
Lease contracts, default procedure, 30-2A-501
Local governments, statutes imposing new duties — applicability, 1-2-115
Medical malpractice claims subject to, 27-6-105
Motions
  applications to court by, 27-5-321
  award, for modification or correction, 27-5-312
  hearing, for adjournment, 27-5-213
Motor vehicles
  injuries or damages incurred in negligent manner by insured or operator, effect on liability insurance, 61-6-103
  manufacturers, distributors, and importers — franchise cancellation or termination, 61-4-205
  warranty disputes, 61-4-515 — 61-4-520, 61-4-526
Notices
  award, modification or correction, 27-5-217
  hearing, 27-5-213
  order, initial application for, 27-5-321
Order for, 27-5-115, 27-5-324
Partnership business, winding up — disputes, 35-10-609
Power of attorney, statutory — authority, 72-31-223, 72-31-229, 72-31-232, 72-31-234
Presumption of adjudication, 26-1-602
Proceedings to compel or stay, 27-5-115, 27-5-324
Public employees
  collective bargaining agreements, 39-31-306, 39-31-310, 39-31-311
  termination, unlawful, 2-18-621
Rivers and streams
  construction project disagreements, 87-5-505
  stream access, portage route disagreements, 23-2-311, 23-2-321
  streambed alteration or modification projects, Title 75, chapter 7, part 1
School districts, statutes imposing new duties — applicability, 1-2-115
State, contract actions against — authority of attorney general, 18-1-413
State land leases
  easements, value of damages resulting from, 77-2-107
  lessee's improvements, settlement for, 77-2-206, 77-2-325, 77-4-129, 77-6-306

ARBITRATION (Continued)

Statute of limitations on commencement of action when controversy submitted to, 27-2-405
Stay of proceedings, 27-5-115
Subpoenas, 27-5-215
Table wine distributors and suppliers, termination of agreement of distributorship — determination of damages, 16-3-416
Taxes, multistate tax commission, 15-1-601
Teachers, tenured — termination of services or dismissal, 20-4-204, 20-4-207
Telecommunications services, interconnection of carriers, 69-3-837, 69-3-838
Threshers' liens, disputed price, 71-3-801
Trade or professional organizations, controversies, 27-5-114
Trust claims, settlement, 72-34-336
Venue, 27-5-115, 27-5-323
Witnesses, 27-5-213, 27-5-215
Wrongful discharge from employment disputes, 39-2-914, 39-2-915

ARCHAEOLOGICAL SITES, 15-24-1602, 22-3-802, 22-3-805, 23-1-101, 23-1-102, 23-1-107, 23-2-902, 72-16-446, 75-10-920, 82-4-202, 82-4-227, 82-4-434, 87-1-209; Const., IX, 4
  See **ANTIQUITIES**; **PARKS AND RECREATION, State parks**

ARCHERY AND ARCHERS
  See **FISH AND WILDLIFE**, **Bow and arrow**

ARCHITECTURE AND ARCHITECTS
  See also **PROFESSIONAL AND OCCUPATIONAL LICENSING AND REGULATION**
Administration, Department of — architecture and engineering division, See **ADMINISTRATION, DEPARTMENT OF**
Board of Architects, 2-15-1871, 37-65-102; Title 37, chapter 65, part 2
  licensing duties, Title 37, chapter 65, part 3
Building Codes Council, representation on, 50-60-115
Buildings, 37-65-102
  code violations, 50-60-110
  public, construction — approval of plans, 50-61-112
  schools, plans and specifications — approval requirements, 20-6-624
  state
    art for, 22-2-403, 22-2-406
    construction, Title 18, chapter 2, part 1
Condominiums, floor plans — certification, 70-23-306
Construction contractors and subcontractors, payment, 28-2-2101 — 28-2-2107
Contractor registration provisions, exemption, 39-9-211
County water and/or sewer district projects, 7-13-2218
Definitions, 37-65-102
Economic development project costs, 17-5-1503
Employment Security Commission Buildings, 17-5-602, 17-5-612
Enforcement of provisions, 37-65-204
Engineering, professional — exemption from provisions, 37-67-103
Exemptions from provisions, 37-65-103
Heritage property, 22-3-421, See **ANTIQUITIES**
Historic Preservation Review Board, representation on, 2-15-1512
Historic properties, tax abatement — local review board to certify eligible properties, membership, 15-24-1605
Home inspection and inspector provisions, exclusion, 30-14-1003
Hospital districts, employment, 7-34-2122
Industrial development project costs, 90-5-109
Injunction, 37-65-323

ARCHITECTURE AND ARCHITECTS (Continued)

Insurance, professional liability insurers, 33-9-101 — 33-9-105
  information required from, 33-23-311
Landscape architects, nonapplicability of provisions, 37-66-105, See also **LANDSCAPE ARCHITECTURE AND ARCHITECTS**
Licenses and licensing
  applications, 37-65-303
  discrimination in issuance prohibited, 49-3-204
  examinations, 37-65-201, 37-65-303, 37-65-304
  fees, 37-65-304, 37-65-306, 37-65-307
  individuals, limited to, 37-65-302
  issuance, 37-65-203, 37-65-303
  local fee or tax prohibited, 37-65-203
  public building construction, requirements, 18-2-113
  qualifications, 37-65-303, 37-65-306
  register of applicants, 37-65-201
  renewal, 37-65-306
  required, 37-65-301
Lien for services, Title 71, chapter 3, part 5
Montana Arts Council, duties, 22-2-106
Practice of architecture, 37-65-102
  license required, 37-65-301
  state policy, 18-2-111
Procurement provisions, state — nonapplicability, 18-4-132
Purpose of provisions, 37-65-101
School districts
  contracts for services, See **SCHOOLS, Sites and facilities**, architectural services
  professional services contracts, exemption from bidding requirements, 20-9-204
Seal of architect, 18-2-114, 37-65-308
Small business set-asides for state government purchasing, nonapplicability of provisions, 18-5-304
State architect, 5-17-202, 18-2-106
State prison housing units, 53-30-141
State services contracts, Title 18, chapter 8, part 2
Utilities, underground — excavations near, information requirements, 69-4-504
Violations, 37-65-322, 37-65-323
Water projects, state-owned — plans and drawings, approval, 85-1-219

ARMED PERSONS, IMPORTATION, 45-8-106; Const., II, 33

ARMORED CARS OR ARMED CARRIER SERVICES, Title 37, chapter 60
  See **PRIVATE INVESTIGATORS AND SECURITY PATROL OFFICERS**

ARMORIES, 10-1-108, 10-1-109, 10-1-612, 10-1-703
Fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
University system, facilities, 20-25-302

ARMOR-PIERCING BULLETS, 46-18-224

ARMS, RIGHT TO BEAR, 1-1-224, 7-1-111, 45-8-107 — 45-8-109; Const., II, 12
  See also **WEAPONS**, generally

ARREST
Aiding offender to escape discovery, unlawful, 45-7-303
Appeals, 46-20-103; Title 25, chapter 21, M.R.App.P., Rules 1, 39
Appearance, See **CRIMINAL PROCEDURE, Appearance of defendant**, initial
Assault with a bodily fluid, offense of, 45-5-214

ARREST (Continued)

Bail or bond certificates, 44-1-1101 — 44-1-1103, 46-9-412, 46-9-414, See also **Prejudgment arrest**
Citizen's arrest, See **Private person, arrest by**
Civil actions, seizure of person or property, Title 25, chapter 20, M.R.Civ.P., Rule 64, See also **Prejudgment arrest**
Close pursuit, 7-32-2234, 46-6-312, 46-6-411
Commerce, Department of — authority, 30-12-210
Communication with person subject to, unauthorized when, 45-7-307
Contempt, for, See **CONTEMPT**
County attorney, duties, 7-4-2712
County sheriff, powers, 7-32-2121
  mileage and expenses, 7-32-2143
Credit reports, inclusion of information in, 31-3-112, 31-3-126
Crime victims, arrest of accused — notification, 46-24-203
Criminal justice information, Title 44, chapter 5
Customs officers, authority, 46-6-412
Deaf persons, interpreters for, 49-4-503
Definitions, 45-2-101, 46-1-202, 46-6-506
Detention centers, See **DETENTION CENTERS**
Drug users, report to county attorney, 46-9-203
Escape
  force to prevent, justifiable use of, 45-3-106
  minors charged as adults in district court, 41-5-206, 41-5-341
  prejudgment arrest, 27-16-209, 27-16-210
    statute of limitations for action against public officer, 27-2-209
  unlawful, 45-7-306
  warrantless arrest, 46-6-312
Execution, arrest of judgment debtor for withholding property, 25-14-102, 25-14-309
Exemptions, 7-32-4115, 13-1-115, 26-2-402, 46-6-102, 46-15-112, 46-15-120; Const., IV, 6; V, 8
Extradition, See **EXTRADITION, To another state, procedure**
False or unlawful arrest, See also **PERSONAL INJURY**
  close pursuit, release, 46-6-411
  governmental liability, 2-9-101, See **GOVERNMENTAL LIABILITY**
  merchandise in full view, merchant liability for requiring, 30-11-302
  municipal infractions, citations or proceedings not to provide action for, 7-1-4152
  resisting when, 45-3-108, 45-7-301
Fingerprinting and photographing of accused when, 44-5-202
Firewardens, powers of, 77-5-105
Fish and game wardens, powers of, 23-1-122, 87-1-506
Fish, Wildlife, and Parks — Department officers, authority, 23-1-106, 23-2-410, 23-2-506, 23-2-641, 23-2-806, 46-8-201, 87-1-502
Fugitives, 7-32-2145, 46-6-216, 46-6-411
Grounds, 46-6-210
  absence of defendant from trial, 46-16-122
  bail, failure to comply with conditions, 46-9-503, 46-9-505
  customs or immigration officers, 46-6-412
  depositions, for taking, 46-15-201
  home arrest violations, 46-18-1003
  indictment, upon, 46-11-332
  information, after filing, 46-11-201
  parole violations, 46-23-1023
  probation violations, 46-23-1012
  private person, arrest by, 46-6-502
  restitution, default, 46-18-247
  sentence violations, 46-18-203

ARREST (Continued)

Guaranteed arrest bond certificates, 46-9-412, 46-9-414
Habeas corpus, Title 46, chapter 22
Harboring or aiding offender unlawful, 45-7-303
Highway patrol officers, procedure, 44-1-1101 — 44-1-1103
Home arrest, See **SENTENCING AND SENTENCES**
Hot pursuit, 7-32-2234, 46-6-312, 46-6-411
Immigration officers, authority, 46-6-412
Judgment directing, civil, 25-13-201, 25-13-308; Title 25, chapter 20, M.R.Civ.P., Rule 64
Jurors, to compel attendance, 3-15-321
Justice, Department of — authority, 16-11-141, 23-5-113, 44-1-1005, 46-8-201, 53-2-501
Livestock inspectors and detectives, powers, 81-1-202
Manner of, 46-6-104, 46-6-216, 46-6-312
Military officers, authority, 10-1-611, 10-1-612
Minors, 41-5-321, See **YOUTH COURT**, **Custody of youth**
Misdemeanor probation officers, authority, 46-23-1005
Motor carriers' supervisor and field inspectors, powers, 69-12-203
Motor vehicle violations, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Peace officers, departmental**; **Violations**
Notice to appear, 46-1-202
  failure to appear following, 46-6-212
  issuance when, 46-6-310
  rules of evidence inapplicable, Title 26, chapter 10, M.R.Ev., Rule 101
Official detention, 45-2-101
  offenses committed while in, 46-18-220, 46-18-303
Oil and Gas Conservation, Board of — authority, 82-11-142
Park rangers, powers of, 23-1-122
Partner or family member assault, 46-6-105, 46-6-311, 46-6-601, 46-6-602
Peace officers, 46-1-202
  arrest by, 46-6-210
  assisting officer, 46-6-402
    failure to aid, unlawful, 45-7-304
  authority, 7-32-201, 13-13-122, 44-1-1005, 61-10-141, 61-12-202, 61-12-203, 61-12-206, 61-12-208
  auxiliary officers, authority — limitation, 7-32-233
  close pursuit, 7-32-2234, 46-6-312, 46-6-411
  extradition, in arrest for, 46-30-215, 46-30-216
  manner of arrest, 46-6-216
  notice to appear, issuance, 46-1-202, 46-6-310
  partner or family member assault situations, 46-6-311, 46-6-601, 46-6-602
  private persons, arrest by, 46-6-502, 46-6-505
  sentence violations, 46-18-203
  warrant directed to, 46-1-202, 46-6-215
  warrantless arrest, 46-6-311, 46-6-312
Police
  authority for, 7-32-4105, 7-32-4301, 31-1-211, 61-1-304
  exemption from, 7-32-4115
Power of attorney, statutory — authority, claims and litigation, 72-31-232
Prejudgment arrest, 27-16-102, See also **REMEDIES**, generally
  affidavits
    bail reduction or vacation of order, for, 27-16-301
    defendant, of, 27-16-1003
    plaintiff, of, 27-16-203, 27-16-207, 27-16-1002, 27-16-1006
    sureties on undertaking of plaintiff, 27-16-205
  appeal, Title 25, chapter 21, M.R.App.P., Rule 39

ARREST (Continued)
Prejudgment arrest (Continued)

- bail
  - amount, 27-16-206
  - deposit of money in lieu of, 27-16-401, 27-16-601 — 27-16-604
  - discharge of defendant, 27-16-401, 27-16-601
  - justification, 27-16-405, 27-16-406, 27-16-603
  - nonacceptance by plaintiff, 27-16-404
  - qualifications, 27-16-402, 27-16-403
  - reduction, 27-16-301, 27-16-302, 27-16-601
  - sheriff, liability as, 27-16-209, 27-16-210
  - substitution of bail for deposit of money, 27-16-603
  - sufficiency, 27-16-407
  - undertaking of defendant, 27-16-402, 27-16-404, 27-16-603
- costs, 7-4-2525, 7-32-2141, 27-16-208, 27-16-1005
- counterclaim, availability to defendant upon, 27-15-102
- discharge of defendant, 27-16-401, 27-16-601, 27-16-1001, 27-16-1005, 27-16-1006
- election as provisional remedy, 27-15-101
- escape or rescue, liability, 27-16-209, 27-16-210
- exclusive procedure, 27-16-101
- justices' courts, in
  - affidavit, undertaking, and sureties of plaintiff, 27-16-1002, 27-16-1006
  - answer or appearance, 25-31-406, 27-16-1003, 27-16-1006
  - costs, 27-16-1005
  - custody of defendant, 27-16-1005
  - discharge of defendant, 27-16-1001, 27-16-1005, 27-16-1006
  - docketing, 3-10-501
  - municipal court, applicability, 25-30-101
  - notice to plaintiff, 27-16-1004
  - order for, 27-16-1001, 27-16-1006
  - postponement when, 25-31-707
- order for, 27-16-201
  - decision on, time limit, 27-15-103
  - directions to sheriff, 27-16-206
  - execution, 27-16-208
  - filing, 27-16-404
  - grounds, 27-16-203
  - return, 27-16-206, 27-16-404
  - service, 7-4-2525, 7-32-2141, 27-16-207
  - time for making, 27-16-202
  - vacation, 27-15-103, 27-16-301, 27-16-302
- sureties of defendant, 27-16-402
  - exoneration, 27-16-501, 27-16-503, 27-16-505
  - justification, 27-16-405, 27-16-406, 27-16-603, 27-16-604
  - liability, action to enforce, 27-16-504
  - qualifications, 27-16-403
  - surrender of defendant, 27-16-501 — 27-16-503
- sureties of plaintiff, 27-16-204, 27-16-205, 27-16-1002
- surrender of defendant, 27-16-501 — 27-16-503
- undertaking of defendant, 27-16-402, 27-16-404, 27-16-405, 27-16-407, 27-16-603
- undertaking of plaintiff, 27-16-204, 27-16-205, 27-16-1002, 27-16-1006

Private person, arrest by, 46-6-502
- assistance to peace officer, authority when, 46-6-402
- auxiliary peace officers, authority, 7-32-233
- custody of arrested person, 46-6-502, 46-6-505
- surety on bail, by, 46-9-510

Probable cause, 46-5-224, 46-6-201, 46-6-311, 46-6-502

ARREST (Continued)

Pursuit, 7-32-2234, 46-6-312, 46-6-411
Railroad personnel, power of, 69-14-1003
Release of arrested person, 46-6-204, 46-6-313, 46-6-411, See also **BAIL**
  prejudgment arrest, 27-16-401, 27-16-601, 27-16-1001, 27-16-1005, 27-16-1006
Resisting arrest
  force, use in — not justified, 45-3-108
  informing of intent to arrest not required, 46-6-216
  unlawful, 45-7-301
Rewards for apprehension of criminals, 2-15-201, 7-21-3212, 7-32-2301
Search and seizure, incident to, 46-5-102, 46-5-224, See also **SEARCH AND SEIZURE**
Shoplifting, temporary detention by merchant, 46-6-506
Stop, 45-2-101, See also **SEARCH AND SEIZURE**
Summons in lieu of, See **CRIMINAL PROCEDURE, Summons**
Tactical incident assistance, 10-3-701 — 10-3-705
Time of arrest, 46-6-105
Transportation, Department of — peace officers for, authority, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Peace officers, departmental**
Unlawful arrest, See **False or unlawful arrest**
Warrantless arrest
  basis for, 46-6-311
  customs or immigration officers, by, 46-6-412
  extradition, for, See **EXTRADITION, To another state, procedure**
  manner of, 46-6-312
  notice to appear, 46-6-310, See **Notice to appear**
  probation and parole officer, by, 46-23-1012, 46-23-1023
  railroad personnel, power of, 69-14-1003
  release of arrested person, 46-6-313
Warrants, 46-1-202
  bail specified in, 46-6-214, 46-9-302
  concealed weapon, permit to carry — ineligibility, 45-8-321
  contempt, See **CONTEMPT, Arrest and custody**
  execution, 46-6-215
  extradition, for, See **EXTRADITION, To another state, procedure**
  form and content, 46-6-214
  irregularities, effect, 46-6-204
  issuance, 46-6-201, 46-6-211 — 46-6-213, 46-6-310, 46-8-115, 46-9-503, 46-9-505, 46-11-201, 46-11-332, 46-15-201, 46-16-122, 46-18-203, 46-18-1003, 46-23-1012, 46-23-1023, 61-4-122
  manner of arrest, 46-6-216
  motor vehicle division compliance specialists, by, 61-4-122
  peace officer, arrest by, 46-6-210
  rules of evidence inapplicable, Title 26, chapter 10, M.R.Ev., Rule 101
  sealing of documents supporting, 46-11-701
  search warrant, what may be seized, 46-5-224
  service by county sheriff, mileage and expenses, 7-32-2143
  summons in lieu of, See **CRIMINAL PROCEDURE, Summons**
  time of arrest, endorsement upon, 46-6-105
Water commissioners, authority, 85-5-108
Witnesses, of, See **SUBPOENAS, Arrest of witness**; **WITNESSES**

ARSON
County detention center work program, inmate ineligibility, 7-32-2227
Evidence, 46-18-261
Highway patrol officers, jurisdiction, 44-1-1001
Home arrest, ineligibility, 46-18-1001, 46-18-1004

ARSON (Continued)

Homicide, deliberate — commission when, 45-5-102
Hotel or lodging establishment outbuildings, liability, 70-6-505
Investigation, 37-60-101, 46-18-261, 50-3-102, 50-63-203, See also **FIRES AND FIRE PROTECTION, Investigation of fires**
Minors charged as adults in district court, 41-5-206, 41-5-341, 46-18-201
Negligent arson, 45-6-102, 46-18-261
Offense of, 45-6-103
Property tax, effect on, 15-16-611
Recovery of suppression and investigation costs, 46-18-261
Release of offender, written notice to department of justice, 53-1-104
Setting or leaving a fire causing damage, 50-63-102
Street gang activity, pattern of, 45-8-405
Violent offender DNA testing, 44-6-101 — 44-6-103, 44-6-106 — 44-6-108, 44-6-110
Violent offender registration and restrictions, 46-18-201, 46-18-255, 46-23-501 — 46-23-511

ARTIFACTS, Title 22, chapter 3
  See **ANTIQUITIES; HISTORICAL SOCIETY**

ARTIFICIAL INSEMINATION
Comprehensive health association plan, exclusion, 33-22-1521
Livestock, Title 81, chapter 2, part 4
Paternity determination, 40-6-106

ARTS AND CULTURE
  See also **ANTIQUITIES; MUSEUMS**
Armored motor vehicles used for transportation of artwork
  "armored car service" defined, 37-60-101
  motor carrier laws, exemption from, 69-12-102
Auctions, 22-2-501, 30-10-103
Burial site protection, Title 22, chapter 3, part 8, See **ANTIQUITIES, Human skeletal remains and burial site protection**
Butte-Anaconda cultural heritage area, highway signs, 60-2-220
Caves, conservation, Title 23, chapter 2, part 9
Cities and towns, facilities, 7-16-4103 — 7-16-4105
Coal trust fund, allocation of revenue, 15-35-108, 22-2-301, 22-2-304, 22-2-321
Council, See **Montana Arts Council**
County facilities
  construction and maintenance, 7-16-2101
  establishment and acquisition, 7-16-2105, 7-16-2202
  tax levy for, 7-16-2102, 7-16-2103, 7-16-2109, 7-16-2205
  trustees, board of, 7-16-2203
Cultural and aesthetic projects
  account
    allocation and disbursement of funds, 22-2-305, 22-2-306
    reversions, 22-2-321
  advisory committee, 2-15-1521, 22-2-301 — 22-2-304
  grantees — written agreement, responsibilities, and disbursements to, 22-2-306
  grants
    application procedures, 22-2-303, 22-2-308
    appropriations for, 22-2-304
    categories, challenge grants, and matching funds, 22-2-309
    conditions, 22-2-303, 22-2-306, 22-2-309
    criteria, 22-2-308
    proposals, 22-2-301 — 22-2-304
    reversion of funds, 22-2-321

ARTS AND CULTURE (Continued)
Cultural and aesthetic projects (Continued)
  grants (Continued)
    state budget, information requirements, 17-7-111
  heritage preservation and development commission, deposits to trust, 22-3-1003
  local support required when, 22-2-303, 22-2-308
  protection, funding, 2-17-805, 15-35-108
Discrimination on account of culture prohibited, Const., II, 4
Easements, right of preservation for cultural values, 70-17-101, 70-17-102
Employment of minors in retail establishments, 41-2-108
Environmental policy, 75-1-103
Estate tax, in-kind payment, 72-16-445 — 72-16-450
Fine art, sale by art dealer
  agency relationship, 22-2-503
  artist-art dealer relationship, 22-2-502, 22-2-503
  consignment, 22-2-501
    effect, 22-2-503, 22-2-504
    what constitutes, 22-2-502
  definitions, 22-2-501
  subsequent sale, payment to consignor, 22-2-504
  trust property, 22-2-503, 22-2-504
  uniform commercial code, nonapplicability of provisions, 22-2-505
  waiver of provisions void, 22-2-505
Foreign capital depositories, tangible personal property, 32-8-103
Galleries
  motor vehicles, gross vehicle weight fee exemption, 61-10-214
  smoking areas, designation — exemption, 50-40-204
  tax exemption, 15-6-201
Government, state and local — educational, counseling, and training programs for culturally deprived, 49-3-203
Graphic arts, state procurement provisions — "printing" defined, 18-4-123, See also **Fine art, sale by art dealer; CAPITOL AND OTHER STATE BUILDINGS**, **Art for state buildings**
Heritage protection and preservation, See generally **ANTIQUITIES**
Highway signs or displays advertising, 75-15-111
Historical Society, See **HISTORICAL SOCIETY**
Human skeletal remains, protection, Title 22, chapter 3, part 8, See **ANTIQUITIES**
Hunting heritage, Montana's — official observance, 1-1-226
Indians
  arts or crafts articles, sale of authentic or imitation, 30-14-601 — 30-14-604
  cultural heritage and background, 2-1-305, 2-15-2302, 20-1-501, 41-3-108, 41-3-1115, 41-5-121, 82-4-227; Const., X, 1
  language, promotion, 1-1-510
  lewis and clark bicentennial commission, duties, 2-15-150
  monument and tribal flag circle, 22-2-601, 22-2-602
Inheritance tax, in-kind payment, 72-16-445 — 72-16-450
Insurance coverage for art, 33-1-227, 33-1-228
Landowner's liability to gratuitous permittee, 70-16-301, 70-16-302
Megalandfill siting application, evaluation — considerations, 75-10-920
Migratory bird stamp and related artwork, 87-2-412
Mining operations, effect on cultural sites, 82-4-202, 82-4-227, 82-4-228
Montana Arts Council, 2-15-1513, 22-2-101
  allocation, 2-15-1511
  budget requests, 2-15-1511
  capitol complex advisory council, director as member, 2-17-803
  compensation of members, 22-2-103, 22-2-105
  composition, 22-2-102
  contracts, authorization for, 22-2-108

ARTS AND CULTURE (Continued)
Montana Arts Council (Continued)

  cultural and aesthetic projects
    advisory committee, appointments to, 2-15-1521
    grantees, responsibilities and disbursements to, 22-2-306
    grants, duties, Title 22, chapter 2, part 3
  duties generally, 22-2-106
  executive committee, 22-2-104
  funding, 22-2-107, 22-2-109
  indian monument and tribal flag circle, duties, 22-2-601, 22-2-602
  officers and employees, 22-2-103, 22-2-105
  state buildings, art for — duties, 22-2-404, 22-2-406
  term of members, 22-2-103
Montana State University-Bozeman, instruction, 20-25-221
Nonprofit organizations
  highway signs or displays advertising exhibits, 75-15-111
  special beer and table wine license, 16-4-303, 16-4-501
Nutrition counseling, effect of cultural background, 37-25-102
Obscenity and obscene material, 45-8-201, 45-8-205
Outdoor advertising, 75-15-103, 75-15-111
Paddlefish roe as caviar, donation and sale program — advisory committee proposals and projects, 87-4-601
Percent-for-Art Act, Title 22, chapter 2, part 4, See **CAPITOL AND OTHER STATE BUILDINGS, Art for state buildings**
Pharmacy provisions, exemption, 37-7-103
Preservation Review Board members, qualifications, 2-15-1512
Products of the mind, 30-13-131, See also **TRADE REGULATION AND COMPETITION, Products of the mind**
Protection and preservation, Const., IX, 4
Recreational purpose, defined as, 70-16-301
Rights of artist, protection, 22-2-407, 30-13-131 — 30-13-135, See also **TRADE REGULATION AND COMPETITION, Products of the mind**
Schools
  gifted and talented children program, professionally qualified persons, 20-7-901
  libraries, inclusion of religious material having cultural significance, 20-7-112
  special education, surrogate parent — familiarity with cultural background of child, 20-7-461
Securities regulation, exclusion as commodity, 30-10-103
State buildings, art for, Title 2, chapter 17, part 8; Title 22, chapter 2, part 4, See **CAPITOL AND OTHER STATE BUILDINGS, Art for state buildings**; **Capitol complex master plan**
State lands
  classification, capability inventory, 77-1-403
  recreational use, rules, 77-1-804
State parks
  park rangers, enforcement of provisions, 23-1-121
  purpose of provisions, 23-1-101
Tourist-oriented directional signs, business eligibility, 60-5-522, See also **HIGHWAYS, Motorist information signs**
Treasure state living cultural treasures program, 2-15-236 — 2-15-238
University of Montana-Missoula, instruction, 20-25-205, 20-25-206

ASBESTOS
  See also **MINES AND MINING**, generally; **STATE LANDS, Nonmetallic mineral leases**
Building construction and demolition
  definitions, 50-64-102

ASBESTOS (Continued)
Building construction and demolition (Continued)

  fibrated products or compounds, use — supervision, 50-64-106
  purpose of provisions, 50-64-101
  rules, 50-64-103
  safeguards during demolition, 50-64-104
  spray products, use prohibited, 50-64-105
  violations, 50-64-107
Occupations and projects, asbestos-related
  accreditation, 75-2-503, 75-2-511, 75-2-515
  asbestos control account, 75-2-508
  citation of asbestos control act, 75-2-501
  cleanup orders, 75-2-519
  definitions, 75-2-502
  enforcement, 75-2-514 — 75-2-516, 75-2-518
  facility permits, 75-2-504
  fees, 75-2-503, 75-2-504, 75-2-508, 75-2-511
  hearings, 75-2-515
  injunction, 75-2-514, 75-2-516, 75-2-517
  inspections, 75-2-518
  orders, 75-2-514 — 75-2-519
  penalties, 75-2-503, 75-2-514 — 75-2-516
  permits, 75-2-503, 75-2-504, 75-2-511, 75-2-514 — 75-2-518
  records, 75-2-513, 75-2-518
  remedies, civil or administrative, 75-2-514, 75-2-516
  rules, 75-2-503, 75-2-504, 75-2-511, 75-2-513 — 75-2-518
  samples, 75-2-518
  violations, 75-2-514 — 75-2-517

ASSAULT AND BATTERY
  See also **TORTS**, generally
Criminal charges, See **CRIMES**, **Assault**
Dueling, damages, 27-1-223, 27-1-301
Force, justifiable use to protect, 45-3-103, 49-1-103
Malpractice claim, as, 27-6-103
Military personnel, 10-1-612
Partner or family member assault, 45-5-206
  advocate privilege, 26-1-812
  arrest, 46-6-105, 46-6-311, 46-6-601, 46-6-602
  bail, appearance prior to release on, 46-9-302
  child parenting plan, effect of parent's conviction, 40-4-212, 40-4-219
  indigent victims of domestic violence account, civil legal assistance for, 3-2-714, 25-1-201
  injunctive relief, 27-19-201, 40-4-121
  insurance, discrimination prohibited, 33-18-216, 33-22-526
  intervention and treatment fund account, 25-1-201, 40-15-110
  misdemeanor probation costs, payment by offender, 46-23-1005
  notice of rights to victim, 40-15-103, 46-6-602
  privileged communications suspended, 46-16-212
  protection, order of, 3-10-301
    appeal, 40-15-301, 40-15-302; Title 25, chapter 30, part 2, U.M.C.R.App., Rules 4, 5, 7, 14, 15
    child custody determination, enforcement petition — information for, 40-7-308
    child custody proceedings
      inclusion, 40-7-103
      jurisdiction of court, determination — information for, 40-7-108, 40-7-110
    eligibility, 40-15-102
    endangering the welfare of children, applicability, 45-5-622

ASSAULT AND BATTERY (Continued)
Partner or family member assault (Continued)
  protection, order of (Continued)
    forms, 40-15-203
    hearing and evidence, 40-15-202, 40-15-204, 40-15-301, 40-15-302
    jurisdiction and venue, 40-15-301
    petition for, 45-5-622, 46-6-502
    purpose, 40-15-101
    registration, 40-15-303
    temporary order, 40-15-201, 40-15-204, 40-15-302
    violation and penalty, 45-5-626, 46-23-1005
    written orders, 40-15-204
  restraining orders, 3-10-301, 40-4-123
  sexual offender DNA testing, 44-6-101 — 44-6-103, 44-6-106 — 44-6-108, 44-6-110
  victim and witness advocate program, funding, 46-18-236
  voter registration lists or mailing labels, addresses of victims removed from, 13-2-115, 13-2-122, 46-6-602
  weapon, assault with a — effect of conviction, 45-5-206, 45-5-213
  weapon, seizure, 46-6-603
Protection from, personal right, 49-1-101
Statute of limitations, 27-2-204

ASSAYS AND ASSAYING
  See **MINES AND MINING, Samples of ore**; **MONTANA TECH OF THE UNIVERSITY OF MONTANA**

ASSEMBLY
Civil disorder, prohibited activities and exceptions, 45-8-107 — 45-8-109
Discrimination, freedom from, 49-1-102
Disorderly conduct, 45-8-101, 45-8-102
Electors, public meetings — prevention prohibited, 13-35-213
Freedom of, Const., II, 6
Health officers, local — prohibition of assembly when, 50-2-118
Highways, on — regulation or prohibition, 61-12-101
Housing discrimination, intimidation or interference in right to be free from, 49-2-602
Public facilities, 7-14-4704, 49-1-102
  construction or alteration, approval and permit, 50-61-112
  fire protection and safety regulations, 50-61-103
  floodways, within — prohibited, 76-5-403
  health inspections, 50-1-203
Public participation in government, Title 2, chapter 3; Const., II, 8
Riot, 45-8-103, See **RIOT**
Smoking or nonsmoking areas, designation, Title 50, chapter 40
Town meeting form of government, 7-3-601
Weapons, carrying to — local government regulation, 45-8-351

ASSESSMENT AND ASSESSORS
  See **CITY ASSESSOR**; **COUNTY ASSESSOR**; **CITY-COUNTY CONSOLIDATION, OPTION TWO**; **TAXATION, PROPERTY**; specific subject area

ASSIGNMENTS, 1-1-205
  See **DEBTOR-CREDITOR RELATIONSHIPS**; specific subject heading

ASSOCIATIONS
Actions
  class action by or against shareholders, Title 25, chapter 20, M.R.Civ.P., Rules 23.1, 23.2
  injunction, for, 27-19-104
  interrogatories, Title 25, chapter 20, M.R.Civ.P., Rule 33(a)
  name in suit, 25-5-104
  parties, capacity generally, Title 25, chapter 20, M.R.Civ.P., Rule 9(a)

ASSOCIATIONS (Continued)
Actions (Continued)

  small claims court, 25-35-505
Agricultural associations, Title 35, chapters 16 and 17
Appropriation by state prohibited, Const., V, 11
Architects, licensing as — prohibited, 37-65-302
Assumed business name registration, Title 30, chapter 13, part 2
Attachment of property, 27-18-502
Benevolent associations, Title 33, chapter 6
Building and loan associations, Title 32, chapter 2
Business trusts, 35-5-101
  actions, 35-5-103, 35-5-201
  affidavit, 35-5-201
  assumed business name, 35-5-201
  authority, 35-5-204
  authorization, 35-5-104
  certificate of organization, 35-5-202
  classification, 35-5-102
  corporation law, applicability, 35-1-113, 35-5-103, 35-5-204
  creating instrument, 35-5-101, 35-5-201
    amendment, 35-5-201, 35-5-203, 35-5-204
    powers specified in, 35-5-204
  fees, 35-5-205
  fiduciary relationships, deposit of securities, 32-1-425 — 32-1-427
  foreign business trusts, 35-5-102, 35-5-103, 35-5-201
    license to do business, 35-5-202
    taxes and fees, 35-5-205
  foreign-money claims, Title 25, chapter 9, part 7
  fraudulent transfers, Title 31, chapter 2, part 3
  limited liability companies, powers, 35-8-107
  nonprofit corporation law, applicability, 35-2-114
  partnerships, applicability, 35-10-102, 35-10-617
  powers, 35-5-103, 35-5-204
  service of process, 35-5-103, 35-5-201; Title 25, chapter 20, M.R.Civ.P., Rule 4A; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4A
  taxation, 15-31-101, 35-5-205, See also **TAXATION, CORPORATIONS**
  trust code, applicability, 72-1-103, 72-33-108
  unclaimed property held by, Title 70, chapter 9, part 8
  uniform probate code, applicability, 72-1-103
  workers' compensation group insurance, 39-71-432, 39-71-433
Cemetery associations, Title 35, chapter 20
Community service corps program, Title 90, chapter 14, part 1
Condominiums, association of unit owners, See **CONDOMINIUMS**
Cooperative associations, Title 35, chapter 15
Credit unions, Title 32, chapter 3
Day-care facilities, establishment, See **DAY CARE**
Defamation, 45-2-101, 45-8-212
Deposition of, Title 25, chapter 20, M.R.Civ.P., Rules 30(b), 31(a), 32(a), 37(a), 37(b), 37(d)
Developmental disabilities, community homes for persons with — establishment and operation, 53-20-303 — 53-20-305
Discriminatory practices, See **DISCRIMINATION**, generally
Electrical contractors, business as, 37-68-302
Farmers' market associations, tax liability, 15-31-102
Fire department relief associations, formation, 19-18-102
Fish and wildlife
  hunting access enhancement program, landowner associations, 87-1-267
  management and demonstration projects, associations for, 87-1-210

ASSOCIATIONS (Continued)

Fraternal benefit societies, Title 33, chapter 7
Guardian of incapacitated person, as, 72-5-312
Health service corporations, profit organizations may not be, 33-30-104
Insurance, disability
  comprehensive health association, Title 33, chapter 22, part 15
  long-term care insurance, associations for, 33-22-1107
  multiple employer welfare arrangement, Title 33, chapter 35
  small employer health insurance availability, Title 33, chapter 22, part 18
Insurance guaranty associations, Title 33, chapter 10, parts 1 and 2
Massachusetts trusts, 35-5-101, See **Business trusts**
Medicine, practice of — violation of licensing provisions, 37-3-203, 37-3-325
Mobile home park resident associations, 70-24-314, 70-24-431
Mortgages, execution — governing law, 71-1-112
Oil or gas unit operation does not create, 82-11-216
Partnerships, Title 35, chapters 10 and 12
Power of attorney, statutory — authority, 72-31-229
Production credit associations, 15-24-701, 80-12-103, 80-12-204
Quo warranto, 27-28-101
Service of process on, Title 25, chapter 20, M.R.Civ.P., Rules 4A, 4D; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 4A, 4D
State funding prohibited, Const., V, 11
Timeshare associations, Title 37, chapter 53
Trademarks, Title 30, chapter 13, part 3
Unfair practices, 30-14-202; Const., XIII, 1
Water users' associations, Title 85, chapter 6, part 1
Workers' compensation
  coverage, plan for, 39-71-2103
  definitions, 39-71-116 — 39-71-118
  employments covered and exempted, 39-71-401
  group insurance, 39-71-432, 39-71-433
Youth care facilities and services, for, 41-3-1131, 41-3-1132

ASSUMED BUSINESS NAME REGISTRATION
Affidavits, 30-13-213, 35-5-201
Affirmation, execution of document as, 30-13-218
Amendment, 30-13-202, 30-13-209, 30-13-210
Applications for
  amendment, 30-13-210
  registration, 30-13-202 — 30-13-204
  renewal, 30-13-206 — 30-13-208
  reservation of proposed name, 30-13-211, 30-13-212
Business trusts, 35-5-201
Cancellation, 30-13-204, 30-13-206, 30-13-210, 30-13-213, 30-13-214
Certificates
  amendment, of, 30-13-210
  evidence, as, 30-13-216
  registration, of, 30-13-204, 30-13-215
  renewal, of, 30-13-208
  reservation, of, 30-13-212
  transaction of business without, 30-13-215
Change of name, 30-13-209, 30-13-210
Corporations, 35-1-308, 35-1-1031
Definitions, 30-13-201
Effective period, 30-13-204, 30-13-206
Expiration, notice, 30-13-206

ASSUMED BUSINESS NAME REGISTRATION (Continued)

Facsimile copies of documents, filing, 30-13-221
Falsification of documents, 30-13-218, 30-13-221
Fees or charges, 30-13-204, 30-13-208, 30-13-210, 30-13-212, 30-13-217
Insurance producers, registration, 33-17-211
Limited liability companies, 30-13-202, 35-8-1009
Limited liability partnerships, 35-10-701, See also **PARTNERSHIPS**
Nonprofit corporations, 35-2-305, 35-2-826
Partnerships, 35-10-102, 35-10-113, See also **PARTNERSHIPS**
Professional corporation, corporate name, 35-4-206
Prohibited when, 30-13-202, 30-13-205
Records, 30-13-217
Renewal, 30-13-206 — 30-13-208
Reservation of proposed name, 30-13-211, 30-13-212
Term, 30-13-204, 30-13-206

ASSUMPTION OF RISK
Affirmative defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c), See also **CIVIL PROCEDURE, Defenses**
Insurers, reinsurance
  deposits, release upon, 33-2-612
  limit of risk, 33-2-1201
Outfitters, guides, and participants, 37-47-401 — 37-47-403
Railroad employees, death or injury to, 69-14-1006
Sales, third parties — injury to goods, suit, 30-2-722
Workers' compensation uninsured employers, actions against — employer's defenses, 39-71-509

ATHLETIC EVENTS
  See **SPORTS AND SPORTING EVENTS**

ATHLETICS, BOARD OF, 2-15-1882; Title 23, chapter 3
  See also **BOXING AND WRESTLING**

ATTACHMENT OF PROPERTY
  See also **LIENS**; **PROPERTY, PERSONAL, Actions**; **PROPERTY, REAL, Actions**; **REMEDIES**, generally; **SPECIAL PROCEEDINGS**, generally
Affidavits
  corporate securities, for service of writ, 27-18-410
  county licensing requirements, for writ to enforce, 7-21-2116
  discharge of writ, motion for, 27-18-712
  holder of property, for examination under oath, 27-18-503
  plaintiff, of, 27-18-202, 27-18-205, 27-18-1501
    alias writ, no new affidavit, 27-18-207
    amendment, 27-18-713
    debt not yet due, when, 27-18-203, 27-18-901
  redemptioner, service with notice to sheriff, 25-13-807
  secured party, amount of indebtedness, 27-18-414
  security, for increase, 27-18-726
  third persons, claim of attached property, 27-18-602
  writ, for modification or vacation, 27-18-726
Appeals
  calendar precedence, Title 25, chapter 21, M.R.App.P., Rule 39
  permitted, Title 25, chapter 21, M.R.App.P., Rule 1
Attachment book, 7-4-2619, 7-4-2631, 27-18-112
Availability as remedy, 27-15-101, 27-15-102, 27-18-101, 27-18-202, 27-18-203
Banks and trust companies, assets and property, 32-1-111, 32-1-512

ATTACHMENT OF PROPERTY (Continued)

Boats, security interest, 23-2-508
Building and loan associations, stock or savings accounts, 32-2-264
Child support
    income exempt when, 19-2-907, 19-20-305, 40-5-403
    workers' compensation payments, 39-71-743
Concealed witness, service, 1-5-302
Contracts, remedy, 27-18-101
Corporate securities, See **Securities**
Costs, See also **Fees**
    defendant, award to, 27-18-204
    inventory, memorandum of debts and credits for, 27-18-603
    security for, 27-18-305, 27-18-1505
Counterclaim
    availability to defendant, 27-15-102
    compulsory, Title 25, chapter 20, M.R.Civ.P., Rule 13(a)
Court record, when open to public, 2-6-104, 27-18-111
Credits, See **Debts and credits**
Custody of attached property, 27-18-601
Death of defendant, effect, 27-18-308
Debts and credits
    debts not yet due, 27-18-203, 27-18-901
    inventory, memorandum of, 27-18-603
    manner of attachment generally, 27-18-405
    public officer, in control of, 27-18-406
    subject to, 25-13-501, 27-18-102
    third persons, in control of, 27-18-407
Defending against, Title 27, chapter 18, part 7
Discharge
    decision of court, 27-18-713
    filing of order, 27-18-731
    index, 7-4-2619
    judgment for defendant, upon, 27-18-902
    motion for, 27-18-711, 27-18-712
    release of property when, 27-18-721
Documents of title, goods covered by, 30-7-602
Earnings, 27-18-102, 39-2-302, 39-2-503
Election as provisional remedy, 27-15-101
Employment, discharge or layoff due to — prohibited, 39-2-302, 39-2-503
Estates of decedents, defendant's interest in, 27-18-412
Evidence
    real property, of title, 27-18-401
    security, motion to increase — to oppose, 27-18-726
    writ
        discharge, motion to — to oppose, 27-18-712
        issuance, requirements, 27-18-205
        quashing, requirements, 27-18-702
        vacate or modify, motion to — to oppose, 27-18-726
Execution
    balance due on judgment, 27-18-905, 27-18-906
    plaintiff's affidavit, 27-18-202
    property not exempt from, subject to attachment, 27-18-102
    property under attachment subject to, 25-13-501, 27-18-903
    sale of property, applicability, 27-18-801, 27-18-802, 27-18-804
    third party claims, 25-13-503

ATTACHMENT OF PROPERTY (Continued)

Exemptions from
  bank property, 32-1-111
  child support, income exempt when, 19-2-907, 19-20-305, 40-5-403
  cooperative association, shares in, 35-15-404
  crime victims compensation benefits, 53-9-129
  escrow business escrow funds, 32-7-117
  execution, when exempt from, 27-18-102
  fire department relief association benefits, 19-18-612
  fraternal benefit society benefits, 33-7-522
  governmental entities, security or collection of claims or judgments against — nonapplicability, 2-9-318
  grazing district preferences, 76-16-405
  hail insurance benefits, 80-2-245
  insurers, delinquent — during pendency of liquidation proceedings, 33-2-1386
  motor vehicle financial responsibility, money or securities for proof of — when, 61-6-138
  police officers' retirement benefits, 19-19-504
  public assistance payments, 53-2-607
  public employees' retirement
    benefits and pension trust fund money, 19-2-1004
    family law orders, alternate payee's rights and interests, 19-2-907
  silicosis benefits, 39-73-110
  tax-exempt property, 15-24-1205, See also **TAXATION, PROPERTY**, **Tax sales**
  taxpayer rights, 15-1-222
  teachers' retirement
    benefits, contributions, and funds, 19-20-706
    family law orders, alternate payee's rights and interests, 19-20-305
  unemployment insurance benefits, 39-51-3105
  university system optional retirement program — contracts, benefits, and contributions, 19-21-212
  wages, 27-18-102, 40-5-403
  workers' compensation benefits when , 39-71-743
Fees, See also **Costs**
  county clerk and recorder, 7-4-2631
  county sheriff, 7-4-2525, 7-32-2141 — 7-32-2143
  secretary of state, 27-18-411
Fraudulent transfers, remedy, 31-2-339
Funds transfers, creditor process, 30-4A-502
Hearing, postseizure, 27-18-701
Indemnification of sheriff, 27-18-602
Index, 7-4-2619, 7-4-2631, 27-18-403, 27-18-731, 27-18-732
Insurers
  lien obtained by, 33-2-1353
  liquidation, actions to forestall, 33-2-1345
  prevention when, 33-2-1309, 33-2-1386
Inventory of property, 27-18-603
Judgment
  attachment of judgment, 27-18-408
  balance due, 27-18-905, 27-18-906
  debt not yet due, when, 27-18-901
  defendant, recovery by, 27-18-902
  excess property, delivery to defendant, 27-18-904
  plaintiff, recovery by, 27-18-903
  satisfaction and execution, attachment and sale for, 27-18-102, 27-18-802
  security for judgment, attachment as, 27-18-201, 27-18-601

ATTACHMENT OF PROPERTY (Continued)

Justices' courts, in
  affidavit of plaintiff, 27-18-1501
  costs, security for, 27-18-1505
  district court procedure, applicability, 27-18-1506
  undertaking and sureties of defendant, 27-18-1504
  undertaking and sureties of plaintiff, 27-18-1502, 27-18-1503
  writ, 27-18-1501, 27-18-1503, 27-18-1504
Leases
  liens, priority arising by, 30-2A-307
  transfer of rights by, 30-2A-303
Liens
  attachment, of, 27-18-307, 27-18-308
  boats, on — effect of attachment, 23-2-508
  delivery of property, 27-18-501
  off-highway vehicles, on — effect of attachment, 23-2-811
  officers' liens, effect, 71-3-1503
  salaries and wages, liens for — effect, 71-3-303, 71-3-305
  security, motion to increase by lienholder, 27-18-725, 27-18-726
  snowmobiles, on — effect of attachment, 23-2-611
  writ, motion to modify or vacate by lienholder, 27-18-725, 27-18-726
Livestock
  herd districts, trespassing animals — retention, 81-4-307
  range stock, taking possession by, 81-8-311
Motions
  inventory, memorandum of — for order to compel, 27-18-603
  writ improperly or irregularly issued, to discharge, 27-18-711, 27-18-712
Motor vehicles, 61-3-103
Notice
  attachment book, entry in, 7-4-2619, 27-18-112
  discharge of writ, motion to, 27-18-711, 27-18-721
  estate of decedent, defendant's interest in, 27-18-412
  inventory, for memorandum of, 27-18-603
  judgment, notice to clerk of district court, 27-18-408
  postseizure hearing, right to, 27-18-701
  real property, 27-18-402, 27-18-403
  sale of property, 27-18-803, 27-18-903
  securities, 27-18-409, 27-18-410
  security for attached property, motion to increase, 27-18-726
  security interest, property subject to, 27-18-414
  show cause hearing, 27-18-205
  sureties, justification, 27-18-716, 27-18-1503
  third persons
    claim by, notice of, 27-18-602
    debts, credits, and personal property in control of — notice to, 27-18-405
  writ, motion to modify or vacate, 27-18-726
Off-highway vehicles, security interest, 23-2-811
Perishable property, 27-18-801, 27-18-903
Personal property, special provisions
  claim and delivery
    plaintiff's affidavit, 27-17-201
    return of damaged property to officer for sale, 27-17-404
  documents relating to property, custody, 27-18-401
  manual delivery, property capable of, 25-13-708, 27-18-404, 27-18-501
  manual delivery, property not capable of, 25-13-709, 27-18-405
  officer who levies attachment, lien, 71-3-1503

ATTACHMENT OF PROPERTY (Continued)
Personal property, special provisions (Continued)

    third persons, in control of — manner of attachment, 25-13-503, 27-18-404, 27-18-405, 27-18-407
Power of attorney, statutory — authority, 72-31-232
Prejudgment attachment, Title 27, chapter 18, See this heading generally
Proceedings in aid of
    certificate of defendant's interest, 27-18-502, 27-18-503
    examination under oath of defendant or party controlling property, 27-18-501, 27-18-503
Property subject to, 27-18-102, See also specific type of property in this heading; **Exemptions from**
Public officers
    manner of attaching property in control of, 27-18-406
    official records, enforcement of delivery, 2-6-108
Real property, special provisions
    another's name, manner of attaching property held in, 27-18-403
    challenge, 27-18-701, 27-18-702
    defendant's name, manner of attaching property held in, 27-18-402
    title, evidences of — custody, 27-18-401
Records, 2-6-104, 7-4-2619, 27-18-111, 27-18-112
Redemption, See also **EXECUTION, Redemption of real property**
    affidavit of attachment, service with notice to sheriff, 25-13-807
    right of, 25-13-801
Release of property
    death of party does not release, 27-18-308
    discharge, upon application for, 27-18-721
    filing, 27-18-731, 27-18-732
    judgment for defendant, upon, 27-18-902
    real property, when action not prosecuted, 27-18-732
    sureties of defendant, justification for, 27-18-722
Remedies, applicability of laws, Title 25, chapter 20, M.R.Civ.P., Rule 64
Sale of property
    defendant, recovery of judgment by, 27-18-902
    judgment, satisfaction or execution — for, 27-18-102
    liability of county sheriff, 7-32-2131
    order for, 27-18-802, 27-18-803
    perishable property, 27-18-801, 27-18-903
    plaintiff, recovery of judgment by, 27-18-903
    proceeds, disposition, 27-18-802, 27-18-902, 27-18-903, 27-18-904
    redemption, See **Redemption**; **EXECUTION, Redemption of real property**
    release of attachment, effect, 27-18-721
    security agreement, when property subject to, 27-18-804
Secured transactions
    boats, 23-2-508
    lien creditor, right of, 30-9-122, 30-9-301
    manner of attachment, 27-18-413
    off-highway vehicles, 23-2-811
    sale of property, 27-18-804
    secured party's duty, 27-18-414
    security interest, 30-9-203, 30-9-213
    snowmobiles, 23-2-611
    transfer of debtor's rights by, 30-9-311
Securities
    certificate of interest when held by another, 27-18-502, 27-18-503
    creditor's legal process, 30-8-122
    manner of attachment, 27-18-409, 27-18-410
    service upon secretary of state, 27-18-410, 27-18-411

ATTACHMENT OF PROPERTY (Continued)
Securities (Continued)

subject to attachment, 25-13-501, 27-18-101, 27-18-102
Security
  costs, for, 27-18-305, 27-18-1505
  increase, 27-18-725, 27-18-726
  judgment
    attachment as security, 27-18-201, 27-18-601
    given for, attachment prohibited, 27-18-101
Sheriff's sale, See **Sale of property**
Snowmobiles, security interest, 23-2-611
Summons, service — requirements, Title 25, chapter 20, M.R.Civ.P., Rule 4D; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
Sureties of defendant, 27-18-301, 27-18-721, 27-18-722, 27-18-1504
Sureties of plaintiff, 27-18-204, 27-18-715, 27-18-716, 27-18-1502, 27-18-1503
Third parties
  claim of attached property by, 27-18-602
  possession of property by
    certificate of interest, 27-18-502, 27-18-503
    examination under oath, 27-18-501
    manner of attachment, 25-13-503, 27-18-404, 27-18-405, 27-18-407
Undertaking of defendant, 27-18-301, 27-18-302, 27-18-1504
  judgment for defendant, effect, 27-18-902
  prosecution by plaintiff, 27-18-906
  release of property, for, 27-18-721, 27-18-722
Undertaking of plaintiff, 27-18-204, 27-18-205, 27-18-1502
  alias writ, not required, 27-18-207
  amendment, 27-18-713
Wages, 27-18-102, 39-2-302, 39-2-503
  liens for, effect, 71-3-303, 71-3-305
When, 27-18-101, 27-18-202, 27-18-203
Workers' compensation
  benefits, 39-71-743
  uninsured employer violations, relief to employee, 39-71-516
Writ, See also **WRITS**, generally
  affidavit required, 7-21-2116, 27-18-202, 27-18-203, 27-18-205, 27-18-1501
  alias writs, 27-18-207
  attachment book, entry, 27-18-112
  costs, 7-4-2525, 7-32-2141, 7-32-2143, 27-18-305, 27-18-1505
  county licensing requirements, for enforcement, 7-21-2116
  decision on, time limit, 27-15-103
  description of property, 27-18-304, 27-18-402
  discharge, See **Discharge**
  election as provisional remedy, 27-15-101
  endorsement, 27-18-303, 27-18-604
  execution, 27-18-303, 27-18-306
  fees, 7-4-2525, 7-4-2631, 7-32-2141, 7-32-2143
  filing, 7-4-2631, 27-18-112
    estates of decedents, writ for interest in, 27-18-412
    real property, for, 27-18-402, 27-18-403
  foreign-money claims, united states dollar value of — determining, 25-9-712
  form and contents, 27-18-301, 27-18-1504
  improper or irregular issuance, 27-18-711, 27-18-713
  inventory to accompany, 27-18-603
  issuance, 27-18-205
  judgment for specific acts, to enforce, Title 25, chapter 20, M.R.Civ.P., Rule 70
  justice's court, 27-18-1501, 27-18-1503, 27-18-1504

ATTACHMENT OF PROPERTY (Continued)
Writ (Continued)

- liability of county sheriff, 7-32-2131, 27-18-302
- mineral leases, action for release of record, 82-1-202
- modification, 27-15-103, 27-18-725, 27-18-726
- oil and gas leases, action for release of record, 82-1-202
- partnership interest, levy on, 35-10-506
- quashing, 27-18-702
- release from, See **Release of property**
- return of service, 27-18-111, 27-18-603, 27-18-604
- security for costs, 27-18-305, 27-18-1505
- service
  - concealed witness, 1-5-302
  - costs, 7-32-2141, 27-18-305, 27-18-411
  - debts and credits, writs for, 27-18-405, 27-18-406
  - judgment, writ for, 27-18-408
  - personal property, writs for, 27-18-404 — 27-18-406
  - personal representative, upon, 27-18-412
  - public officers, writs for property in control of, 27-18-406
  - secretary of state, upon, 27-18-410, 27-18-411
  - securities, writs for, 27-18-409 — 27-18-411
  - unknown parties defendant, 25-3-504
- set aside, time for decision, 27-15-103
- several counties, issuance in, 27-18-206
- show cause hearing, 27-18-205
- time for, 27-18-201, 27-18-1501
  - decision, 27-15-103
- undertaking required, 27-18-204, 27-18-205
- vacation, 27-15-103, 27-18-716, 27-18-725, 27-18-726, 27-18-1503
- written specification of property when, 27-18-304

ATTAINDER, Const., II, 30

ATTORNEY GENERAL
See also generally **EXECUTIVE BRANCH; PUBLIC OFFICERS OR EMPLOYEES**
Abortion violations, report to, 50-20-105
Administrative hearings, request for examiners from legal assistance programs, 2-4-611
Administrative policies of the executive branch, conflicts, 2-15-103
Administrative register, opinions published in, 2-4-312
Administrative rules
- copy distributed to, 2-4-313
- organizational and procedural rules, model rules for, 2-4-202

Advisory councils, creation, 2-15-122
Air quality violations, recovery of civil penalty, 75-2-413
Alcoholic beverages
- delinquent beer tax, prosecution of actions to collect, 16-1-409
- public nuisance, action for abatement, 16-6-313

Appeals involving
- constitutional questions, Title 25, chapter 21, M.R.App.P., Rule 38
- service of papers on, Title 25, chapter 21, M.R.App.P., Rule 20
- state, notice, 25-1-502, 46-1-302

Appellate Defender Commission member, service as attorney general prohibited, 2-15-1020
Appointment by governor, Const., VI, 6
Appropriations
- overspending by public officers, complaints regarding, 17-8-104
- supplemental, request for — when, 17-7-301

Assistants, 2-15-502, 2-15-1020

ATTORNEY GENERAL (Continued)

Audits of local government entities, violations or nonperformance of duty by officers or employees — prosecution, 2-7-515
Autopsies required by, when, 46-4-103
Ballot issues
  arguments, improper — approval of rejection, 13-27-408
  ballot form, approval, 13-27-310, 13-27-313, 13-27-315
  committees for arguments for and against, appointment, 13-27-402, 13-27-403
  constitutional amendments, summary for notice, 13-27-311
  fiscal statement, 13-27-312, 13-27-315, 13-27-316, 13-27-501
  petition — approval, rejection, and review for legal sufficiency, 13-27-202, 13-27-312, 13-27-316
  statements of implication or purpose, 13-27-202, 13-27-312, 13-27-315, 13-27-316, 13-27-501
Bank Act, prosecution of violations, 32-1-110
Bankruptcy proceedings, representation of state, 2-15-501, 2-15-503
Bonds or bond issues
  barber school owners, approval, 37-30-404
  citizen bonds, city or county
    intent to issue, notice, 7-7-2213, 7-7-4212
    review, 7-7-103
  injunction, preliminary — application, bond not required, 27-19-204
  local government general obligation bond proceedings, review, 7-7-101 — 7-7-104
  municipal finance consolidation bond or note trustees, notice of principal due and payable upon default, 17-5-1647
  schools
    invalid or unenforceable bonds, order declaring — determination of applicability, 20-9-466
    proceedings preliminary to bond issue, certified copies, 20-9-462 — 20-9-464
    textbook dealers, surety bond, 20-7-604, 20-7-605, 20-7-607
  state officers and employees, approval of form, 2-9-602
  unemployment insurance, bond of state treasurer — approval of form, 39-51-406
Budget amendments improperly certified, complaints, 17-7-405
Building and loan associations, insolvency or impairment actions or action for appointment of receiver, 32-2-309
Campaign violations, special attorneys to prosecute — powers, 13-37-113
Candidacy for other office, Const., VI, 5
Capitol Restoration Commission, member of and appointments to, 5-17-202
Charitable trusts
  enforcement, 72-33-503
  jurisdiction, 72-33-105, 72-35-306, 72-35-315
  party to proceedings, 72-34-206
Child abuse and neglect
  filing of petition and consent for investigations, 41-3-401
  local citizen review board, notice and hearing requirements, 41-3-1004
  permanency plan, petition requirements, 41-3-412
  temporary investigative authority and protective services, filing of petition and affidavit required, 41-3-402, 41-3-403
  temporary legal custody, petition requirements, 41-3-406
Child support enforcement, interstate — duties generally, 40-5-166
Collective bargaining, representation of public employer, 39-31-108
Commissions, recording in supreme court, Title 25, chapter 21, M.R.App.P., Rule 19
Constitutional questions
  declaratory relief, service upon when, 27-8-301
  intervention when state is not a party, Title 25, chapter 20, M.R.Civ.P., Rule 24(d)
  supreme court, notice when in, Title 25, chapter 21, M.R.App.P., Rule 38
Construction blasting and blaster violations, injunction proceedings to restrain, 37-72-102

ATTORNEY GENERAL (Continued)

Consumer counsel fee, recovery of penalties for nonpayment, 69-2-205
Consumer loan businesses, action to enjoin violation of provisions, 32-5-405
Contract disputes with state, litigation or service of process, 18-1-412, 18-1-413
Corporations
  dissolution, 35-1-938, 35-1-940, 35-6-102
  foreign corporations, transacting business without authority — collection of penalties, 35-1-1027
  management, inquiries into, 2-15-201
Cosmetic, food, and drug act violations — prosecution, 50-31-505
Cosmetology provisions, proceedings for relief from violations, 37-31-334
Counsel for
  conservation districts, 76-15-319
  escheated property matters, 72-14-103
  fish, wildlife, and parks — department of, 87-1-105
  labor and industry, department of and workers' compensation state fund, 39-71-206
  natural resources and conservation, department of, 85-2-116, 85-15-109
  nursing, board of, 37-8-201
  oil and gas conservation, board of, 82-11-150
  optometrists, board of, 37-10-312
  pardons and parole, board of, 46-23-105
  professional engineers and professional land surveyors, board of, 37-67-332
  psychologists, board of, 37-17-201
  public employees' retirement board, 19-2-401
  public health and human services, department of, 50-1-102, 53-2-202
  realty regulation, board of, 37-53-504
  public service commission, 69-14-132
  water conservancy districts, 85-9-403
County attorneys
  actions
    order for instituting and prosecution, 7-4-2716
    state lands, enforcement provisions — noncompliance, 77-1-114
  assistance to and supervision, 2-15-201, 2-15-501
County attorneys training coordinator, 44-4-102, 44-4-103, 44-4-111
County coroner education or equivalent requirements, 7-4-2904
County Motor Vehicle Computer Committee, appointments to, 61-3-346
County motor vehicle computer system user advisory group, appointments to and meetings called when, 61-3-345
County sheriff, claims for travel expenses, 7-32-2128, 7-32-2144
County water and/or sewer districts, actions concerning, 7-13-2216
Crime victims and witnesses, duties, 41-5-1416, 46-24-103, 46-24-201, 46-24-211
Criminal identification information, report on officer failing to provide, 44-2-205
Criminal justice information, Title 44, chapter 5
Criminal investigations
  agents and assisting personnel, 44-2-111, 44-2-113 — 44-2-116
  special funding, 44-13-101 — 44-13-103
Criminal proceedings, specific provisions
  postconviction proceedings, notice, 46-21-201
  "prosecutor" defined, 46-1-202, See **CRIMINAL PROCEDURE**
  state involvement, notice to, 46-1-301, 46-1-302
  transcripts, fees, 3-5-604
Crow Tribe litigation, settlement, 85-20-904, 85-20-905
Dam and reservoir safety proceedings conducted by, 85-15-109
Day-care facility licensing or registration provisions, actions to enforce compliance, 52-2-741
Death, Const., VI, 6, See **PUBLIC OFFICERS OR EMPLOYEES**, **Vacancy in office**

ATTORNEY GENERAL (Continued)

Debt collection proceedings, representation of state, 2-15-501, 2-15-503
Dentists, violation of licensing provisions — action for injunction against, 37-4-328
Department head, powers as, 2-15-105
Disability, 2-16-504; Const., VI, 6, See **PUBLIC OFFICERS OR EMPLOYEES, Vacancy in office**
Disinterment, order for — when, 46-4-103
Dissolution of marriage, summary dissolution proceedings — brochure describing, preparation and distribution, 40-4-136
Drugs and controlled substances
  dispensation violations by medical practitioners, responsibility for actions regarding, 37-2-105
  enforcement of laws, funding, 44-12-206
  food, drug, and cosmetic act violations — prosecution, 50-31-505
  seizures relating to controlled substances, Title 44, chapter 12
Duties generally, 2-15-501; Const., VI, 1; VI, 4
Election of, 2-16-201, 13-12-207, 13-16-504; Const., IV, 8; VI, 1; VI, 2; VI, 6
Emergency services mutual aid agreements, interstate — approval, 10-3-1106
Environmental Review, Board of — representation, 75-5-641
Estates and probate, decedents
  alien heirs, report, 72-2-215
  escheated estates
    complaint and summons, service on, 72-14-301
    discovery motion, 72-14-201
    duties generally, 72-14-103
    unclaimed property, enforcement of provisions, 70-9-823
  inheritance tax
    determination by court, call for rehearing, 72-16-424
    enforcement, 72-16-436, 72-16-443
    reappraisal, call for, 72-16-425
    witnesses, to compel attendance, 72-16-204
Examiners, Board of — member, 2-15-501, 2-15-1007, 17-5-605, 17-5-615
Executive branch officer, Const., VI, 1
Extradition
  expenses, audit by, 46-30-411
  investigation for, 46-30-212
Facility siting violations, actions concerning, 75-20-408
Federal mandates not to be implemented, actions resulting from, 2-1-407
Fire prevention and investigation program — supervision, control, and creation of advisory council, 2-15-2005
Fire safety violations, injunction, 50-61-118
Fish and wildlife laws
  compilation, cooperation for, 87-1-405
  enforcement, 87-1-105
Food, drug, and cosmetic act violations — prosecution, 50-31-505
Foreign capital depositories
  assessment fees, penalties, and interest — action to recover, 15-31-808
  civil penalties, petition for recovery, 32-8-602
  investigations, administrative subpoena — service requirements, 32-8-507
  records of transactions submitted to, when, 32-8-315
  supervisory agency, as, 32-8-103, See **FOREIGN CAPITAL DEPOSITORIES**
Forensic science personnel, facilities, and procedures, 44-3-102, 44-3-106
Former attorney general, defense by — prohibited, 37-61-413, 37-61-415
Fraternal benefit society violations
  actions for injunction or quo warranto, 33-7-120
  injunction, 33-7-120, 33-7-122

ATTORNEY GENERAL (Continued)

Gambling
  prosecution, investigation, regulation, or licensing activities — designation of departmental employees involved with, 23-5-114
  regulatory agencies, disclosure of information to — approval of entity, 23-5-116
  violations, prosecution when, 23-5-172
Governor's inability to perform duties of office, report to legislature, Const., VI, 14
Governor's permission or approval required when, 2-15-105
Grand jury investigation of attorney general, 46-11-304
Habeas corpus, writ of — service on, 46-22-206
Hazardous waste violations, recovery of civil penalty, 75-10-417
Health Care Advisory Council, information provided to, 50-4-206
Health care facility and physician cooperative agreements, mergers, and consolidations — certificates of public advantage, enforcement, 50-4-621
Health care information provisions, actions for enforcement, 50-16-552
Health maintenance organizations, action to recover examination charges and expenses, 33-31-401
Highway patrol chief — appointment, salary, and duties, 44-1-201, 44-1-203, 44-1-301, 44-1-303
Impeachment, subject to, Const., V, 13; Title 5, chapter 5, part 4, See **IMPEACHMENT OF PUBLIC OFFICERS**
Indian tribes, state jurisdiction — withdrawal of consent, 2-1-306
Injunction, preliminary — application for, bond not required, 27-19-204
Institutional funds, notice of petition for release from restrictions, 72-30-207
Insurance
  fraud
    evidence referred to, 33-1-1302
    prosecution, 33-1-1203, 33-1-1204
  prohibited practices and violations
    actions instituted through, 33-18-1003
    cease and desist orders, petition to recover penalty for violation, 33-18-1005
    injunction to restrain, action for, 33-18-1006
  surplus lines insurance producers, recovery of premium tax and penalty, 33-2-312
Insurers, examination expenses and charges — recovery, 33-1-413
Investigative subpoenas, request for, 46-4-306
Judgments concerning state, duties regarding, 2-15-501
Justice, Department of — department head, 2-15-2001
Land Commissioners, Board of — member, 2-15-501; Const., X, 4
Law enforcement assistance account, special, 44-13-101 — 44-13-103
Law enforcement interstate mutual aid agreements, approval, 44-11-309
Law enforcement teletypewriter communications system, duties, Title 44, chapter 2, part 3
Law partner, defense by — prohibited, 37-61-412
Legal officer of state, Const., VI, 4
Legislative auditor
  penal statute violations reported by, 5-13-304
  prosecution of offenses reported by, 5-13-310
Lieutenant governor, inability to perform duties of office — declaration, 2-16-504
Limited liability companies
  dissolution, involuntary — action for, 35-8-209
  foreign, transacting business without authority — collection of penalties, 35-8-1002
Limited partnerships, foreign — restraint from transaction of business when, 35-12-1308
Litigation on behalf of state, responsibilities, 2-15-201, 2-15-501, 2-15-503, 17-7-301, 18-1-413
Livestock, Department of — prosecution of Montana quality label violations, 81-8-705
Lobbying violations, actions brought by, 5-7-305

ATTORNEY GENERAL (Continued)

Lottery, state
  security invasion techniques, reports to, 23-7-412
  security, assistant director for — duties, 23-7-212
  ticket or chance sales agents, inspection of records and accounts, 23-7-301
Medicaid
  fraud control unit, supervision and control, 53-6-156
  managed care program, report of findings for prosecution, 53-6-709
Medical examiner, state — appointment, 44-3-201
Medical practitioners, drug dispensation violations — responsibility for actions regarding, 37-2-105
Megalandfill siting
  injunction, action for, 75-10-943, 75-10-953
  violations, civil actions, 75-10-943
Mental health, interstate compact on — copies to, 53-22-106
Militia members, defense of, 10-1-601
Milk price control violations, representation, 81-23-406
Mines and mining
  fraudulent financing of companies, prosecution, 30-14-703
  metal mine reclamation, action for bond payment, 82-4-341
  strip and underground mining reclamation
    department of environmental quality, request for injunction to restrain interference when, 82-4-239
    violations, recovery of penalties and action for injunction, 82-4-254
  strip and underground mine siting, prosecution of violations and recovery of penalty, 82-4-141
  wage protection violations, prosecution, 39-3-512
Minors, See **Child** entries
Motorcycle Safety Advisory Committee, appointments to, 20-25-1004
Motor pool provisions, applicability, 2-17-411
Motor vehicles
  glass or repair shops, prohibited practices — action for injunction to restrain violations, 33-18-1006
  law enforcement agencies, confidential license plates and certificates of registration, 2-17-421, 44-4-201 — 44-4-206
  tax appeals, service of application, 15-8-202
  wrecking facilities and graveyards, action for injunction or collection of penalties, 75-10-541
National Crime Prevention and Privacy Compact, appointment of compact officer, 44-5-602
Nonprofit corporations
  derivative proceedings, notice and complaint to, 35-2-1302
  directors
    conflict of interest transactions, approval, 35-2-418
    indemnification, notice, 35-2-451
    removal, 35-2-423
  dissolution, 35-6-102
    judicial dissolution, 35-2-728, 35-2-729
    notice to and consent, 35-2-722, 35-2-723
  foreign corporations
    certificate of authority, revocation, 35-2-832, 35-2-833
    transacting business without authority, collection of penalties, 35-2-821
  meetings
    application for, 35-2-528
    petition for, 35-2-130
  merger — notice, plan, and consent, 35-2-609

ATTORNEY GENERAL (Continued)
Nonprofit corporations (Continued)

  notices to, 35-2-131, 35-2-423, 35-2-451, 35-2-609, 35-2-617, 35-2-722, 35-2-723, 35-2-729, 35-2-1302
  sale of assets, notice, 35-2-617
  ultra vires acts, 35-2-132
Oath of office, recording in supreme court, Title 25, chapter 21, M.R.App.P., Rule 19
Occupational disease, representation of department of labor and industry, 39-72-206
Office, location, 2-16-111; Const., VI, 1
Oil and gas
  enforcement proceedings, 82-11-149
  fraudulent financing of companies, prosecution, 30-14-703
  injunction or restraining order, 82-11-145
  wage protection violations, prosecution, 39-3-512
Opinions
  administrative register, publication in, 2-4-312
  administrative rules, nonapplicability, 2-4-102, 2-5-103
  duty to give and to be in writing, 2-15-501
  state printing provisions, nonapplicability, 18-7-302
Partner or family member assault or stalking victims, order of protection — sample forms to be provided, 40-15-203
Petroleum products, price discrimination — complaints and violations, 82-15-204
Pipeline carriers
  enforcement of provisions, 69-13-102
  penalties, recovery actions, 69-13-105
Private property, actions with taking or damaging implications — development of guidelines, 2-10-104
Professional counselors, violation of licensing provisions — recommendations for prosecution, 37-23-103
Professional employer organizations and groups, order to cease operations — action to enforce, 39-8-203
Public health law violations, actions to enjoin, 50-1-103
Public office, may not hold other public office, Const., VI, 5
Public officers or employees
  collective bargaining, representation of public employer, 39-31-108
  expenditures in excess of appropriations, complaints concerning, 17-8-104
  violations by, prosecution, 2-7-515
Public Service Regulation, Department of — fee, recovery of penalties for nonpayment, 69-2-205
Qualifications, Const., VI, 3
Quo warranto proceedings
  calendar precedence, request for, 27-28-106
  commencement by, 27-28-103
Railroads
  enforcement proceedings, 69-14-131, 69-14-132, 69-14-134
  sale or transfer of line, notice of intent filed with, 69-14-1102, 69-14-1103
  special peace officers, appointment, 44-4-901, 44-4-902
Records, official, Const., VI, 1, See **PUBLIC RECORDS, Executive branch officers**
Register to be kept, 2-15-501
Reports to
  county attorneys, 2-15-501
  criminal intelligence information advisory council, 44-5-515
  law enforcement academy, 44-10-202
  personal representative, alien heirs, 72-2-215
Reserved Water Rights Compact Commission, appointment of member, 2-15-212
Residence, 2-16-111; Const., VI, 1
Resignation, Const., VI, 6, See **PUBLIC OFFICERS OR EMPLOYEES, Vacancy in office**

ATTORNEY GENERAL (Continued)

Restraining orders, self-help temporary — forms, 40-4-122
Rulemaking powers, 2-15-112
Salary, 2-16-405, 2-16-406; Const., VI, 5
School district cooperatives, full service education — contracts, approval, 20-7-453
Search warrants, application for, 46-5-220
Securities
  criminal offenses, prosecution, 30-10-306
  issuer, broker-dealer, or investment adviser examination costs — recovery, 30-10-210
  living trust violations, evidence referred to, 30-10-913
Septage collection or disposal operations, petition for injunction to enjoin operation or maintenance, 75-10-1220
Service of process, issuance, 2-15-501
Small business registration and licensing system plan, board of review — duties, 30-16-302
Small claims court, preparation of instruction pamphlet, 25-35-601
Snowmobiles, actions for recovery of penalties or sales violation restraining order or injunction, 23-2-641
Social workers, violation of licensing provisions — recommendations for prosecution, 37-22-201
Solid waste management violations
  civil penalty imposition, assessment, and recovery, 75-10-228
  criminal penalty collection or injunction, 75-10-231
State, actions involving
  contract disputes, litigation or service of process, 18-1-412, 18-1-413
  intervention by, Title 25, chapter 20, M.R.Civ.P., Rule 24(d)
  notice, 25-1-501, 25-1-502, 46-1-301, 46-1-302
  responsive pleadings, time to present, Title 25, chapter 20, M.R.Civ.P., Rule 12(a)
  summons, copy to, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  witnesses, subpoena of, 26-2-508, 26-2-510
State agency thefts, notification, 5-13-309
State Canvassers, Board of — member, 13-15-502
State lands
  actions generally, 77-1-111
  county attorney, actions against when, 77-1-114
  sales, recovery of forfeitures, 77-2-323
State Prevention Programs, Interagency Coordinating Council for — membership, 2-15-225
State procurement
  anticompetitive practices reported to, 18-4-314
  vendors, suspension, 18-4-241
State Records Committee, representation on, 2-15-1013
State-tribal cooperative agreements — submission, approval, or disapproval, 15-70-234, 18-11-105
Supreme court
  commissions and oaths, recording, Title 25, chapter 21, M.R.App.P., Rule 19
  duties generally, 2-15-501
Taxation
  corporation taxes
    action to collect, 15-31-526
    records, disclosure to, 15-31-511
  gasoline license tax
    action to collect, 15-70-210
    reports or returns, inspection, 15-70-205, 15-70-209
  income tax records, disclosure to, 15-30-303

ATTORNEY GENERAL (Continued)
Taxation (Continued)

- indian tribes, motor fuels taxes — cooperative agreements, negotiation and approval, 15-70-234
- inheritance tax, See **Estates and probate, decedents**
- investigation
  - expenses, proceedings to recover, 15-1-301
  - witnesses, to compel testimony and evidence, 15-2-201, 72-16-204
- special fuel license or use tax
  - action to collect, 15-70-352
  - inspection of reports, returns, or statements, 15-70-344, 15-70-351

Telemarketing and telemarketers, registration and fraud prevention
- enforcement, 30-14-1407, 30-14-1413
- injunction or other remedy to restrain abusive acts and practices, 30-14-1412

Term of office, Const., IV, 8; VI, 1; VI, 6
Timber sale agreements, breach — duties, 77-5-203
Timeshare sales
- criminal proceedings, 37-53-506
- injunction, action for, 37-53-505

Tobacco product manufacturers, reserve fund — certification of compliance and action for noncompliance, 16-11-403
Transportation, Department of — eminent domain proceedings instituted for, when, 60-4-104
Unclaimed property, enforcement of provisions, 70-9-823
Underground storage tank violations — penalty imposition, assessment, and recovery, 75-11-223, 75-11-516
Unemployment insurance
- bond of state treasurer, approval of form, 39-51-406
- criminal actions, prosecution, 39-51-309
- representation of department of labor and industry and state, 39-51-309, 39-51-2410

Unfair trade practices
- injunction, actions for, 30-14-222
- prosecution of actions, 30-14-121

University system, Montana — action concerning misuse of name, 20-25-102
Utilities, enforcement duties generally and violations reported to, 69-3-110
Vacancy in office, 2-16-504, 2-16-505; Const., VI, 6, See also **PUBLIC OFFICERS OR EMPLOYEES**
Veterans, reemployment — representation in court, 10-2-226
Water adjudication advisory committee, membership, 3-7-103
Water quality enforcement orders, appeal proceedings — approval of special counsel, 75-5-641
Water use
- adjudication of rights, petition for order to file claim, 85-2-212
- crow tribe litigation, settlement, 85-20-904, 85-20-905
- violations, injunction to restrain, 85-2-114

Water users' associations, forms for recording records, 7-4-2615
Weapons, concealed — permits from other state recognized, list to be kept, 45-8-329
Workers' compensation
- fraud investigation and prosecution office, supervision and control, 2-15-2015
- investigation and prosecution services, 39-71-206, 39-71-316
- representation of department of labor and industry and state fund, 39-71-206
- uninsured employers, cease operation orders — action for enforcement, 39-71-507

ATTORNEY-IN-FACT
See **POWER OF ATTORNEY**

ATTORNEYS AT LAW
  See also **CIVIL PROCEDURE; CRIMINAL PROCEDURE**
Abolished causes of action, litigation prohibited, 27-1-604, 27-1-605
Admission to bar
  discrimination prohibited, 49-3-204
  examination and fee, 37-61-102
  fingerprints and criminal history record information of applicants, 44-5-302
  rules for, Const., VII, 2
Adoption
  putative father registration
    certified copy of forms, availability, 42-2-224
    search request by, 42-2-217
  relinquishment of child, 42-2-405
Adult protective service teams, 52-3-805
Appeals, See **APPELLATE PROCEDURE, Counsel**
Appearance
  authority of attorney, without, 37-61-301
  change of attorney, notice, 37-61-404
  class actions, notice, Title 25, chapter 20, M.R.Civ.P., Rule 23(c)
  corporations, following service of process — attorney's failure to appear, Title 25, chapter 20, M.R.Civ.P., Rule 4D; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
  defendant, of
    notice, 25-3-401
    time for, 25-31-406
  jurisdiction acquired by, Title 25, chapter 20, M.R.Civ.P., Rule 4B; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4B
  nonresident attorneys, Title 25, chapter 19, M.U.Dist.Crt.Rule 13
  pretrial conference, Title 25, chapter 20, M.R.Civ.P., Rule 16(f); Title 25, chapter 23, M.J.C.C.R.Civ.P.., Rule 14; Title 25, chapter 24, M.U.R.J.C.C., Rule 16
  withdrawal, 37-61-401
Appellate alternative dispute resolution/mediation process, Title 25, chapter 21, M.R.App.P., Rule 54; Rule 54 Appendix, Forms 1 — 6
Appellate Defender Commission and system, 2-15-1020, 46-8-210 — 46-8-213
Appointed counsel, See **Right to counsel**
Arrest
  prejudgment
    bail, deposit of money in lieu of — certificate of payment, 27-16-602
    justice's court, notice to plaintiff, 27-16-1004
    sureties, justification — notice, 27-16-405
    when, 27-16-102
  privilege from, 46-6-102
Attachment of property
  alias writ, demand for, 27-18-207
  sale of property, application for order — notice, 27-18-803
  third parties, possession of property by, 27-18-405
  undertaking of defendant, approval, 27-18-301, 27-18-1504
Attorney general and assistants, qualification, 2-15-502; Const., VI, 3
Authority of attorney, 37-61-401
  appearance without, 37-61-301
  proof, production, 37-61-402
Bail, may not furnish, 37-61-419, 46-9-402
Bar association, See **STATE BAR OF MONTANA**
Certificate of good standing, 3-2-403
Champerty, 37-61-408 — 37-61-411

ATTORNEYS AT LAW (Continued)

Change of attorney, 37-61-403, 37-61-404; Title 25, chapter 19, M.U.Dist.Crt.Rule 10
Chemical dependency counseling provisions, applicability, 37-35-201
Child abuse and neglect
  guardian ad litem, attorney as — duties, 41-3-303
  permanency plan, petition requirement, 41-3-412
  petitions, filing, 41-3-401
  temporary legal custody, petition requirement, 41-3-406
Child support, scale of suggested minimum contributions — access to, 40-5-214
City attorney, See also **CITY ATTORNEY**
  contract for services when, 7-4-4605
  qualification for appointment, 7-4-4601
City councils, employed by — when, 7-4-4605
City-county consolidated government, department of law — director's qualifications, 7-3-1341
City courts, special provisions
  appeals
    notice of, 25-33-103
    papers, transmittal — order for, 25-33-104
  complaint, signing, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 2
  discovery, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 13B
  dismissal of action, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 16C
  parties, representation, Title 25, chapter 24, M.U.R.J.C.C., Rule 14
  pleadings, service on, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 5
Claim and delivery of personal property, affidavit — endorsement for taking of property, 27-17-204
Claim or demand, acquisition for purpose of bringing action, 37-61-408 — 37-61-411
Code commissioner, qualification, 1-11-202
Collusion, 37-61-406
Common carriers, free transportation when, 69-11-208
Community college district trustees, services for, 20-1-204, 20-1-205
Compensation
  determination, 25-10-301, See **ATTORNEYS' FEES**
  judgment lien for, 37-61-420
Conciliation court, appointment as counselors when, 40-3-124
  depositions, Title 25, chapter 20, M.R.Civ.P., Rule 28(c)
Conservation districts, counsel for, 76-15-319
Conservators, employment by, 72-5-427
Consumer counsel, qualification, 5-15-201
Contempt, acts or omissions which constitute, 3-1-501, 37-61-210; Title 25, chapter 19, M.U.Dist.Crt.Rule 11; Title 25, chapter 20, M.R.Civ.P., Rule 56(g)
Conviction of felony or misdemeanor, 37-61-301 — 37-61-303, 37-61-309
Costs, bill of — verification, 25-10-501
County attorney or deputies, See also **COUNTY ATTORNEY**
  private practice prohibited when, 7-4-2704
  qualification for office, 7-4-2701, 7-4-2702
County Commissioners, Board of — employed by, when, 7-4-2708
County interdisciplinary child information teams, 41-3-205, 41-5-215, 52-2-211
County officers, restrictions on practice of law, 7-4-2210, 37-61-203
County superintendent of schools, appointment by, 20-3-210, 20-4-204
Criminal proceedings, See **CRIMINAL PROCEDURE, Counsel; Prosecutor**
Deaf persons, interpreters for — in official proceedings
  preparation, 49-4-503
  waiver, approval, 49-4-510

ATTORNEYS AT LAW (Continued)

Death of attorney, 37-61-405; Title 25, chapter 19, M.U.Dist.Crt.Rule 10; Title 25, chapter 21, M.R.App.P., Rule 4; Title 25, chapter 24, M.U.R.J.C.C., Rule 14; Title 25, chapter 30, part 2, U.M.C.R.App., Rule 4
Death of party to action, 37-61-401
Debt adjustment by, 31-3-203
Deceit, 37-61-301, 37-61-406
Delay of client's cause, 37-61-407, 37-61-410; Title 25, chapter 20, M.R.Civ.P., Rule 11
Depositions
  appointment of counsel, Title 25, chapter 20, M.R.Civ.P., Rule 27(a)
  disqualification for interest, Title 25, chapter 20, M.R.Civ.P., Rule 28(c)
  fees and expenses, Title 25, chapter 20, M.R.Civ.P., Rule 30(g)
  notice, signature, Title 25, chapter 20, M.R.Civ.P., Rule 30(b)
  subpoena of evidence, objections served on, Title 25, chapter 20, M.R.Civ.P., Rule 45(d)
  taken in presence of counsel, Const., II, 23; Title 25, chapter 20, M.R.Civ.P., Rule 30(b)
Developmental disabilities, persons with — report of abuse, neglect, or exploitation required, 52-3-811, See **DEVELOPMENTAL DISABILITIES, PERSONS WITH, Abuse, neglect, or exploitation**
Developmental Disabilities Planning and Advisory Council, representation on, 2-15-2204
Disbarment or suspension
  actions, effect on, Title 25, chapter 19, M.U.Dist.Crt.Rule 10
  conviction of felony or misdemeanor, 37-61-301
    judgment, 37-61-309
    proceedings required on receipt of record, 37-61-303
    record of, 37-61-302
  grounds for, 37-61-301, 37-61-409
  jurisdiction, 37-61-301
  parties to action, effect on, 37-61-405
  procedural rules, 37-61-307
  referees, 37-61-307
  witnesses, 37-61-308
Discovery, special provisions, See also **CIVIL PROCEDURE**
  admissions, request for — answer or objection, Title 25, chapter 20, M.R.Civ.P., Rule 36(a)
  audio-visual and tape recorded, Title 25, chapter 20, M.R.Civ.P., Rule 30(h)
  city or justice's court, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 13B
  compelling, motion for order, Title 25, chapter 20, M.R.Civ.P., Rules 37(a), 37(b)
  conference, Title 25, chapter 20, M.R.Civ.P., Rule 26(f)
  plan, failure to participate in framing, Title 25, chapter 20, M.R.Civ.P., Rule 37(g)
  scope, Title 25, chapter 20, M.R.Civ.P., Rule 26(b)
  signing of requests, responses, and objections, Title 25, chapter 20, M.R.Civ.P., Rule 26(g)
Disqualification of judicial officer, 3-1-803, 3-1-805
Dissolution of marriage proceedings
  representation, 40-4-136
  work product privilege, 40-4-258
District courts, special provisions, See also **Judicial officers**
  judge pro tempore or special master, 3-5-113, 3-5-114
    trials held where, 3-5-117
  judges
    qualification, 3-5-202; Const., VII, 9
    substitution, 3-1-804
  register of actions, 3-5-504
  regulation of attorneys not admitted to practice in Montana, Title 25, chapter 19, M.U.Dist.Crt.Rule 13
  transcripts, furnishing, 3-5-604
Ditch company employees, liability actions — defenses and fees, 27-1-731
Drainage district organization, appointment, 85-8-321

ATTORNEYS AT LAW (Continued)

Elderly persons — report of abuse, neglect, or exploitation required, 52-3-811, See **AGING AND AGED PERSONS, Abuse, neglect, or exploitation**
Environmental Quality, Department of — employment by, 75-5-641
Escrow business regulation, exemption from, 32-7-103
Estates and probate
  personal representative, employment by, 72-3-613, 72-3-633, 72-3-634
  wills, international — authorized person to act in relation to, 72-2-908
Examinations, See **Admission to bar**
Examining Board, 37-61-102, 37-61-103
Execution, special provisions, See also **EXECUTION**
  arrest of judgment debtor, 25-14-102
  imprisonment of judgment debtor, discharge
    application for, notice, 25-14-302, 25-14-303
    failure to advance money for support of prisoner, 25-14-312
  invalidated sale, revival of judgment, 25-13-713
  levying officers or process servers, registration provisions — nonapplicability, 25-1-1101
  proceeds of sale, payment to, 25-13-402
  return, 25-13-404
Executive clemency, applications — filing, 46-23-301
Ex parte orders, filing of certification, Title 25, chapter 19, M.U.Dist.Crt.Rule 3
Fees, See **ATTORNEYS' FEES**
Financial interest in claim, 37-61-408 — 37-61-411
Foreign capital depositories, financial records — authorized disclosures, 32-8-516
Governor, employment by, 2-15-201
Guardianship proceedings, as visitor, 72-5-313
Hail loss appraisers, limitations, 80-2-242
Hospital districts, employment by, 7-34-2122
Housing authorities, employment by, 7-15-4439
Indian child welfare proceedings, representation of parties, 52-2-117
Indigent defendants, appellate defense counsel — roster of attorneys eligible for, 2-15-1020, 46-8-212
Injunction, binding upon, 27-19-105
Insurance
  adjusters, attorneys as — nonapplicability of provisions, 33-17-102
  administrator provisions, exclusion, 33-17-102
  advisory organization, attorney as — nonapplicability of provisions, 33-16-102
  consultants, practice as, 33-17-502
  life insurance, counseling and advice, 33-17-201
  prepaid legal plan, 33-1-217
  professional liability insurers, 33-9-101 — 33-9-105
    information required from, 33-23-311
  title insurance
    approved attorney, 33-25-105, 33-25-213, 33-25-214
    policies, issuance, 33-25-401
    practice of law not authorized by provisions, 33-25-106
  viatical settlements
    brokers, as — when, 33-20-1302
    finder's fees, prohibitions, 33-20-1313
Insurance, commissioner of — employment by, 33-1-306, 33-1-408, 33-2-1105, 33-2-1115, 33-2-1392
Insurers, reinsurance intermediary licensing — exemption, 33-2-1701
Interns, legal, 27-2-206, 37-60-105
Interrogatories, signing, Title 25, chapter 20, M.R.Civ.P., Rule 33(a)
Investment advisers, exclusion as, 30-10-103
Investments, Board of — employment by, 17-5-1611

ATTORNEYS AT LAW (Continued)

Judges, See **Judicial officers**
Judgment lien for compensation, 37-61-420, 53-2-612, 71-3-1114
Judgments, See also **JUDGMENTS AND DECREES**
  filing and fee, Title 25, chapter 19, M.U.Dist.Crt.Rule 11
  foreign judgments, notice of filing, 25-9-504
  foreign-money claims, prejudgment interest — amount revised when, 25-9-710
  joint debtor, affidavit to accompany summons, 25-15-103
  satisfaction, endorsement or acknowledgment, 25-9-311
Judicial Nomination Commission
  application for consideration by, 3-1-1009
  composition, 3-1-1001
Judicial notice of law, Title 26, chapter 10, M.R.Ev., Rule 202
Judicial officers
  disqualification when, 3-1-803, 3-1-805, 3-7-402
  practice of law, prohibitions and restrictions, 3-1-601 — 3-1-605; Const., VII, 9
Judicial Standards Commission, composition, 3-1-1101, 3-1-1102; Const., VII, 11
Jurors, See **JURIES AND JURORS**
Jury duty, grounds for challenge, 46-16-115
Justices' courts, special provisions
  appeals
    notice of, 25-33-103
    papers, transmittal — order for, 25-33-104
  appearance of defendant, time for, 25-31-406
  complaint, signing, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 2
  discovery, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 13B
  dismissal of action, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 16C
  parties, representation, 25-31-601; Title 25, chapter 24, M.U.R.J.C.C., Rule 14
  pleadings, service on, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 5
Justices' of the peace, restrictions on practice of law, 3-1-602, See also **Judicial officers**
Labor and Industry, Department of — employment by, 39-51-309, 39-51-2410, 39-71-206
Law Library, State — use, 22-1-505
Legal assistants, 27-2-206, 37-60-101, 37-60-105
Legislative auditor, employment by, 5-13-305
License
  certificate of oath, endorsement, 37-61-207
  criminal history record information and fingerprints, 44-5-302
  practice without, 37-61-210, 37-61-215
License tax, 37-61-211
  certificate indicating payment, 37-61-211, 37-61-214
  delinquent, collection, 37-61-212
  disposition, 37-61-213
Liens
  construction liens, notice of right to claim, 71-3-532
  judgment lien for compensation, 37-61-420, 53-2-612, 71-3-1114, See also **JUDGMENTS AND DECREES, Lien of judgment**; **LIENS**
Limited liability companies, former members — access to and copies of records, 35-8-405
Livestock, Department of — employment by, 81-1-102
Living trusts, license to offer or sell — exemption, 30-10-904
Lobbyists, as, Title 5, chapter 7, See **LOBBYING AND LOBBYISTS**
Lottery Commission, State — qualification for office, 23-7-201
Malpractice
  chiropractic, members of chiropractic legal panel, 27-12-401, 27-12-601, See also **MALPRACTICE, CHIROPRACTIC**
  legal, 27-2-206, 37-61-301

ATTORNEYS AT LAW (Continued)
Malpractice (Continued)

  medical, members of medical legal panel, 27-6-401, 27-6-601, See also **MALPRACTICE, MEDICAL**
Marriage, declaration of — drafting by, 40-1-312
Masters
  proceedings, Title 25, chapter 20, M.R.Civ.P., Rule 53(d)
  report, draft to counsel, Title 25, chapter 20, M.R.Civ.P., Rule 53(e)
Medical savings account administrators, as, Title 15, chapter 61
Mentally ill persons, See **MENTAL ILLNESS OR INCAPACITY, Counsel**
Military justice proceedings, judge's qualifications, 10-1-411
Minors
  counsel, right to or appointed for
    abortion, parental notification — judicial waiver, 50-20-212
    abuse and neglect proceedings, 41-3-205, 41-3-401, 41-3-607
    aftercare agreement violation hearings, 52-5-129
    conservatorship proceedings, 72-5-408, 72-5-432
    grandparent-grandchild contact, 40-9-102
    guardianship proceedings, 72-5-225, 72-5-234, 72-5-322
    local citizen review board hearings, 41-3-1004, 41-3-1010, 41-3-1013, 41-3-1014
    mental health facility, voluntary admission, 53-21-112
    parent-child legal relationship termination, 41-3-607
    parenting and parental contact proceedings, 40-4-205
    support proceedings, 40-4-205, 40-5-253
    youth court, 41-5-331, 41-5-1403, 41-5-1413, 41-5-1605, 50-20-212
  parent, minor as — adoption advice, 42-2-405, 42-2-412, 42-4-102
  youth court, See **YOUTH COURT, Counsel**
Montana State Hospital, counsel for, 53-21-104
Motions, signing, 30-10-316; Title 25, chapter 20, M.R.Civ.P., Rule 11
Motor carriers, supervisor for, 69-12-203
Motor club service companies, applicability of provisions, 61-12-314
Multiplication of proceedings, unreasonable — liability for excess costs, 37-61-421; Title 25, chapter 20, M.R.Civ.P., Rule 11
Municipal commission-manager government, department of law — head, qualification, 7-3-4461
Municipal court judge, See also **Judicial officers**
  partners, practice of law, 3-1-603
  qualification, 3-6-202
  restrictions on practice of law, 3-1-604
  substitute, 3-6-204
Municipal infraction proceedings, representation of defendant, 7-1-4151
Natural Resources and Conservation, Department of — employment of counsel, 85-2-116, 85-15-109
Neglect of duty, 3-1-501, 27-16-102, 37-61-212
Nonresident attorneys, Title 25, chapter 19, M.U.Dist.Crt.Rule 13; Title 25, chapter 24, M.U.R.J.C.C., Rule 14
Notice of proceedings after appearance of defendant, entitlement, 25-3-401
Oath, 37-61-207, 37-61-301
Oil and Gas Conservation, Board of — employment by, 82-11-150
Paralegals, 2-4-110, 27-2-206, 37-60-101, 37-60-105
Pardons and Parole, Board of
  counsel to, 46-23-105
  representation on, 2-15-2302
Parties to actions
  death of party, effect on attorney's authority, 37-61-401
  death, removal, or withdrawal of attorney, 37-61-405; Title 25, chapter 19, M.U.Dist.Crt.Rule 10; Title 25, chapter 24, M.U.R.J.C.C., Rule 14

ATTORNEYS AT LAW (Continued)
Parties to actions (Continued)

- excess costs caused by unreasonable multiplication of proceedings, liability, 37-61-421
- prosecution by, 37-61-411, 37-61-416, 37-61-417

Partition of property, 70-29-113, 70-29-218, 70-29-221
Partners

- appearance on opposite sides, 37-61-414, 37-61-415
- judicial officers, prohibitions, 3-1-603
- limitation on prosecution or defense by, 37-61-412, 37-61-414, 37-61-415

Personnel Appeals, Board of — employment by, 39-31-108
Petroleum Tank Release Compensation Board, representation on, 2-15-2108
Plain language in contracts, effect of representation of consumer, 30-14-1112
Pleadings

- service on, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 5
- signing, 30-10-316; Title 25, chapter 20, M.R.Civ.P., Rule 11; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 7F
- verification, 25-4-203, 30-10-316; Title 25, chapter 20, M.R.Civ.P., Rule 11

Political practices, commissioner of — employed by, when, 13-37-113
Power of attorney, See **POWER OF ATTORNEY**
Practice of law, See also this heading generally

- license tax certificate, without — penalty, 37-61-214
- license, without — penalty, 37-61-210
- preclusion from or deprivation, 37-61-309
- who considered to be practicing, 37-61-201

Pretrial conferences, Title 25, chapter 19, M.U.Dist.Crt.Rule 5; Title 25, chapter 20, M.R.Civ.P., Rules 16(a), 16(b), 16(c), 16(d), 16(e), 16(f); Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14; Title 25, chapter 24, M.U.R.J.C.C., Rule 16
Prisoners, consultation, 37-61-418
Private investigator and security patrol officer licensing, nonapplicability, 37-60-105
Privileged communications with client, 26-1-803, 41-3-204, 41-3-404, 49-4-511, 52-3-811, 52-3-821, 53-9-123, 53-9-124, See also **EVIDENCE, Privileges**

- claim of, comment upon — not proper, Title 26, chapter 10, M.R.Ev., Rule 505

Process servers or levying officers, registration provisions — nonapplicability, 25-1-1101
Procurement provisions, state — nonapplicability, 18-4-132
Professional counseling provisions, applicability, 37-23-201
Property management provisions, exemption, 37-51-602
Psychological counseling by, allowed when, 37-17-104
Public Health and Human Services, Department of — counsel to, 50-1-102
Public officers and employees, conflict of interest, 2-2-121, 2-2-125
Public prosecutors, defense by — prohibited when, 37-61-412, 37-61-413, 37-61-415
Public Service Commission, special counsel for — when, 69-14-132
Quiet title actions, 70-28-106, 70-28-208
Quo warranto actions, 27-28-106, 27-28-301
Real estate broker or salesperson provisions, applicability, 37-51-103
Receipt or detention of money or property, person's right to maintain action, 27-2-301
Receiver, appointment as — when, 27-20-202
Removal of attorney, 37-61-405, 37-61-409, 37-61-415; Title 25, chapter 19, M.U.Dist.Crt.Rule 10; Title 25, chapter 24, M.U.R.J.C.C., Rule 14
Restraining orders

- binding upon, 27-19-105
- notice, granted without — when, 27-19-315

Right to counsel

- administrative proceedings, 2-4-105
- adoptions, direct parental placements, 42-2-412
- alcoholics, commitment, 53-24-302
- arbitration proceedings or hearings, 27-5-214
- conservatorship proceedings, 72-5-408, 72-5-432

ATTORNEYS AT LAW (Continued)
Right to counsel (Continued)

- crime victims compensation funds for counsel for charged person, 53-9-104
- criminal cases, See **CRIMINAL PROCEDURE, Counsel**
- depositions before action, adverse parties, Title 25, chapter 20, M.R.Civ.P., Rule 27(a)
- developmental disabilities, persons with — commitment to residential facility, 53-20-112, 53-20-113, 53-20-125
- guardianship proceedings, 72-5-225, 72-5-234, 72-5-315, 72-5-322
- highway patrol officers, disciplinary action, 44-1-803
- housing discrimination laws, enforcement actions, 49-2-510
- impeachment, defendant, 5-5-418
- mentally ill persons, 53-21-104, 53-21-112, 53-21-115 — 53-21-117, 53-21-119, 53-21-122, 53-21-168
- minors, See **Minors**
- parent-child legal relationship termination, 41-3-607
- partition of property, 70-29-113
- paternity proceedings, 40-6-119
- police officers, 7-32-4157
- small claims court, 25-35-602, 25-35-605
- youth court, 41-5-331, 41-5-1403, 41-5-1413, 41-5-1605, 50-20-212

Roll of attorneys, 3-2-402, 37-61-309
Rules of Civil Procedure, amendments — transmittal to and suggestions by attorneys, Title 25, chapter 20, M.R.Civ.P., Rule 86(a)
School districts

- professional services contracts, exemption from bidding requirements, 20-9-204
- trustees, services for, 20-1-204, 20-1-205, 20-9-436

Securities, private actions — referral fees prohibited, 30-10-320
Self, right to defend, 37-61-417
Service of papers not process

- judgment debtor, notice of application for discharge from imprisonment, 25-14-303
- nonresident parties, 25-3-402
- proof of service, Title 25, chapter 20, M.R.Civ.P., Rule 5(f); Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 5C
- upon attorney, 25-3-402; Title 25, chapter 20, M.R.Civ.P., Rule 5(b); Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 5B

Service of process

- corporations, partnerships, or associations — for, Title 25, chapter 20, M.R.Civ.P., Rule 4D; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
- costs, prepayment by, 25-3-203
- delivery, request, 25-3-201
- jurisdiction acquired by, Title 25, chapter 20, M.R.Civ.P., Rule 4B; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4B
- nonresident motorists, 25-3-602, 25-3-603
- obstruction, penalty, 25-3-105, 45-7-302
- process servers or levying officers, registration provisions — nonapplicability, 25-1-1101
- summons, service by, Title 25, chapter 20, M.R.Civ.P., Rule 4C; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4C

Several defendants, different counsel, 25-7-301; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 19
Small business set-asides for state government purchasing, nonapplicability, 18-5-304
Small claims courts

- judges, qualifications, 3-12-201
- parties, representation, 25-35-505, 25-35-602, 25-35-605, 25-35-806

Social worker provisions, applicability, 37-22-305
Solid waste management districts, employment of special counsel when, 7-13-218
State Bar of Montana, See **STATE BAR OF MONTANA**
State government quasi-judicial boards, membership, 2-15-124
Statement of facts, agreed — trial upon, 25-7-602

ATTORNEYS AT LAW (Continued)

Substitution of counsel, 37-61-401, 37-61-403 — 37-61-405; Title 25, chapter 19, M.U.Dist.Crt.Rule 10
Substitution of district court judge, 3-1-804
Supreme court justice, qualification, 3-2-102; Const., VII, 9
Surety on bond, as, 37-61-419, 46-9-402
Suspension, See **Disbarment or suspension**
Telemarketers, prohibited acts and practices — nonapplicability when, 30-14-1411
Trust indentures, trustee, 71-1-306, 71-1-315
Trusts, employment by trustee, 72-34-341
Undertaking, deposit of money in lieu of — notice of withdrawal, 25-1-401
Water Adjudication Advisory Committee, composition, 3-7-103
Water and wastewater authorities, regional — employment by, 75-6-313
Water conservancy districts, counsel for, 85-9-403, 85-9-408
Water judge or master, disqualification, 3-7-402
Withdrawal, change of attorney, 37-61-403, 37-61-404; Title 25, chapter 19, M.U.Dist.Crt.Rule 10
Workers' compensation
    employment by state fund, 39-71-206
    fraud investigation and prosecution office, composition, 2-15-2015
Workers' compensation judge, qualifications, 2-15-1707
Youth court, See **YOUTH COURT, Counsel**

ATTORNEYS' FEES
Abortion violations, civil remedies, 50-20-307
Administrative rules, invalidation — against agency, 2-4-406
Adoptions, direct parental placements — allowable expenses paid by prospective adoptive parents, 42-4-412
AIDS testing and counseling violations, actions for damages, 50-16-1013
Arbitration proceedings, 27-5-218
Banks and trust companies, liquidation, 32-1-518, 32-1-534, 32-1-551
Canal or ditch easements, interference with — enforcement actions, 70-17-112
Child abuse and neglect proceedings, assigned counsel, 3-5-901
Child custody
    determination, enforcement proceedings, 40-7-308, 40-7-312
    jurisdiction, proceedings, 40-7-109
Child parenting proceedings, 40-4-205, 40-4-219
Child support
    contempt for nonsupport, order purging, 40-5-601
    interstate family support, responding tribunal — powers, 40-5-162, 40-5-173
    medical support order, noncompliance, 40-5-822, 40-5-824
    paternity issues, nonapplicability, 40-5-236
    proceedings, 40-4-205
    support lien or warrant for distraint, liability, 40-5-242
    support orders, inclusion, 40-5-103
Cigarette sales violations, actions from, 16-10-402
Cities or towns, general obligation bonds — sale proceedings, 7-7-4254
Close corporation proceedings, expenses, 35-9-208, 35-9-502
Conservation district land use regulation violations, 76-15-710
Conservatorship proceedings, 72-5-432
Constitutional right to know actions, 2-3-221
Construction contractors and subcontractors, payment — enforcement actions or arbitration, 28-2-2105
Consumer loan contracts, actions on, 32-5-407
Consumer reports, actions to enforce liability, 31-3-142, 31-3-143
Contractual rights, reciprocity, 28-3-704

ATTORNEYS' FEES (Continued)

Corporations
  derivative proceedings, 35-1-547
  dissenting shareholders' claims, 35-1-839
  indemnification of directors, officers, employees, and agents, 35-1-451
  inspection of records, actions for, 35-1-523, 35-1-1109
Costs, bill of — inclusion, 25-10-302
County general obligation bonds, sale proceedings, 7-7-2254
Crime victims compensation, 53-9-104, 53-9-106, 53-9-132
Criminal proceedings
  assigned counsel, 3-5-901, 46-8-113 — 46-8-115, 46-8-201, 46-18-101, 46-18-201, 53-9-104
  state prison, offenses committed in, 7-6-2427
Damages
  collateral source reductions in actions arising from bodily injury or death, 27-1-308
  future, periodic payments
    fees separate from, 25-9-404
    insurer's failure to make payments, penalty, 25-9-406
Dealership or distribution contracts, canceled — enforcement of inventory repurchase requirements, 30-11-712
Deferred deposit loans, actions on, 31-1-722
  lenders, violations, 31-1-724
Depositions, Title 25, chapter 20, M.R.Civ.P., Rules 30(g), 37(d)
Determination, 25-10-301
Discovery
  admissions, proof, Title 25, chapter 20, M.R.Civ.P., Rule 37(c)
  certification made in violation of rule, Title 25, chapter 20, M.R.Civ.P., Rule 26(g)
  city or justice's court, noncompliance with rule or order for, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 13B
  compelling, motion for order, Title 25, chapter 20, M.R.Civ.P., Rules 37(a), 37(b)
  failure to respond, Title 25, chapter 20, M.R.Civ.P., Rule 37(d)
  plan, sanctions for failure to participate in framing, Title 25, chapter 20, M.R.Civ.P., Rule 37(g)
Discrimination
  complaints, filing in district court, 49-2-509
  contested case hearings, 49-2-505
  disabilities, persons with — employment, 49-4-102
  housing, enforcement actions, 49-2-510
  price, actions to recover damages, 30-14-906
Dissolution and separation proceedings, 40-4-255
District court register of actions, entry in, 3-5-504
Ditch company employees, liability actions — indemnification, 27-1-731
Division of compensation, agreements with other attorneys for, 37-61-408
Documents of title — lost, stolen, or destroyed, 30-7-601
Drainage district organization, 85-8-321, 85-8-341
Elections, contest, 13-36-204, 13-36-205, 13-36-207
Eminent domain proceedings, 70-30-306, 70-30-307; Const., II, 29
  dismissal or abandonment, effect, 70-31-304
  inverse proceedings, 70-31-303
Employment
  deception as to nature of employment, 39-2-303
  lawful product use during nonworking hours, discrimination — action providing for, 39-2-314
  preferences, enforcement actions
    disabilities, persons with, 39-30-207
    veterans, 39-29-104
Environmental control easement violations, arising from or attributable to, 76-7-213

ATTORNEYS' FEES (Continued)

Estates and probate, 25-10-301, 72-3-632, 72-3-633
  claims against estate, effect, 72-3-803
  closure of estate after 2 years, no compensation when, 72-3-1015
  conservatorship proceedings, 72-5-432
  inheritance tax, deduction, 72-16-308
  joint tenancies
    termination, 72-3-633
    transfer of title, 72-16-505
  life estate, termination, 72-3-633
  principal and income determinations on income earned during administration of decedent's estate, 72-34-404, 72-34-406
  public administrator, reimbursement, 72-15-301
  review and settlement of fees, 72-3-634
  wills, contest of validity or probate, 72-12-206
Excess, caused by unreasonable multiplication of proceedings — satisfaction, 37-61-421
Family law orders, review and administration costs, 19-2-907, 19-20-305
Farm animal and research facilities, actions for damages to, 81-30-104
Farm implements dealership agreements, actions against grantor's violations, 30-11-809, 30-11-811
Forbidden when, 37-61-215
Foreign capital depositories
  financial records, wrongful disclosure — recovery of damages, 32-8-521
  foreign judgment recognition, 25-9-806
Freight carriers, claims for loss or damage, 69-11-426
Funds transfers actions, 30-4A-211, 30-4A-305, 30-4A-404
Governmental entities
  frivolous actions by or against, 15-1-222, 25-10-711
  liability claims
    court approval of fees, 2-9-314
    indemnification of employees, 2-9-305
Hazardous substances, remedial action upon release — liability allocation cost recovery, 75-10-728, 75-10-745
Hazardous material incidents response, cost recovery, 10-3-1216
Health care facility certificate of need, contested case hearing, 50-5-306
Health care information violations, actions for relief, 50-16-553
Health service corporations, third-party actions for damages, 33-30-1102
HIV-related testing and counseling violations, actions for damages, 50-16-1013
Insurance
  disability benefits, third-party actions for damages, 2-18-902, 33-22-1602
  fraud and restitution recovery actions, 33-1-1302
  information and privacy protection violation actions, 33-19-407
  premium finance agreements, collection, 33-14-303
  state employee group disability insurance, third-party actions for damages, 2-18-902
Insurers
  liquidation proceedings, 33-2-1356, 33-2-1371, 33-2-1375
  rehabilitators, liquidators, or employees of — actions against, 33-2-1393
  unauthorized, actions against, 33-1-616
Interrogatories, failure to answer, Title 25, chapter 20, M.R.Civ.P., Rule 37(d)
Judges, disqualification proceedings, 3-1-805
Judgment lien for, 37-61-420
Judgments, summary — affidavits made in bad faith, Title 25, chapter 20, M.R.Civ.P., Rule 56(g)
Landlord-tenant actions, 70-24-202, 70-24-442, 70-25-204
Leases, unconscionability actions, 30-2A-108
Letters of credit, wrongful dishonor or repudiation — actions for remedies, 30-5-131

ATTORNEYS' FEES (Continued)

Library records confidentiality, damage actions, 22-1-1111
Liens, 25-10-302, 71-3-124, 71-3-131
    construction liens, 71-3-551
    judgment lien for compensation, 37-61-420
    nonconsensual common-law liens, 27-1-1505
    salaries and wages, liens for, 71-3-305
Limited liability companies
    derivative actions, 35-8-1104
    distributional interest, action to determine fair value, 35-8-809
Limited partnerships, derivative actions, 35-12-1404
Lobbying violations, citizen's actions, 5-7-305
Local government
    initiative and referendum petitions, actions to determine validity and constitutionality, 7-5-135
    officers or employees, ethics violations — against person bringing charges, 2-2-144
Medicaid assistance secured by lien, recovery — fees not included in costs, 53-6-175
Mentally ill persons, commitment proceedings, 53-21-116
Militia members, actions against, 10-1-601
Mines and mining
    leases, release of record, 82-1-202
    metal mines exploration licenses or operating permits, review of decisions granting or denying, 82-4-350
    metal mines impact plan, judicial review, 90-6-307
    rights-of-way, proceedings to obtain, 82-2-211
    royalties, accounting and recovery of payment or delivery — actions for, 82-10-101
    strip and underground mine reclamation
        enforcement actions, 82-4-252
        orders relative to, 82-4-251
    trusts for unlocatable owners, 82-1-304, 82-1-305
    wages, recovery, 39-3-518
Minors, actions for property damage or destruction by — limitation, 40-6-238
Mortgages, 25-10-302, 71-1-222, 71-1-233, 71-1-234
Motions signed in violation of rule, Title 25, chapter 20, M.R.Civ.P., Rule 11
Motor carriers' rates, fares, and charges — overcharge actions, 69-12-511
Motor vehicles, claims arising from, 25-10-101, 25-10-302, 25-10-303
    dealerships
        change in ownership or transfer of assets, 61-4-141
        succession actions, 61-4-137
    dealers, new — damage suits, 61-4-210
    warranty disputes, appeals from arbitration decisions, 61-4-519
Municipal courts, unsuccessful appeals to district court, Title 25, chapter 30, part 2, U.M.C.R.App., Rule 16
Nonprofit corporations
    derivative proceedings, 35-2-1306
    indemnification of directors, officers, employees, and agents, 35-2-446
    inspection of records, actions for, 35-2-535, 35-2-909
    meetings of members, court order for, 35-2-528
Occupational disease claims, 39-72-712
Oil and gas
    leases, release of record, 82-1-202
    royalties
        accounting and recovery of payment or delivery, actions for, 82-10-101
        payment, enforcement of obligation, 82-10-103
    trusts for unlocatable owners, 82-1-304, 82-1-305
    wages, recovery, 39-3-518

ATTORNEYS' FEES (Continued)

Partition actions, 70-29-113, 70-29-218, 70-29-221
Partnerships, disassociated partner's interest — action to determine buyout price, 35-10-619
Paternity proceedings, 40-6-119
Pawnbrokers and junk dealers, excess charges — recovery actions, 31-1-401
Personal solicitation sales, action to recover down payment, 30-14-506
Petroleum storage tank releases — cleanup expenses of owners, operators, or third parties, 75-11-307
Pleadings signed in violation of rule, Title 25, chapter 20, M.R.Civ.P., Rule 11
Police officers, contracts for reimbursement of training expenses — enforcement, 7-32-4139
Pretrial conference, noncompliance, Title 25, chapter 20, M.R.Civ.P., Rule 16(f); Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14C
Price discrimination, actions to recover damages, 30-14-906
Principal and income determinations, 72-34-416
Professional corporation proceedings, expenses do not include, 35-4-311
Property actions
  minors, actions for damage or destruction by, 40-6-238
  partition, 70-29-113, 70-29-218, 70-29-221
  principal and income, determinations, 72-34-416
  state as party, 70-19-303
  unclaimed personal property, 70-9-816, 70-9-822, 70-9-823, 70-9-825
Public assistance payments, lien of department of public health and human services or county, 53-2-612
Public contractor's contract performance security, actions against, 18-2-207
Public contracts
  actions against state, 18-1-404
  wage disputes, 18-2-407
Rabies control, actions to enjoin violations, 50-23-106
Railroads
  excess charges by, actions to recover, 69-14-322
  fireguard maintenance violations, actions to recover costs, 69-14-722
  livestock killed by, actions to recover loss or damage, 69-14-709
  peace officers, special — actions or certification of, indemnification, 44-4-904
Real estate recovery account, payment from not allowed, 37-51-503
Research and farm animal facilities, actions for damages to, 81-30-104
Resort tax, action for collection, 7-6-1505
Retail installment sales, collection when delinquent, 31-1-235
Right to know, constitutional — actions, 2-3-221
Rural special improvement district bond or warrant issuance, incidental expense, 7-12-2101
School district bonds, sale proceedings, 20-9-432
Secured transactions, default
  collection and enforcement expenses, 25-10-302, 30-9-607, 30-9-608, 30-9-626
  disposition of collateral, expenses, 30-9-504, 30-9-615, 30-9-616, 30-9-626
  foreclosure, 30-9-511
  redemption of collateral, 30-9-506, 30-9-623
Securities
  fraud and restitution recovery actions, 30-10-309
  living trust violations, recovery of consideration paid, 30-10-915
  private actions, 30-10-316
  violations, 30-10-305, 30-10-307
Small claims courts, appeals, 25-35-806
Special improvement district bond or warrant issuance, incidental expense, 7-12-4101
Swimming pools and swimming areas, enforcement actions, 50-53-217
Taxpayers, frivolous or bad faith lawsuits — entitlement, 15-1-222
Teachers, termination — not allowed, 20-4-204

ATTORNEYS' FEES (Continued)

Telemarketers' violations, civil remedies for, 30-14-1413
Telephone operator service providers, actions brought against, 69-3-1105
Timeshare sales violations, recovery actions, 37-53-505
Title insurance
    policies, issuance, 33-25-401
    violations, actions based on, 33-25-402
Torts
    claims against governmental entities, 2-9-314
    interest provisions, 27-1-210
Trade secrets, actions for misappropriation, 30-14-405
Trust indentures, 71-1-312, 71-1-316, 71-1-320
Trusts, 72-34-416, 72-35-313
Unemployment insurance benefits claims, 39-51-3104
Unfair trade practices actions, 30-14-133
Unlicensed persons, to — forbidden, 37-61-215
Utility meters, bypassing or tampering — recovery of value of services, 69-4-1104
Venue, change of, 25-10-204
Wages, recovery, 18-2-407, 39-3-214, 39-3-518
Water conservancy districts, 85-9-408
Water use
    adjudication of rights, late claims — objection to compacts previously ratified, 85-2-221
    appropriation permits, decision, 85-2-125
    crow tribe litigation, settlement, 85-20-904, 85-20-905
Wheelchair warranty actions, 30-14-1207
Workers' compensation
    benefit claims, 39-71-611 — 39-71-614, 39-71-1032
    sanction for violation in signing papers, 39-71-2914
    subrogation, 39-71-414
    uninsured employers, independent cause of action by employee, 39-71-515
    vocational rehabilitation, termination of benefits, 39-71-1032
Wrongful discharge from employment actions, 39-2-915
Youth court, 41-5-111, 41-5-1412, 41-5-1512

AUCTIONS AND AUCTIONEERS
Apiaries, sale of equipment when, 80-6-104
Art dealers, 22-2-501, 30-10-103
Assistant auctioneers, 30-11-512
Authority of auctioneers, 28-10-301, 28-10-404, 30-11-508
    from the bidder, 30-11-507
    from the seller, 30-11-506, 30-11-507
Auto auctions, 61-1-319, 61-3-101, 61-3-501, 61-4-105, 61-4-120, 61-4-122, 61-4-125, 61-4-126
Bailment, sale of property for storage costs or storage space rental fees, 70-6-411, 70-6-420
Bidding, 30-11-501, 30-11-502, 30-11-506
Bond of auctioneer, 30-11-508, 30-11-510, 30-11-511
Book of sales, 30-11-504, 30-11-505
Calcutta pool, 23-5-221
Cigarettes, sale of forfeited property, 16-11-158
Cities and towns
    property, sale or exchange, 7-8-101
    purchases generally, 7-5-4310
    regulation and licensing, 7-21-4201, 30-11-516
Completion of sale, 30-11-502
Conservation district termination, sale of property, 76-15-809
Counties
    equipment, sale, 7-8-2211

AUCTIONS AND AUCTIONEERS (Continued)
Counties (Continued)

land, sale, 7-8-2301, 7-8-2511
property, sale, 7-8-101, 7-8-2212 — 7-8-2214, 7-8-2216, 7-8-2218
purchases generally, 7-5-2303
tax-deed land, 7-8-2301, 7-8-2602, 7-8-2603
Crier, 30-11-512
Definition of sale by auction, 30-11-501
Drug violations, forfeited property, 44-12-205
Eminent domain, property acquired for public use when abandoned, 70-30-321, 70-30-322
Enforcement of provisions, 30-11-515
Escheated estate property, 72-14-205 — 72-14-208
Evidence in criminal cases, sale of noncontraband property, 46-5-308
Execution sales by, 25-13-704
Ex officio auctioneers, 30-11-511
Fire hazards, demolition of structure — salvage sale, 50-62-107
Game birds or animals
confiscated, sale, 87-1-511, 87-1-512
meat of animals destroyed for damaging property, 87-1-226
moose, shiras — license, 87-2-724
mountain sheep license, 87-2-722
Grazing district sales
assets, 76-16-212
trespassing livestock, 76-16-316
Highway
equipment, sale, 18-6-103
real property, sale, 60-4-202
Hotels
liens, foreclosure sale, 71-3-1402
unclaimed baggage, sale, 70-9-501
Insurance for domestic shipments on consignment for, 33-1-225
Licensing, 30-11-516
Liens
foreclosure sale
agisters, 71-3-1203
hotel, 71-3-1402
livestock, 81-2-109, 81-2-705
warehouseman's, enforcement, 30-7-210
Livestock
estrays, sale, 81-4-603, 81-4-604
grazing districts, sale of trespassing livestock, 76-16-316
horse herd districts, sale of horses wrongfully entering, 81-4-326
horses, abandoned — sale, 81-4-506, 81-4-510
liens, foreclosure sale, 81-2-109, 81-2-705
overtime compensation exclusions for employees, 39-3-406
registered livestock sales, 81-8-501
satellite video livestock market, 81-8-213, 81-8-264, 81-8-265
stolen, vehicles used to transport, 81-5-110
title transfer, 30-2-401
Lot sales, 30-11-502
Manner of sale, 30-11-502
Memorandum of sale, 30-1-111, 30-11-504, 30-11-507
Motor vehicles
abandoned, sale, 61-12-404
auto auctions, 61-1-319, 61-3-101, 61-3-501, 61-4-105, 61-4-120, 61-4-122, 61-4-125, 61-4-126
dealer and wholesaler licensing, exemption, 61-4-108
Nonresident auctioneers, reciprocal privileges, 30-11-509

AUCTIONS AND AUCTIONEERS (Continued)

Partition sales by, 70-29-301
Payment, 30-11-506
Place of business, 30-11-513
Public officers and employees, conflict of interest — nonapplicability when, 2-2-201
Railroad corporation stock, sale when, 69-14-505
Real estate broker and salesperson provisions, auctioneer exempt from, 37-51-103
Reserve, 30-11-502
School district trustees, conflict of interest — nonapplicability when, 20-9-204
Search and seizure, unclaimed property from, 46-5-308
Secured transactions, consignment, 30-9-122
State lands
  oil and gas leases, re-leasing, 77-3-407
  sales, 77-2-321, 77-2-323
State surplus supplies, sale, 18-4-226
Taxation, 30-11-516
Tax sales, personal property, 15-17-911
Terms of sale, 30-11-503, 30-11-504, 30-11-506
Trust indentures, foreclosure sale, 71-1-315
Unclaimed property, sale, 70-9-403, 70-9-501
Uniform Commercial Code, effect, 30-1-111
Violations and penalties, 30-11-514 — 30-11-516
Written conditions, sales under, 30-11-503

AUDIOLOGY AND AUDIOLOGISTS, Title 37, chapter 15
  See **SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS**

AUDITS AND AUDITORS
  See also **LEGISLATIVE AUDIT DIVISION, Legislative auditor**
Accountants, Title 37, chapter 50, See **ACCOUNTANTS**
Agricultural commodities
  dealers, 80-4-612
  inspectors, 80-4-402
  research and market development programs, first purchaser commodity businesses, 80-11-504
  warehouses, 80-4-538
Agriculture Development Council investments and loans, 90-9-307
Air quality
  environmental quality, department of — fund expenditures, 75-2-221
  small business stationary source technical and environmental compliance assistance program, services, 75-2-107
Banks
  escrow accounts, 32-7-103
  unclaimed funds, claims for, 32-1-537
Bond issues, annual financial report audits, 17-5-2201
  volume cap bonds, 17-5-1312
Building and loan associations
  annual statement, correctness of, 32-2-413
  escrow accounts, 32-7-103
Cemetery companies, 37-19-807, 37-19-808, 37-19-822
Cities and towns, 7-6-4140, See also **Local government entities**
  claims, 7-5-4141
  revenue bond issues, books of account, 7-7-4428
  tax information, officers' failure to return — statement of expenses to secure, 15-1-301
City auditor, See **CITY AUDITOR**
City-county consolidated governments, 7-3-1301, 7-3-1304, 7-3-1305
Commercial fertilizer licensees, records, 80-10-210

AUDITS AND AUDITORS (Continued)

Commission form of government, auditor, 7-3-442
Community college districts, 20-15-229
Conservation district accounts, 76-15-315
Conservators, auditors employed by, 72-5-427
Counties, See also **Local government entities**
  county charges, 7-6-2425
  county road inspection claims, 7-14-2126
  criminal actions, costs, 7-6-2428
  debts and demands against, 7-6-2202
County auditor, See **COUNTY AUDITOR**
County road improvement districts, estimates of work completed, 7-14-2720
County sheriff, expenses, 7-32-2144
County superintendent of schools, travel expenses, 20-3-203
County water and/or sewer district auditor
  appointment and compensation, 7-13-2277
  bond requirements, 7-13-2279
  duties, 7-13-2278
  estimates of money required, 7-13-2302
  warrants drawn by, 7-13-2278, 7-13-2311
County welfare departments, 53-2-305
Credit unions, 32-3-203, 32-3-412, 32-3-417, 32-3-808, 32-7-103
Criminal history record information systems, 44-5-105
Criminal justice information system, 44-5-403
Cultural and aesthetic project grants, 22-2-306
District courts
  expenses, 3-5-902
  "master" includes auditor, Title 25, chapter 20, M.R.Civ.P., Rule 53(a)
Drinking water state revolving fund, procedures and requirements, 75-6-204, 75-6-224
Elections, county and state canvasses, 13-15-403, 13-15-505
Electronic records, 2-20-105
Environmental audits, voluntary, Title 75, chapter 1, part 12; Title 80, chapter 1, part 3
Extradition expenses, 46-30-411
Fire protection equipment sales, installation, or service persons — inspections to include, 50-39-108
Foreign capital depositories, 15-31-804, 15-31-805, 32-8-103, 32-8-516, 32-8-518
Forest fire hazard reduction or management, forest products harvested by contractors, 76-13-414
Health care providers, 50-16-504, 50-16-529
Health maintenance organizations
  certificate of authority applicants, financial affairs, 33-31-201
  financial statements, 33-31-211
Health service corporations, financial statements, 33-30-202
Historic properties, local management contract — funds, 22-3-603
Horseracing, Board of — rules to include, 23-4-104
Hospital districts, 7-34-2122
Housing, lower income — housing sponsors and development costs, 90-6-110
Human Resource Development Councils, 53-10-505
Insurance
  administrators, books and records, 33-17-611
  credit life and credit disability, claims, 33-21-105
  disability, multiple employer welfare arrangements, 33-35-301
  liability risk retention groups, 33-11-104
Insurers
  comprehensive health association, 33-22-1502

AUDITS AND AUDITORS (Continued)
Insurers (Continued)

- controlled insurers
  - audit committee, 33-2-1511
  - financial reports, 33-2-1517
- credit life and credit disability, claims, 33-21-105
- domestic life, loan statements, 33-2-531
- farm mutual, accounts, 33-4-302
- receiver's books, 33-2-1378
- reciprocal insurers and attorneys-in-fact, 33-5-305
- rehabilitation or liquidation, 33-2-1392
- reinsurance intermediary-broker's accounts and records, 33-2-1703

Interrogatories, option to produce business records, Title 25, chapter 20, M.R.Civ.P., Rule 33(c)
Investigators, private — nonapplicability of licensing provisions, 37-60-105
Investment program, unified, Const., VIII, 13
Investments, Board of — books, records, loans, and investments, 17-5-1529, 17-5-1649, 17-6-321, 17-6-322
Irrigation district books and records, 85-7-1419, 85-7-1616, 85-7-1913, See also **Local government entities**
Legislative, Title 2, chapter 8, part 1; Title 5, chapter 13; Const., V, 10, See **EXECUTIVE BRANCH, Legislative review; LEGISLATIVE AUDIT DIVISION, Legislative auditor**
Legislative auditor and audits by, See **LEGISLATIVE AUDIT DIVISION**
Licensing, professional and occupational — investigations, 37-1-302, 37-1-401
Livestock, Department of — bills for expenses, 81-1-103
Livestock markets and dealers, 81-8-231
Lobbying, principals' reports, 5-7-212
Local government alternative accounting methods, 7-6-601 — 7-6-604
Local government employee incentive awards, nonapplicability, 7-4-505
Local government entities, audits and financial reports, 2-7-503, See also main subject heading for specific government entity

- accounting methods, standards for, 2-7-504
  - alternative accounting methods adopted by entities, requirements and effect, 2-7-503, 2-7-504, 2-7-513, 7-6-604
- actions of governing bodies, 2-7-515
- administration of provisions, 2-7-514, 2-7-518
- citation of state of Montana single audit act, 2-7-502
- contents of reports, 2-7-513
- corrective measures, 2-7-515
- costs, 2-7-503, 2-7-506, 2-7-509, 2-7-514, 2-7-521
- deficiencies or recommendations for improvement, 2-7-515
- definitions, 2-7-501
- district court grant recipients, 7-6-2352
- examination of books and papers, 2-7-508
- exceptions, 2-7-503, 2-7-504
- exit review conference, 2-7-512
- fees, 2-7-503, 2-7-506, 2-7-514, 2-7-516
  - deposit, 2-7-518
  - failure to pay, 2-7-517
  - withheld when, 2-7-522
- filing of reports, 2-7-514, 2-7-517
- financial assistance provided to entities, 2-7-501
  - withheld when, 2-7-515, 2-7-517
- hearings, 2-7-511
- independent auditor, 2-7-501, 2-7-506
  - assistance by officers and employees of entity, 2-7-507
  - compensation, 2-7-516

AUDITS AND AUDITORS (Continued)
Local government entities, audits and financial... (Continued)
    independent auditor (Continued)
        compliance with provisions, 2-7-522
        examination powers, 2-7-508, 2-7-511
        exit review conference, 2-7-512
        local charge for services funds, inclusion in audits, 17-2-302
        summary of significant findings, preparation, 2-7-521
    local charge for services funds, inclusion, 17-2-302
    notices, 2-7-506, 2-7-511, 2-7-515, 2-7-522
    officers and employees
        accounting methods, conformance, 2-7-504
        accounts of officer, examination and suspension of officer when, 2-7-511
        assistance by, 2-7-507
        violations or nonperformance of duty, 2-7-515
    penalty, 2-7-517
    public accountants, board of — duties, 2-7-501, 2-7-506, 2-7-522
    publication of reports, 2-7-521
    public availability, 2-7-514, 2-7-521
    purpose of provisions, 2-7-502
    review of reports, 2-7-522
    rules, 2-7-503 — 2-7-506, 2-7-513 — 2-7-515, 2-7-517
    school districts or associated cooperatives, 2-7-503, 2-7-513, 2-7-514, 20-9-213
    school-related organizations, 2-7-509
    scope and standards, 2-7-505
    special audits or reviews, 2-7-503
    water and wastewater authorities, regional, 75-6-312
Lottery, state
    employees of firms performing, sales to or purchase of tickets or chances prohibited, 23-7-110, 23-7-302
    gaming suppliers' financial statements, disclosure, 23-7-310
    internal audit control, 23-7-211
Marriage licenses, medical certificate requirements — expenses of administering, 40-1-209
Medicaid
    fraud control unit, composition, 53-6-156
    medical savings account pilot project, services, 53-6-907
Microbusiness development corporations, 17-6-407
Milk price control rules, compliance, 81-23-302
Milk processing plants, 81-23-105
Motor vehicles
    dealers, 61-4-204
    fleet vehicle registration, proportional registration records, 61-3-725, 61-3-728
    foreign vehicle registration, cooperative or reciprocal — agreements for, 61-3-708
    warranty on new vehicles, manufacturer's annual audit, 61-4-512
Municipal commission government
    civil service commissioners, certificates of records, 7-3-4261
    council, powers of, 7-3-4252, 7-3-4254
9-1-1 emergency telephone system, fee for exchange access services, 10-4-212
Park Commissioners, Boards of
    county, claims, 7-16-2330
    municipal, claims, 7-16-4227
Parking commissions, financial affairs, 7-14-4614
Performance audits, Title 2, chapter 8, part 1, See **EXECUTIVE BRANCH, Legislative review**
Personal representative, auditors employed by, 72-3-613, 72-3-634
Private investigators, licensing provisions — nonapplicability, 37-60-105
Professional employer organizations and groups, 39-8-202, 39-8-305, 39-8-403
Public assistance records, 53-2-104

AUDITS AND AUDITORS (Continued)

Public contractors, forfeitures for failure to pay standard prevailing wage, 18-2-407
Public employees collective bargaining, requirement for exclusive representative, 39-31-206
Public officers, responsibilities, 2-2-205, 2-2-207, 2-7-504, 2-7-507
Public Service Commission, by, 69-3-103, 69-3-711
Railroad rehabilitation projects, 60-11-1106, 60-11-1206
Regents of Higher Education, Board of, 5-13-401 — 5-13-403, 20-25-402, 20-25-902; Const., X, 9
School district accounting records, 20-3-205, 20-9-203, 20-9-213, See also **Local government entities**
School food services, financial records, 20-10-202
Sewage system operators' records, 75-5-513
Solid waste management system records, 75-10-121, 75-10-125
State auditor, See **STATE AUDITOR**
State claims for disbursements, 17-8-202, 17-8-203
State lands, oil and gas lease royalties, 77-3-435
State procurement provisions, implementation and requirements, 18-4-221
State-tribal cooperative agreements, tax or license or permit fee revenues, 18-11-104
Tax, 15-1-222, 15-1-223, 15-1-601, 15-8-104, 15-30-145, 15-30-195, 15-30-204, 15-30-251, 15-31-701, 15-32-504, 15-60-202, 15-70-121, 15-70-124, 20-9-104, 20-9-161
Telecommunications services
  disabilities, persons with — services and equipment for, local exchange companies, 53-19-312
  interconnection of carriers, universal service fund, 69-3-843, 69-3-844
Trustees, auditors employed by, 72-34-341
Unemployment insurance
  records, 39-51-603
  revenue, department of — authority, 39-51-301
University system employee group benefits, alternatives to conventional insurance — requirements, 20-25-1310
Veterans' interment expenses, 10-2-501
Water pollution control state revolving fund, procedures and requirements, 75-5-1104, 75-5-1113
Weed control, federal fund expenditures, 80-7-712
Workers' compensation
  old fund liability tax returns and remittances, 39-71-2503
  plan no. 3 state fund, 39-71-116
  self-insurers guaranty fund, 39-71-2620

AUTOPSIES
  See **FORENSIC SCIENCE**

B

BAGGAGE
Hotels and lodging establishments, See **HOTELS AND LODGING ESTABLISHMENTS, Property of guests**
Insurance coverage, 33-17-212
Liens upon
  hotels and lodging establishments, 71-3-1401 — 71-3-1403
  passenger carriers, when, 69-11-206
  unclaimed baggage, sale — for advertising expenses, 70-9-501
Passenger carriers, 69-11-204, 69-11-206, 69-11-422
  baggage agents, 69-11-208

BAGGAGE (Continued)

Railroads, 69-11-204, 69-14-205 — 69-14-208, 69-14-210, 69-14-560
  facilities for, 69-14-117, 69-14-118, 69-14-562
Trademarks and service marks, classification of goods, 30-13-331
Unclaimed, 70-9-501, 70-9-502

BAIL
Amount
  arrest warrant, set in, 46-6-214, 46-9-302
  determination, 41-5-323, 46-9-109, 46-9-301, 46-9-401
  reasonableness, 46-13-110
Appeals, on, 46-9-107, 46-9-121, 46-9-201; Title 25, chapter 30, part 2, U.M.C.R.App., Rule 7, See also **APPELLATE PROCEDURE, Criminal proceedings, specific provisions**
  calendar, Title 25, chapter 21, M.R.App.P., Rule 39
Appearance of defendant, 46-9-206, 46-9-302
Arrest bond certificates, guaranteed, 46-9-412, 46-9-414
Arrest warrant, 46-6-214, 46-9-302, 46-9-503, 46-9-505
Attorneys prohibited from furnishing, 37-61-419, 46-9-402
Availability, Const., II, 21
  before conviction, 46-7-102, 46-9-102
  new trial, on, 46-9-104, 46-9-401
  pending appeal, sentencing, or revocation hearing, 46-9-107, 46-18-203
Cash bail, 46-9-401
  check in lieu of cash, 44-1-1103
  discharge of bail, 46-9-502
  forfeiture, 46-9-511
  guaranteed arrest bond certificate in lieu of, 46-9-414
  prejudgment arrest, See **ARREST**
  refund, 46-13-402
  release ordered by court where charge not pending, 46-9-115
  restitution, forfeiture used as, 46-9-512
Child support or maintenance, to secure delinquent payments, 40-4-209
City courts, Title 25, chapter 24, M.U.R.J.C.C., Rule 17
Conditions, 46-9-311, 46-9-502, 46-9-503, 46-9-505
  extradition for violations, Title 46, chapter 30
Contempt, for, 3-1-514 — 3-1-517, 3-1-521
Continuation when, 46-9-201
Conviction of defendant, return of bond, 46-9-121
Court calendar precedence, effect, 46-16-101
Death of defendant, exoneration, 46-9-503
Defined, 46-1-202
Denial, 46-9-107, 46-9-401
Discharge of, 46-9-502, 46-18-102
Dismissal of action, effect, 46-13-402
Drug users, report to county attorney, 46-9-203
Election contests, applicability, 13-36-204
Escape, liability for, 7-32-2250, 27-16-209, 27-16-210
Evidence
  bailable offenses, presumption of guilt — burden of proof, 46-9-102; Const., II, 21
  forfeiture used as restitution, inadmissibility, 46-9-512
  rules of evidence inapplicable, Title 26, chapter 10, M.R.Ev., Rule 101
Excessive bail prohibited, Const., II, 22
Extradition, Title 46, chapter 30
Forfeiture, 46-9-511
  absence of defendant from trial, 46-16-122
  court charge and disposition, 46-9-301, 46-18-236

BAIL (Continued)
Forfeiture (Continued)

- guaranteed arrest bond certificates, 46-9-414
- judgment for, 46-9-512
- order, 46-9-503, 46-9-511, 46-9-512, 87-1-111
- restitution, use as, 46-9-512, 87-1-111
- sale of property, 46-9-511
- surrender of defendant prior to, 46-9-510
- user surcharge, imposition, 3-1-317, 61-8-725

Forms of, 46-9-401
Habeas corpus, writ to give bail, 46-22-103, 46-22-306
- appeal of hearing decision, 46-22-307

Hearings, 46-9-102, 46-9-109, 46-9-206, 46-9-505, 46-9-512, 46-11-701, 46-13-110
Highway patrol officers, authority, 44-1-1101 — 44-1-1103
Imprisonment in lieu of, effect on sentence, 46-18-403
Incarceration of defendant, exoneration, 46-9-503
Increase, 46-9-104, 46-9-201, 46-9-311
Index of, 3-5-506
Judges pro tempore or special masters, authority in criminal cases, 3-5-113
Jumping bail, 45-7-308
Justice, Department of — authority of civilian employees as inspectors, 44-1-1005
Justices' courts, Title 25, chapter 24, M.U.R.J.C.C., Rule 17, See also **JUSTICES' COURTS, Arrest, civil** — prejudgment
Milk price control proceedings, 81-23-406
Motions, release of defendant
- appropriate amount of bail or other conditions or restrictions required, for hearing on, 46-9-109
- conditions, imposition of additional or different, 46-9-108
- order, for revocation, 46-9-503

Motor carriers' supervisor and field inspectors, authority, 69-12-203
Motor club service companies, bail bond service, 46-9-412, 46-9-414; Title 61, chapter 12, part 3
Motor vehicle violations, 46-9-414, 61-4-122, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Violations**, convictions
New trial, on, 46-9-104, 46-9-401
Nuisance, public, 45-8-112
Peace officers
- acceptance of bail by, 46-9-302
- authority, 44-1-1005, 61-10-141, 61-12-208, 69-12-203
- surrender of defendant, 46-9-510

Personal property, claim and delivery, Title 27, chapter 17
Pledges to bondsman, Title 71, chapter 2
Postconviction hearing, order pertaining to, 46-21-201
Prejudgment arrest, See **ARREST, Prejudgment arrest**
Probation violations, upon arrest for, 46-23-1012
Property that may be furnished, 46-9-108, 46-9-109, 46-9-401, 46-9-403, 46-9-502, 46-9-511
Records, 44-5-103, 44-5-211, 46-11-701
Reduction, 46-9-104, 46-9-201, 46-9-311
Release or detention of person
- authority for, 46-9-105
- conditions, 46-9-108 — 46-9-110, 46-9-115, 46-9-503
- hearing, 46-9-109
- "official detention" defined, 45-2-101
- order, 46-9-110, 46-9-115, 46-9-503
- pending appeal, sentencing, or revocation hearing, 46-9-107
- pending trial, 46-9-106

Release on own recognizance, 46-9-111, 46-9-505

BAIL (Continued)

Revocation, 46-9-311
Schedules of
    bail, establishment and posting, 46-9-302; Title 25, chapter 24, M.U.R.J.C.C., Rule 17
    property, filing, 46-9-403
Setting bail, 46-9-206, See also **Amount**
Substitution, 46-9-104, 46-9-201, 46-9-311
Sureties of defendant
    arrest of defendant by, 46-9-510
    bail returned to, 46-9-502
    execution against, 46-9-511
    forfeiture, notice to, 46-9-503
    judgment against, 46-9-512
    persons prohibited as, 46-9-402
    schedule of property, filing by, 46-9-403
    undertaking as bail, qualification of sureties, 46-9-403
Surety bonds as, 46-9-121, 46-9-401, 46-9-403, 46-9-502, 46-9-511; Const., II, 21
    insurance producer who executes, continuing education not required, 33-17-1203
Surrender of defendant, 46-9-401, 46-9-510
Transmittal to appropriate court, 46-9-115, 46-9-302, 46-10-204
Where given, 46-9-201, 46-9-302
Who may admit to bail, 46-7-102, 46-9-201, 46-9-206; Const., II, 21
Witnesses, to secure testimony, 46-11-601, 46-15-113; Const., II, 23
Youth court, applicability, 41-5-323, 41-5-1403

BAILMENT AND BAILEES
    See **PROPERTY, PERSONAL**

BALLOT ISSUES
    See also **ELECTIONS**
Abstract of votes, 13-27-503
Alcoholic beverages
    age for possession and use, Const., II, 14
    local option for sale and consumption, 16-1-205
Applicability of laws, 13-27-101; Const., III, 8
Ballot
    approval, 13-27-310, 13-27-312, 13-27-313
    certification, 13-10-208, 13-12-201, 13-27-501
    contents and form, 13-27-501
    marking, 13-12-209, 13-13-117
    placement, 13-12-207, 13-27-501
    preparation, 13-12-212, 13-27-502
    primary election, in, 13-10-209
    separate ballots, 13-10-209, 13-17-306, 13-27-502
    statements of implication or purpose, 13-27-312, See **Statements of implication or purpose**
    title, 13-27-312
    transmittal, 13-27-501
    voting machine requirements, 13-17-104, 13-17-306
Bond issues, restraint limited, 17-5-1001
Canvassing of votes, 13-15-505, 13-27-503
    effective date determined from, 13-27-105
    recounts, 13-16-201, 13-16-301, 13-16-411, 13-16-418, See also **ELECTIONS, Recounts**
    report of canvass, information to be included, 13-15-404, 13-15-506
    transmittal, 13-27-504
Certification, 13-10-208, 13-27-501

BALLOT ISSUES (Continued)

Challenges, grounds and limitation, 3-2-202, 3-5-302
  properly qualified initiative or referendum, procedures, Const., IV, 7
Cities and towns, See **CITIES AND TOWNS, Initiative and referendum**
City-county consolidated government, Title 7, chapter 3, parts 12 and 13, See **CITY-COUNTY CONSOLIDATION, OPTION TWO**
Conservation districts, referendums, Title 76, chapter 15, See **CONSERVATION DISTRICTS, Creation; Elections and electors**
Constitutional amendments or conventions, See **CONSTITUTION OF MONTANA; CONSTITUTION OF THE UNITED STATES**
Constitutional defects, 3-2-202, 3-5-302
Contests, grounds and limitation, 3-2-202, 3-5-302
Contributions, prohibitions, 13-35-227
Corporate contributions, 13-35-227
Counties, See **COUNTIES, Initiative and referendum**
Counting of votes, 13-27-503
County water and/or sewer districts, Title 7, chapter 13, parts 22 and 23, See **SEWAGE DISPOSAL AND SEWER SYSTEMS**
Crimes and prohibited acts, See **Unlawful practices**
Date of election, 13-1-101, 13-1-104; Const., III, 6
Definitions, 13-1-101, 13-27-111, 13-27-112, 13-27-202
Effective date, 13-27-105
Exit polling, 13-35-211, 13-35-218
Explanatory statement, See **Statements of implication or purpose**
Falsification, 13-27-106, 13-27-204 — 13-27-207, 13-35-207
Fiscal note and statement
  certification, 13-27-501
  referred legislation, upon, 13-27-315
  required, 13-27-312
  review by court, 13-27-316
  voter information pamphlet, inclusion in, 13-27-401
Flood control project boundary changes, 76-5-1106, See **FLOODS, Control projects**
Fraud, 3-2-202, 3-5-302, 13-27-106, 13-27-204 — 13-27-207, 13-27-303
Gambling authorized by, Const., III, 9
General election, 13-1-101, 13-1-104; Const., III, 6
Gift enterprises authorized by, Const., III, 9
Indebtedness by state, Const., VIII, 8
Initiatives, See also this subject heading generally
  alcoholic beverages sale and consumption, local option, 16-1-205
  challenge, election procedures, Const., IV, 7
  petition, See also **Petitions**
    form, 13-27-204; Const., III, 4
      constitutional amendment, 13-27-207
      constitutional convention, 13-27-206
    signatures, gathering, 13-13-122, 13-35-211, 13-35-218
  right, 13-27-101; Const., III, 4; V, 1; XI, 8
  small claims court, creation or abolishment, 3-12-103, 3-12-104
Local government, See **CHARTER FORM OF GOVERNMENT, Initiative for charter or amendment to charter; CITIES AND TOWNS, Initiative and referendum; CITY-COUNTY CONSOLIDATION, OPTION TWO, Initiative; Referendum petition for ordinances; COUNTIES, Initiative and referendum; LOCAL GOVERNMENT, Initiative and referendum**
Long-range building program bonds, 17-5-402
Lotteries authorized by, Const., III, 9
Mail ballot elections, Title 13, chapter 19, See **ELECTIONS**

BALLOT ISSUES (Continued)

Municipal commission-manager government, Title 7, chapter 3, parts 43 and 44, See **MUNICIPAL COMMISSION-MANAGER GOVERNMENT**
Nuclear facility siting, approval, 75-20-201
Petitions
  affidavits, 13-10-405, 13-10-503, 13-10-504, 13-10-601, 13-27-106, 13-27-302, 13-27-304
  approval, 13-27-202, 13-27-208, 13-27-312, 13-27-316
  attorney general opinions, 13-27-202, 13-27-312, 13-27-316
  certification of
    circulator, 13-27-302
    election official, 13-27-304, 13-27-305, 13-27-307
    notary public, 13-27-307
    secretary of state, 13-27-308
  copies, 13-27-208, 13-27-305
  destruction of records, 13-27-305
  electors, by, 13-27-102
  errors, 13-27-201
  falsification, 13-27-106, 13-35-207
  fee for copies, 13-27-208
  filing, 13-27-104, 13-27-316; Const., III, 4; III, 5
  form, 13-27-201
    approval, 13-27-202, 13-27-312, 13-27-316
    constitutional amendments, 13-27-207
    constitutional conventions, 13-27-206
    initiatives, 13-27-204; Const., III, 4
    referendums, 13-27-205; Const., III, 5
  governor, certification to, 13-27-308
  investigation of elector or petition circulator when, 13-27-303
  legal sufficiency, determination, 13-27-202, 13-27-312, 13-27-316
  notarization, 13-27-307
  numbering, 13-27-203
  rejection, 13-27-202
  review, 13-27-202, 13-27-312, 13-27-316
  signatures, 13-27-301 — 13-27-303
    challenge, 3-2-202, 3-5-302, 13-27-306
    copies, 13-27-208
    number required for placement on ballot, 13-27-204 — 13-27-207; Const., III, 4; III, 5; III, 7
    paid gatherers, 13-27-111 — 13-27-113
    solicitation on election day, 13-13-122, 13-35-211, 13-35-218
    sufficiency, 13-27-103; Const., III, 4
    tabulation, 13-27-307
  tampering with, 13-27-106
  text of issue on, 13-27-202, 13-27-204 — 13-27-207; Const., III, 4; III, 5
  title, 13-27-312
  verification, 13-27-303
    affidavit of circulator, 13-27-302
    filing for, 13-27-301
    transmittal, 13-27-304
Political committee, 13-1-101, 13-27-112, 13-37-226
Polling place, solicitation of voter, 13-13-122, 13-35-211, 13-35-218, See also **ELECTIONS**, **Polling places**
Proclamation of adoption or rejection by
  county canvassers, 13-15-405
  state canvassers, 13-15-507
Recall Act, Title 2, chapter 16, part 6, See **RECALL**

BALLOT ISSUES (Continued)

Recount when, 13-16-201, 13-16-301, 13-16-411, 13-16-418, See also **ELECTIONS**, **Recounts**
Referendums, See also this subject heading generally
    ballot form, transmittal, 13-27-310
    challenge, election procedures, Const., IV, 7
    effect, Const., III, 5
    fiscal note and statement, 13-27-315
    numbering, 13-27-203
    petitions, forms, 13-27-205; Const., III, 5, See also **Petitions**
    right, 13-27-101; Const., III, 5; V, 1; XI, 8
    social security system, participation in, See **SOCIAL SECURITY**
    statements of purpose and implication, 13-27-315
    water quality districts
        boundary changes, 7-13-4522
        creation of district, 7-13-4511 — 7-13-4513
        fee increases, 7-13-4523
Register of candidates, information to be included, 13-10-205
Results, determination, 13-27-503, 13-27-504
Returns, 13-27-503
Right to, 13-27-101; Const., III, 4; III, 5; V, 1; XI, 8
Small claims court, creation or abolishment, 3-12-103, 3-12-104
Special election, vote in, Const., III, 6
State debt, Const., VIII, 8
Statements of implication or purpose
    certification, 13-27-501
    preparation, 13-27-312
    referred legislation, upon, 13-27-315
    review 13-27-202, 13-27-316
    title of measure, becomes, 13-27-312
Title
    petition, statement of purpose as, 13-27-312
    referred legislation, limitation, 5-4-102
Unlawful practices
    challenges as result of, 3-2-202, 3-5-302
    falsification of petition, 13-27-106, 13-35-207
    petitions, paid signature gatherers — persons employing, failure to file reports, 13-27-112
    solicitation of signatures at polling place, 13-35-218
    tampering with petition, 13-27-106
    warnings, 13-27-204 — 13-27-207
Veto by governor, not subject to, Const., VI, 10
Vote on, Const., III, 6
Voter information pamphlets
    arguments
        approval by majority of committee, 13-27-406, 13-27-407
        filing and form, 13-27-406
        liability, 13-27-409
        preparation by committees, 13-27-402
        rebuttals, 13-27-407
        rejection, 13-27-408
        submission, 13-27-402
    bids on, 13-27-410
    committees to prepare arguments, 13-27-402, 13-27-403
        chairman, 13-27-404
        expenses, 13-27-405
    contents and form, 13-27-401
    delivery or distribution, 13-27-410

BALLOT ISSUES (Continued)
Voter information pamphlets (Continued)

- number and printing, 13-27-410
- voluntary spending limit statement, 13-37-250

Voters, solicitation at polling place, 13-13-122, 13-35-211, 13-35-218, See also **ELECTIONS, Electors**
Voting machine requirements, 13-17-104, 13-17-306
Water conservation project boundary changes, 76-5-1106, See **FLOODS, Control projects**
Water quality districts, referendums
- boundary changes, 7-13-4522
- creation of district, 7-13-4511 — 7-13-4513
- fee increases, 7-13-4523

BANK DEPOSITS AND COLLECTIONS
See also generally **BANKS AND TRUST COMPANIES; NEGOTIABLE INSTRUMENTS; UNIFORM COMMERCIAL CODE, GENERAL PROVISIONS**
Acceptance
- death or incompetence of customer, 30-4-405
- documentary drafts, 30-4-104, 30-4-501 — 30-4-503
- holidays, transactions on, 32-1-482
- notice of holding item for, 30-4-210
- order of performance, 30-4-303
- payor bank's responsibility, 30-4-302
- warranty, 30-4-215

Account, 30-4-104, See also **Savings account**
- actions concerning, statute of limitations, 27-2-213
- charge to, See **Charge of account**
- closing, 30-4-403, 30-4-407
- insufficiency, 27-1-717, 30-4-402
- records retention, 32-1-491
- secured transactions
  - "deposit account" defined, 30-9-105, 30-9-122, See **SECURED TRANSACTIONS, Deposit accounts**
  - exclusion, 30-9-104
- statement of, 30-4-406
- withdrawal, notice of time period, 32-1-440

Actions
- bad check, issuance — damages, 27-1-717
- breach of warranty, 30-4-207, 30-4-215
- statutes of limitation, 27-2-213, 30-4-112

Agreement
- damages, measure, 30-4-103
- liability for action in accordance with, 30-4-203
- settlement, for, 30-4-211
  - revocation of settlement, 30-4-213, 30-4-303
- truncation agreement, 30-4-111, 30-4-216
- varying law by, 30-1-105, 30-4-103

Alteration
- charge to customer account, 30-4-401
- customer, duties, 30-4-406
- warranty, 30-4-207, 30-4-215

Banking day, 30-4-104
- checks, cutoff hour, 30-4-303, 32-1-440
- late return of item, 30-4-302
- receipt of items, time of, 30-4-107
- time limits — waiver, modification, or extension, 30-4-108

BANK DEPOSITS AND COLLECTIONS (Continued)

Branch bank, 30-1-201, 30-4-106
  liability, law governing, 30-4-102
Breach of warranty, 30-4-207, 30-4-215, 30-4-216, 30-4-302, 30-4-406
Care, See **Ordinary care**
Cash taken in settlement, 30-4-211
Certification
  holidays, transactions on, 32-1-482
  order of performance, 30-4-303
Charge-back, 30-4-208, 30-4-212
Charge of account
  allowable when, 30-4-401
  authority for, settlement by, 30-4-211
  check more than 6 months old, 30-4-404
  order of performance, 30-4-303
Check, See also **DEFERRED DEPOSIT LENDERS**; **NEGOTIABLE INSTRUMENTS**
  actions concerning, statute of limitations, 27-2-213
  bad checks
    agricultural commodity dealers, by — prohibited, 80-4-607
    civil liability, 27-1-717
    consumer loan businesses, charge for, 32-5-407
    criminal offense, 45-6-316
    livestock markets and dealers, by, 81-8-235
    motor vehicles, transfer of interest — cancellation of certificate of ownership or receipt, 61-3-201
    traffic violations, check in lieu of cash bond — prosecution, 44-1-1103
  cashier's check
    bank liquidation, priority of payment, 32-1-534
    escrow business escrow account, withdrawals, 32-7-117
    settlement tendered by, 30-4-211
  certified check, 32-1-441
    bank liquidation, priority of payment, 32-1-534
    stale-dated checks, payment, 30-4-404
    travelers checks, Title 70, chapter 9, part 8, See **PROPERTY, PERSONAL, Unclaimed property**
  charge against account, 30-4-401, See **Charge of account**
  closed bank, drawn against, 32-1-535
  cutoff hour, subject to, 30-4-303
  death of customer, 30-4-405
  driver's license fees, insufficient funds check — cancellation of license, 61-5-125
  escrow business escrow accounts, 32-7-115, 32-7-117
  gambling or gambling activity
    definition, 23-5-112
    use of checks, 23-5-157
  insurance against forgery or alteration, 33-1-211, See **SURETYSHIP AND SURETIES, Surety insurance**
  livestock markets and dealers, 81-8-234, 81-8-235
  postdating, 30-4-401, See also **DEFERRED DEPOSIT LENDERS**
  stale-dated, payment, 30-4-404
  stop order, 27-1-717, 30-4-405
  teller's check, settlement tendered by, 30-4-211
  traveler's check, 32-7-117, 72-31-228; Title 70, chapter 9, part 8, See **PROPERTY, PERSONAL, Unclaimed property**
  unclaimed, sums payable on, Title 70, chapter 9, part 8, See **PROPERTY, PERSONAL, Unclaimed property**
  wages, payment in, 39-3-204, 39-3-402

BANK DEPOSITS AND COLLECTIONS (Continued)
Check (Continued)

warranties, disclaimer not allowed, 30-4-207, 30-4-215
Checking accounts
cities and towns, 7-6-4302
election campaign contributions, deposit, 13-37-207
estates and probate, nonprobate transfers — account, 72-6-201
stale-dated checks, payment, 30-4-404
trust deposits, 72-34-311
Citation of Uniform Commercial Code—Bank Deposits and Collections, 30-4-101
Claims
bank liquidation, priorities, 32-1-534
breach of warranty, 30-4-207, 30-4-215
insolvency, preference, 30-4-214
recoupment, 30-4-207
Clearinghouse, 30-3-504, 30-4-103, 30-4-104, 30-4-111, 30-4-204, 30-4-211, 30-4-213, 30-4-301, 30-4-303
Collecting bank, 30-4-105
agency status, 30-4-201
agreement with transferor, 30-4-203
charge-back, refund, or revocation of settlement, 30-4-212
death or incompetence of customer, 30-4-405
delays, 30-4-108
designation, 30-4-110
encoding warranty, 30-4-216
final settlement, 30-4-208, 30-4-213
holder in due course, as, 30-4-209
insolvency and claims against, 30-4-214
instructions by, 30-4-203
item not payable at bank, 30-4-210
liability, 30-4-202, 30-4-203, 30-4-212, See also **Liability**
"on arrival" drafts, 30-4-502
ordinary care, requirement, 30-4-202
payment, See **Settlement**
provisional debits or credits, 30-4-213
return of item, 30-4-212, 30-4-301
rights, 30-4-201
security interest, 30-4-208, 30-4-209, 30-9-129, 30-9-203, 30-9-213, 30-9-302, 30-9-312, 30-9-329, 30-9-342
sending, method of, 30-4-204
settlement, See **Settlement**
suspension of payments, 30-4-214
unendorsed item, 30-4-205
warranty, 30-4-207
Conflict of laws, 30-1-105
Conflict with other provisions, 30-4-102
Copies of items, 30-4-406
Credit
charge-back, 30-4-212
collecting bank's right, 30-4-201
first-in, first-out rule, 30-4-208
provisional, 30-4-213
revocation, 30-4-301
security interest, 30-4-208
settlement by, 30-4-211
withdrawal, 30-4-201, 30-4-208, 30-4-213, 30-4-301, 30-4-501, 32-1-440

BANK DEPOSITS AND COLLECTIONS (Continued)

Customer, 30-4-104
  alteration, duties, 30-4-406
  charge-back or refund, 30-4-212
  charge of account, 30-4-211, 30-4-303, 30-4-401, 30-4-404
  closing of account, 30-4-403
  collecting bank, agency status, 30-4-201
  death or incompetence, 30-4-405, 32-1-448
  dishonor, wrongful — damages, 30-4-401, 30-4-402
  encoding warranty, 30-4-216
  final payment by payor bank, 30-4-213
  insolvency of bank, 30-4-214
  overdraft, liability, 30-4-401
  provisional debits and credits, final when, 30-4-213
  retention warranty, 30-4-216
  return of item, 30-4-301
  signature, unauthorized — duties, 30-4-406
  statement of account, duties, 30-4-406
  stop order, 30-4-403
  transfer warranties, 30-4-207
  unendorsed item, 30-4-205
  withdrawal of credits, 30-4-201, 30-4-208, 30-4-213, 30-4-301, 30-4-501, 32-1-440
Cut-off hour, 30-4-107, 30-4-303, 32-1-440
Damages
  bad check, issuance, 27-1-717
  breach of warranty, 30-4-207, 30-4-215, 30-4-216
  dishonor, wrongful, 30-4-401 — 30-4-403
  ordinary care, lack or failure, 30-4-103
  postdating, 30-4-401
Debits, provisional, 30-4-213
Default, bank liability, 30-4-202
Definitions, 30-1-201, 30-4-104, 30-4-105
  code, 30-1-101
  demand deposit, 32-1-109, 32-1-445
  index of definitions, 30-4-104
  reasonable period of time, 30-4-406
  time deposit, 32-1-109, 32-1-445
  truncation agreement, 30-4-111
Demand deposit, 32-1-109, 32-1-445
  insured banks, acquisition by holding company prohibited when, 32-1-375
  investments, board of — powers, 17-5-1651
  public money, 7-6-205, 7-6-213
Demand item, 30-4-210, 30-4-301, 30-4-302
Depositary bank, 30-4-105
  charge-back or refund, 30-4-212
  encoding and retention warranties, 30-4-216
  return of item, 30-4-302
  unendorsed item, 30-4-205
  withdrawal of credit, 30-4-213, 32-1-440
Destruction of item, 30-4-202, 30-4-406
Dishonor
  charge-back, refund, or revocation of settlement, 30-4-212
  documentary drafts, 30-4-501, 30-4-503, 30-4-504
  insufficiency of available funds, 27-1-717, 30-4-402
  item not payable at bank, 30-4-210

BANK DEPOSITS AND COLLECTIONS (Continued)
Dishonor (Continued)

- notice of, 30-4-301, 30-4-302
  - documentary draft, 30-4-501
  - ordinary care required, 30-4-202
- "on arrival" drafts, effect, 30-4-502
- return as, 30-4-301
- truncation agreement, 30-4-111
- warranty, 30-4-207, 30-4-215
- wrongful, liability, 30-4-401 — 30-4-403

Documentary draft, 30-4-104
- acceptance, 30-4-104, 30-4-503
- delivery of documents and goods, 30-4-503
- dishonor, 30-4-501, 30-4-503, 30-4-504
- goods, privileges respecting, 30-4-504
- handling, 30-4-501
- "on arrival" drafts, 30-4-502
- presentment, 30-4-501 — 30-4-503

Draft, 30-4-104
- bad draft, issuance, 27-1-717
- bank liquidation, priority of payment, 32-1-534
- closed bank, drawn against, 32-1-535
- documentary, See **Documentary draft**
- unaccepted, warranty, 30-4-207, 30-4-215
- unclaimed, Title 70, chapter 9, part 8, See **PROPERTY, PERSONAL, Unclaimed property**

Drawer, 30-4-108, 30-4-205, 30-4-207, 30-4-215, 30-4-407
Electronic funds transfer, Title 32, chapter 6
Encoding warranties, 30-4-216
Endorsement, 30-4-201, 30-4-203, 30-4-205, 30-4-207, 30-4-215
Endorsers, 30-4-108, 30-4-215
Escrow accounts, 32-7-117
Evidence
- closing of account or stop payment orders, loss resulting from payment contrary to, 30-4-403
- collecting bank, presumption of agency status, 30-4-201
- ordinary care
  - burden of proof, 30-4-202
  - prima facie exercise of, 30-4-103
- reasonable period of time, presumption, 30-4-406

Federal Deposit Insurance Corporation, specific provisions, 32-1-601 — 32-1-606
Federal reserve regulations, effect, 30-4-103, 30-4-111, 30-4-204, 30-4-211
Foreign branch of bank, 30-1-201
Good faith, 30-4-104
- agreement disclaiming, 30-4-103
- customer's account, charge of, 30-4-401, 30-4-404
- documentary drafts, dishonor, 30-4-503
- payment or acceptance, 30-4-215, 30-4-406
- settlements, in, 30-4-108, 30-4-207
- taking item in, warranties, 30-4-216

Holder
- collecting bank as, 30-4-201
- intermediary bank as, 30-4-111
- subrogation of payor bank's rights to, 30-4-407
- unendorsed item, 30-4-205

Holder in due course
- bank as, 30-4-209
- subrogation of payor bank's rights to, 30-4-407

BANK DEPOSITS AND COLLECTIONS (Continued)
Holder in due course (Continued)

- unendorsed item, 30-4-205

Holidays, transactions on, 32-1-482
Housing authorities, municipal — security for deposits by, 7-15-4512
Incomplete item, 30-4-207
Insolvency

- falsification respecting, 32-1-505
- liability of other banks, 30-4-202
- liquidation, priority of claims, 32-1-534
- payor or collecting bank, 30-4-214
- receipt of deposit prohibited, 32-1-504, 32-1-505
- unclaimed funds, 32-1-537
- warranty against, 30-4-207

Instructions

- action or nonaction constitutes exercise of ordinary care when, 30-4-103
- delay beyond time limits excused when, 30-4-108
- documentary drafts, 30-4-502 — 30-4-504
- effect, 30-4-203
- return of item, 30-4-212, 30-4-301
- sending items, 30-4-204

Intermediary bank, 30-4-105, 30-4-111
Legal process, item subject to, 30-4-303
Letters of credit, conflict of laws, 30-5-136
Liability

- action or nonaction by bank, how governed, 30-4-102
- bad check, issuance, 27-1-717
- collecting bank, 30-4-202, 30-4-203, 30-4-212
- conflict of laws, 30-1-105
- delays, 30-4-108
- disclaiming by transferor, 30-4-207
- dishonor of item, wrongful, 30-4-401, 30-4-402
- instructions, actions taken pursuant to, 30-4-203
- loss or destruction of item, 30-4-202
- overdraft, 30-4-401
- postdating, damages, 30-4-401
- return, late, 30-4-302
- unauthorized signature or alteration, 30-4-406

Loss of item, 30-4-202
Maker, 30-4-207, 30-4-407
Midnight deadline, 30-4-104, 30-4-202, 30-4-211, 30-4-212, 30-4-301, 30-4-302
Minors' deposits, 32-1-444, 72-5-104
Misconduct, bank liability, 30-4-202
Mistake, 30-4-202
Mortgage foreclosures, one-action limitation — nonapplicability, 71-1-222
Neglect, bank liability, 30-4-202
Negotiable instruments law, applicability, 30-3-124, 30-4-102, 30-4-203
Nonpayment, notice of, 30-4-202, 30-4-301
Notice, 30-1-201

- breach of warranty, claim for, 30-4-207, 30-4-215
- charge-back or refund, 30-4-212
- dishonor, of, 30-4-202, 30-4-301, 30-4-302, 30-4-501
- documentary drafts, nonpayment or nonacceptance, 30-4-501
- holding item for action, 30-4-210
- incomplete items, 30-4-401
- instructions constitute, 30-4-203
- item subject to, 30-4-303

BANK DEPOSITS AND COLLECTIONS (Continued)
Notice (Continued)

  nonpayment, 30-4-202, 30-4-301
  ordinary care required, 30-4-202
  postdating item, 30-4-401
  presentment, 30-4-111, 30-4-210
  return of item, in lieu of, 30-4-402
  separate office of a bank, 30-4-106
  unauthorized signature or alteration, customer reporting, 30-4-406
  withdrawal, time period for, 32-1-440
Obligations, enforcement, 30-4-112
Ordinary care
  charge-back, effect on, 30-4-212
  collecting bank, requirements, 30-4-202
  damages for failure to exercise, 30-4-103, 30-4-215
  exercise, what constitutes, 30-4-103
  payment of item, 30-4-406
Overdraft, 30-4-401, 30-4-402
"Payable through" or "payable at" bank, 30-4-110
Payee, subrogation of payor bank's rights to, 30-4-407
Payments, See **Settlement**
Payor bank, 30-4-105
  altered item, payment, 30-4-401, 30-4-406
  charge-back or refund, 30-4-212
  charge customer's account, when bank may, 30-4-401
  check more than 6 months old, 30-4-404
  closing of account, 30-4-403
  credit, revocation, 30-4-301
  death or incompetence of customer, 30-4-405
  delays, 30-4-108
  demand item, receipt, 30-4-301
  depositary bank as, 30-4-105
  dishonor, wrongful, 30-4-402
  encoding warranty, 30-4-216
  final payment, 30-4-213
  insolvency and claims against, 30-4-214
  knowledge of item, 30-4-303
  legal process, item subject to, 30-4-303
  liability, 30-4-302, 30-4-401, 30-4-402, 30-4-406
  notice, item subject to, 30-4-303
  order of performance, 30-4-303
  provisional settlement, 30-4-213
  retention warranty, 30-4-216
  return of item, 30-4-212, 30-4-301, 30-4-302, 30-4-402
  sending to, 30-4-204
  setoff, item subject to, 30-4-303
  signature, unauthorized — liability for payment when, 30-4-406
  stop order, 30-4-303, 30-4-403
  subrogation of rights, 30-4-407
  suspension of payments, 30-4-214
  unendorsed item, 30-4-205
  withdrawal of credit, 30-4-213
Personal representative, foreign — payments to, 32-1-448
Posting, deferred, 30-4-301
Power of attorney, statutory — authority, 72-31-228
Presenting bank, 30-4-105, 30-4-204, 30-4-213, 30-4-214, 30-4-503, 30-4-504

BANK DEPOSITS AND COLLECTIONS (Continued)

Presentment
    applicability of provisions, 30-4-201
    check more than 6 months old, 30-4-404
    conflict of laws, 30-1-105
    deferred deposit loans, See **DEFERRED DEPOSIT LENDERS**
    documentary drafts, 30-4-501 — 30-4-503
    item not payable at bank, 30-4-210
    liability of bank, how governed, 30-4-102
    manner, 30-4-204
    notice, 30-4-111, 30-4-210
    "on arrival" drafts, 30-4-502
    ordinary care required, 30-4-202
    truncation agreement, 30-4-111, 30-4-216
    warranty, 30-4-215, 30-4-216, 30-4-302, 30-4-406
Public funds
    bank liquidation, priority of payment, 32-1-534
    cities and towns, 7-6-201, 7-6-203, 7-6-205 — 7-6-208, 7-6-4601, 7-7-4504, 7-31-114
    conservation district funds, 76-15-508, 76-15-523
    counties, 7-6-201, 7-6-203, 7-6-205 — 7-6-208, 7-31-114
    state, 17-6-101 — 17-6-105, 32-1-447
    unemployment insurance fund, 39-51-402
Receipt of item, 30-4-208
    holidays, transactions on, 32-1-482
    ordinary care required, 30-4-202
    time of, 30-4-107
Records retention, 32-1-491
Recoupment, 30-4-201, 30-4-207
Refund, right to, 30-4-212
Retention, 30-4-111, 30-4-216, 30-4-302
Return of item, 30-4-212, 30-4-301
    applicability of provisions, 30-4-201
    insolvency, effect, 30-4-214
    insufficiency of available funds, 30-4-402
    late, 30-4-302, 30-4-303
    ordinary care required, 30-4-202
    paid items, 30-4-406
    recovery of payment, 30-4-301
Revocation
    death or incompetence of customer, 30-4-405
    settlement, 30-4-212, 30-4-213, 30-4-301, 30-4-303
Savings account, See also **Account**
    deferred compensation, purchase by, 19-50-102
    estates and probate, nonprobate transfers — account, 72-6-201
    execution, tracing exempt personal property, 25-13-610
    liquidation of bank, accrued interest — priority of payment, 32-1-534
    minors, 72-5-104
    time deposit, as, 32-1-445
Secondary parties, liability, 30-4-210
Security for deposit prohibited when, 32-1-447
Security interest of bank, See also **SECURED TRANSACTIONS**
    collecting bank, 30-4-203, 30-4-209, 30-9-129, 30-9-203, 30-9-213, 30-9-302, 30-9-312, 30-9-329, 30-9-342
    documentary drafts, dishonor — upon goods, 30-4-504
Sending, method of, 30-4-204
Separate office of bank, 30-1-111, 30-4-102, 30-4-106

BANK DEPOSITS AND COLLECTIONS (Continued)

Setoff, 30-4-201, 30-4-303
Settlement
    actions concerning, statute of limitations, 27-2-213
    check more than 6 months old, 30-4-404
    conflict of laws, 30-1-105
    death or incompetence of customer, 30-4-405
    delay, 30-4-108
    documentary drafts, 30-4-104, 30-4-501, 30-4-502
    final, 30-4-208, 30-4-211, 30-4-213, 30-4-214
    holidays, transactions on, 32-1-482
    improper, subrogation of bank's rights, 30-4-407
    insolvency, effect, 30-4-214
    item not payable at bank, 30-4-210
    liability of bank, how governed, 30-4-102
    medium and time of, 30-4-211
    notice of holding item for, 30-4-210
    notice of nonpayment, 30-4-202, 30-4-301
    "on arrival" drafts, 30-4-502
    order of performance, 30-4-303, 32-1-534
    ordinary care, 30-4-202, 30-4-406
    "payable through" or "payable at", 30-4-110
    payor bank's responsibility, 30-4-302
    provisional, 30-4-201, 30-4-212 — 30-4-214
    recovery, 30-4-301
    refusal, 30-4-502
    revocation, 30-4-212, 30-4-213, 30-4-301, 30-4-303
    security interest, realization, 30-4-208
    "settle" defined, 30-4-104
    statement of account, 30-4-406
    suspension of payments, effect, 30-4-108, 30-4-214
    truncation agreement, 30-4-111
    warranty, 30-4-207, 30-4-215
Short title, 30-4-101
Signature, 30-4-207, 30-4-215, 30-4-403, 30-4-406
Statement of account, customer's duties, 30-4-406
Stop order, 27-1-717, 30-4-303, 30-4-403, 30-4-405, 30-4-407
Suspension of payments, 30-4-104, 30-4-108, 30-4-212, 30-4-214
Time deposit, 32-1-109, 32-1-445
    fire department relief association disability and pension fund, investment, 19-18-402
    investments, board of — powers, 17-5-1651
    public money, 7-6-201, 7-6-206, 7-12-2175, 7-12-4207
    school district money, investment, 20-9-213
    water conservancy districts
        bond sale proceeds, 85-9-629
        surplus funds, investment, 85-9-604
Transfer between banks, 30-4-206, 30-4-207, 30-4-215
Transferor, 30-4-202 — 30-4-204, 30-4-206
Truncation agreement, 30-4-111, 30-4-216
Unclaimed, Title 70, chapter 9, part 8, See **PROPERTY, PERSONAL, Unclaimed property**
Value given by bank, 30-1-201, 30-4-209
Varying law by agreement, 30-1-105, 30-4-103
Warranties
    encoding and retention, 30-4-216
    presentment, 30-4-215, 30-4-302, 30-4-406
    transfer, 30-4-207

BANK DEPOSITS AND COLLECTIONS (Continued)
Warranties (Continued)

unendorsed item, payment or deposit, 30-4-205
Withdrawal of credit, 30-4-201, 30-4-208, 30-4-213, 30-4-301, 30-4-501, 32-1-440, 32-7-117

BANKRUPTCY
Agricultural commodity licensees, effect, 80-4-421
Attorney general, representation of state when, 2-15-501, 2-15-503
Banks and trust companies, See also **BANKS AND TRUST COMPANIES, Closure; Impairment; Insolvency; Liquidation**
securities, deposit — fiduciary relationship, 32-1-425 — 32-1-427
security for deposit, giving prohibited and exception, 32-1-447
Boat certificate of ownership, transfer of interest, 23-2-510
Building and loan associations, See **BUILDING AND LOAN ASSOCIATIONS, Liquidation**
Child support liens, discharge in bankruptcy prohibited, 40-5-248
Cigarettes, sales price — effect of bankrupt sales, 16-10-203, 16-10-205
Close corporations, transfer of shares, 35-9-202
Collective bargaining, "person" defined, 39-31-103
Consumer reports, obsolete information, 31-3-112
Corporate vote, consent, waiver, or proxy appointment — acceptance, 35-1-527
Corporation license tax returns, trustees to file, 15-31-111
Credit unions, See **CREDIT UNIONS, Liquidation**
Electric utility industry restructuring, transition property — effect of financing orders creating, 69-8-503
Employment, medical examination as condition of — unlawful for trustee as employer to require employee to pay cost, 39-2-301
Exempt property, 31-2-106
police officers' retirement system benefits, 19-19-504
public assistance payments, 53-2-607
silicosis benefits, 39-73-110
Farm implements dealership agreements — termination, cancellation, or nonrenewal, 30-11-803
First-time home buyer savings account assets, disbursement — tax liability, 15-63-202
Fish and game license agents, preferred claim of state when, 87-2-902
Foreign capital depositories, charter suspension or revocation upon, 32-8-203
Foreign-money claims, supplementary principles of law, 25-9-714
Fraudulent transfers, Title 31, chapter 2, part 3, See **FRAUDULENT TRANSFERS**
Hazardous or deleterious substances, facility ownership or operation acquired by, 75-10-701
Insurance, home owner or motor vehicle — credit history not to affect coverage when, 33-18-210
Insurers, investment pools — withdrawals by trustee, 33-12-204, 33-12-304
Irrigation districts, 85-7-2041
Landlord and tenant, supplementary principles of law, 70-24-105
Letters of credit, trustee as successor of a beneficiary, 30-5-122
Limited liability companies, disassociation of member, 35-8-102, 35-8-803, 35-8-804
Limited partnerships, general partner — person ceases to be, 35-12-802
Local government, 7-7-131 — 7-7-134
Medicaid managed care community networks, 53-6-703
Medical care savings accounts, disbursement — no tax liability, 15-61-202
Mortgage foreclosures, one-action limitation — nonapplicability, 71-1-222
Motor vehicle certificate of ownership, transfer of interest, 61-3-201
Negotiable instruments, status of holder when instrument acquired in, 30-3-302
Nonprofit corporations — acceptance of vote, consent, waiver, or proxy appointment, 35-2-542
Nurserymen, ground for license refusal or revocation, 80-7-107
Partnerships, debtor in bankruptcy, 35-10-102, 35-10-312, 35-10-616

BANKRUPTCY (Continued)

Personal property taxes, delinquent — five-year list, nonapplicability, 15-16-701
Pleadings, discharge of bankruptcy as affirmative defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
Power of attorney, statutory — authority, claims and litigation, 72-31-232
Property management provisions, trustee exempt from, 37-51-602
Real estate broker and salesperson provisions, trustee exempt from, 37-51-103
Real property transfer certificate provisions, exception, 15-7-307
Rural special improvement district bonds and warrants, undertakings and agreements are binding when, 7-12-2185
Sales, forced — effect on cost price, 30-14-212
Secured transactions, lien creditor — trustee as, 30-9-122, 30-9-301
Securities transactions, trustee's exemption when, 30-10-105
Snowmobile certificate of ownership, transfer of interest, 23-2-612
Special improvement district bonds and warrants, undertakings and agreements are binding when, 7-12-4225
Table wine distributors, agreements of distributorship — effect on, 16-3-417
Telemarketer's principal or manager, effect on application for registration, 30-14-1404
Unemployment insurance
  corporate bankruptcy, liability of officers or employees, 39-51-1105
  employing unit, 39-51-201
Uniform Commercial Code
  "creditor" and "insolvent" defined, 30-1-201
  supplementary principles of law, 30-1-103
Workers' compensation
  liability of employers or insurers as first lien on deposits made by, 39-71-408
  provisions as exclusive remedy, 39-71-411
  self-insurers guaranty fund, purpose, Title 39, chapter 71, part 26

BANKS AND TRUST COMPANIES
Accounting rules, 32-1-218
Accounts, See **BANK DEPOSITS AND COLLECTIONS**
Actions
  against, statute of limitations, 27-2-213
  certificate, transaction of business without, 32-1-403
  closure of bank
    commerce, department of — brought by, 32-1-515
    injunction to stay proceedings, 32-1-516
  corporate name violations, 32-1-402
  directors, board of — against, 32-1-468
  enforcement, for, 32-1-110
  foreign corporations, 32-1-103
  impairment of capital, assessment on stock — collection of deficiency, 32-1-506
  liquidating agent, by, 32-1-551
  liquidation, claims of creditors — rejection or lower order of priority, 32-1-532
  national bank, state bank reorganized as — effect, 32-1-363
  records, admissibility, 32-1-492, 32-1-493
Advertising
  capital, resources, and liabilities — statement of, 32-1-451
  charter required prior to, 32-1-401
  foreign corporations, 32-1-103
  insolvent bank, notice to creditors, 32-1-531
  unlawful when, 32-1-401 — 32-1-403
Agricultural marketing associations, as treasurer of, 35-17-312
Alcoholic beverage license mortgagees, fingerprints not required, 16-4-403

BANKS AND TRUST COMPANIES (Continued)

Application of laws, 32-1-101
  foreign capital depositories, 32-1-101, 32-1-102, 32-8-106
Armed carrier or armored car services, Title 37, chapter 60
Assets
  bad debts or doubtful paper, 32-1-454
  branch bank, sale, 32-1-376
  concealment of loan or discount of, 32-1-472
  conservation, 32-1-101
  examination, 32-1-211
  federal deposit insurance corporation, security for loan from or sale to, 32-1-606
  insolvency when, 32-1-503
    deposits, procedure for, 32-1-504
  liquidation, See **Liquidation**
  national bank, reorganization as state bank, 32-1-374
  pledge of, limitations, 32-1-411
  possession by department of commerce when, 32-1-502, 32-1-511 — 32-1-513, 32-1-515, 32-1-516
  purchase or sale by director, officer, or employee, 32-1-466
  reports, 32-1-218
  sale, 32-1-466, 32-1-515, 32-1-553, 32-1-606
  subsidiary trust companies, fiduciary substitution — transfer, 32-1-807, 32-1-808
  unsafe or unsound practices causing dissipation, temporary cease and desist order, 32-1-904
Assignments
  liquidation, claims of creditors, 32-1-535
  officers and employees, unlawful practices, 32-1-473
  possession of bank by department of commerce, effect, 32-1-512
  savings banks, property — limitations, 32-1-421
  stock, sale to make good impairment, 32-1-506
  trust companies, 32-1-107
Attachment of bank property, 32-1-111, 32-1-512
Bad debts, 32-1-422, 32-1-454, 32-1-515
Banking hours, 32-1-484
Board of directors, See **Directors, board of**
Bookkeeping, 32-1-218, 32-1-426, 32-1-461
Borrowing by bank
  assets, pledge of — extent, 32-1-411
  capital purposes, for, 32-1-413
  certificate of deposit not to issue for, 32-1-414
  closed bank, from governmental agencies, 32-1-507, 32-1-606
  limitations, 32-1-412
Branch banks, 30-1-111, 30-1-201, 32-1-109
  child support debts, service upon, 40-5-244
  closure, 32-1-202, 32-1-204, 32-1-218
  consolidation or merger of banks, as result of, 32-1-371
  consolidation or merger of branch bank, 32-1-202
  establishment, 32-1-202, 32-1-204, 32-1-218, 32-1-372, 32-1-381
  sale and relocation, 32-1-202, 32-1-218, 32-1-376, 32-1-377
    hearings, 32-1-204
  uniform commercial code, effect, 30-1-111
Business days, 30-4-104, 32-1-484
Bylaws, 32-1-308
  capital stock, increase in — meeting for, 32-1-340
  directors, board of — statement in, 32-1-322
  dividends, declaration and payment, 32-1-452
  impairment, special meeting, 32-1-506

BANKS AND TRUST COMPANIES (Continued)
Bylaws (Continued)

  liquidation, voluntary, 32-1-501
Capital and capital stock, 32-1-109
  articles of incorporation, statement in, 32-1-301
  assessment on and sale of stock to make good impairment, 32-1-506
  borrowing money
    capital purposes, for, 32-1-413
    limitations, 32-1-412
  dividends, See **Dividends**
  drafts, acceptance and issuance — limitation, 32-1-437
  federal covered securities, exemption, 30-10-104, 30-10-105
  impairment, 32-1-502, 32-1-506
  insolvency when, 32-1-503, See **Insolvency**
  investment, See also **Investments**
    corporate stock, restriction, 32-1-422
    federal reserve banks, in, 32-1-373, 32-1-422
    real estate, in, 32-1-423
    savings banks, 32-1-421
  loans and extensions of credit, limitations, 32-1-432, 32-1-465, 32-1-467
  national bank
    reorganization as state bank, 32-1-374
    state bank reorganized as, increase or diminution, 32-1-364
  purchase, investment, or loan of own capital stock prohibited, 32-1-335
  registration provisions, exemption, 30-10-104, 30-10-105
  requirements, 32-1-302, 32-1-307, 32-1-403, 32-1-465, 32-1-502
  reserve bank, designation, 32-1-455
  statement of, advertisement or publication, 32-1-451
  surplus and profits, conversion when, 32-1-340, 32-1-452
Cemetery district permanent care and improvement fund, as trustee for, 7-35-2134
Certificates of deposit, See **NEGOTIABLE INSTRUMENTS**
Charge cards, See **CREDIT TRANSACTIONS**, **Credit cards**; **Retail installment sales**
Charter, See **Incorporation**
Checking accounts and checks, See **BANK DEPOSITS AND COLLECTIONS**; **NEGOTIABLE INSTRUMENTS**
Child support debts
  records availability, 40-5-206, 40-5-924
  service upon, 40-5-244
Citation of Bank Act, 32-1-101
Classes of, 32-1-102
Closure, See also **Impairment**; **Insolvency**; **Liquidation**; **BANK DEPOSITS AND COLLECTIONS**, **Suspension of payments**
  aggrieved banks, recourse by, 32-1-516
  borrowing authorized when, 32-1-507, 32-1-606
  deposit liability, transfer or assumption by state bank, 32-1-204
  emergency, 32-1-561 — 32-1-565
  foreign capital depositories, 32-8-312
  grounds for, 32-1-502
  holidays, See **Holidays**
  injunction to stay proceedings, 32-1-516
  notice, 32-1-511 — 32-1-513
  possession of bank by department of commerce, 32-1-511 — 32-1-516
  resumption of business, 32-1-514, 32-1-515
  saturdays, 32-1-482, 32-1-483
  taxation, 32-1-509
Coal severance tax
  bond anticipation notes, depository and agent for, 17-5-731

BANKS AND TRUST COMPANIES (Continued)
Coal severance tax (Continued)

  loans, Title 17, chapter 6, part 3
Commercial banks, 32-1-102, 32-1-105, 32-1-372
  corporate stock, investment in — restrictions, 32-1-422
  subsidiary trust companies, not permissible business of, 32-1-804
Commissioner of banking and financial institutions, 2-18-103, 32-1-101, 32-1-211
  foreign capital depositories, duties, See **FOREIGN CAPITAL DEPOSITORIES**
Concealed weapons, carrying in, 45-8-328
Conflict of interest
  bank examiner or director of department of commerce, 32-1-212
  banking board, state — member of, 32-1-206
  bank director, officer, employee, or stockholder, 32-1-463
Conservators, deposits by, 72-5-427
Consolidation, 32-1-109, 32-1-202, 32-1-204, 32-1-371
Consumer loan business, purchase by bank, 32-5-103
Corporation law, applicability, 32-1-112, 35-1-114
Credit cards, See **CREDIT TRANSACTIONS**, **Credit cards**; **Retail installment sales**
Credit information, keeping, 32-1-218
Credit unions
  deposits by, 32-3-401
  investment in, 32-3-701
  risk assets, 32-3-704
Crimes, See **Unlawful practices**
Debt adjustment by, 31-3-203
Deferred deposit lender licensing provisions, nonapplicability, 31-1-704
Definitions, 30-1-201, 32-1-109
  affiliate, 32-1-707
  bank, 30-1-201, 30-4-105, 32-1-102, 32-1-382, 32-1-561
  banking institution, 32-1-601
  bank records and electronic storage, 32-1-492
  commercial bank, 32-1-105
  destruction or reproduction in the regular course of business, 32-1-494
  emergency closure provisions, 32-1-561
  fiduciary relationships, deposit of securities, 32-1-425 — 32-1-427
  foreign trust company, 32-1-1001
  holding companies, interstate bank acquisition provisions, 32-1-382
  investment company, 32-1-108
  liquidating officer, 32-1-552
  loan or extension of credit, 32-1-432
  removal of director or officer provisions, 32-1-901
  savings bank, 32-1-106, 32-1-421
  special examination, 32-1-214
  subsidiary trust company provisions, 32-1-802
  trust company, 32-1-107
Depository for
  campaign funds, 13-37-205
  cities and towns, 7-6-201, 7-6-203, 7-6-205 — 7-6-208, 7-6-211, 7-6-213, 7-6-4601
  city-county consolidated governments, 7-3-1306, 7-3-1316 — 7-3-1320
  coal severance tax bond anticipation notes, 17-5-731
  collateral, eligibility of federal housing securities, 32-1-435
  conservation district funds, 76-15-508, 76-15-523
  counties, 7-6-201, 7-6-203, 7-6-205 — 7-6-208, 7-6-211, 7-6-213
  development corporation funds, 32-4-305
  economic development bond anticipation notes, 17-5-1507
  general obligation bond anticipation notes, 17-5-805
  health facility authority bond revenues, 90-7-305

BANKS AND TRUST COMPANIES (Continued)
Depository for (Continued)

- highway revenue bond anticipation notes, 17-5-921
- insurers, 33-2-604
- precious metals, 30-10-105
- water conservation revenue bond funds, 85-1-307, 85-1-321

Deposits and depositors, See **BANK DEPOSITS AND COLLECTIONS**; See also **NEGOTIABLE INSTRUMENTS**

Detached drive-in, walk-up, or teller facilities, 32-1-372, See also **ELECTRONIC FUNDS TRANSFER**, generally

Development corporation, membership in, 32-4-101, 32-4-302

Directors, board of, 32-1-322, 32-1-901
- articles of incorporation, statement in, 32-1-301
- business plans, 32-1-423
- bylaws, certification, 32-1-308
- closure of bank
  - emergency, 32-1-561 — 32-1-565
  - grounds for, 32-1-502
  - notice, posting, 32-1-512
- consolidation or merger of banks, 32-1-371
- dividends, declaration by, See **Dividends**
- election, 32-1-322
- federal deposit insurance corporation, aid by — authority for, 32-1-602
- fraudulent practices, 32-1-464, 32-1-473
- impairment of capital, procedure upon, 32-1-506
- insolvency, deposit violations and false statements, 32-1-504, 32-1-505
- liquidating agent, appointment, 32-1-501
- liquidation
  - assets, surrender, 32-1-538
  - sale of assets to, 32-1-515
- loans to directors, limitations, 32-1-465
- meetings, 32-1-321, 32-1-325
- national bank, state bank reorganized as, 32-1-361, 32-1-363 — 32-1-365
- notaries public, as, 1-5-417
- obligations or assets of bank, purchase or sale, 32-1-466
- officers and employees, duties, See **Officers and employees**, generally
- qualifications, 32-1-322
- removal of director, See **Removal of directors or officers**
- reports, failure to make — liability, 32-1-235
- savings bank, additional requirements, 32-1-421
- securities, sale by director to bank, 32-1-463
- special examination of bank, request for, 32-1-214, 32-1-216
- temporary members, 32-1-909
- theft of bank funds, 32-1-473

Discriminatory practices, See **DISCRIMINATION, Credit transactions**; **Financial institutions**

Dissolution and disincorporation, 32-1-501, 32-8-312, See **Closure**; **Impairment**; **Insolvency**; **Liquidation**

Dividends
- declaration and payment, 32-1-232, 32-1-452
- liquidation, payment in, 32-1-533 — 32-1-535

Documents of title, delivery or tender, 30-2-308, 30-2-503

Doubtful paper, 32-1-454, 32-1-515

Drafts, acceptance and issuance, 32-1-437, See also **BANK DEPOSITS AND COLLECTIONS**; **NEGOTIABLE INSTRUMENTS**

Earnings, See **Capital and capital stock**; **Dividends**; **Profits**; **Surplus**

Economic development projects, acquisition and financing, Title 17, chapter 5, part 15

BANKS AND TRUST COMPANIES (Continued)

Electronic funds transfer, Title 32, chapter 6
Emergency closure
  definitions, 32-1-561
  effect, 32-1-565
  power of department of commerce, 32-1-562
  powers of officers, 32-1-563, 32-1-564
Employees, See **Officers and employees**
Enforcement of banking laws generally, 32-1-110, 32-1-403
Entries in bank records and reports
  bonding of employees making, 32-1-461
  falsification or failure to make, 32-1-236, 32-1-325, 32-1-464, 32-1-505
Escrow accounts and escrow businesses, 32-7-103, 32-7-117
Estates, relationship to, See **ESTATES AND PROBATE, Banks**
Evidence
  capital stock, sale — regularity of proceedings, 32-1-506
  directors, negligence by, 32-1-468
  hearings held by department of commerce, 32-1-211
  liquidation, creditors' claims — affidavit of service of notice of rejection or lower order of priority, 32-1-532
  new bank authorization, protesting banks — right of cross-examination, 32-1-204
  records, admissibility, 32-1-492, 32-1-493
  removal of directors or officers, hearing, 32-1-905
  unsafe or unsound practices, hearing, 32-1-902
Examination, 32-1-211, 32-1-403
  deceitful practices, 32-1-473, 32-1-505
  directors, board of — minutes of meetings, 32-1-325
  federal deposit insurance corporation, by, 32-1-605
  fees, 32-1-215
  funding, 32-1-213
  holding companies, 32-1-220
  new banks, formation, 32-1-302
  refusal to be examined, 32-1-464, 32-1-502
  rules, 32-1-211, 32-1-218
  special examinations, 32-1-214 — 32-1-216
  stockholders, by — right of, 32-1-339
Examiners
  bonds of officers and employees, examination, 32-1-461
  conflict of interest, 32-1-212
  investments, board of — audits, 17-5-1529, 17-6-321
Extension of credit, limitations, 32-1-432, 32-1-465, 32-1-467
Failure of bank, See **Closure**; **Impairment**; **Insolvency**; **Liquidation**
Family education savings accounts, depository and manager for, Title 15, chapter 62
Federal Deposit Insurance Corporation, specific provisions
  aid by, bank may receive, 32-1-602
  "banking institution" defined, 32-1-601
  closed banking institution, borrowing from, 32-1-606
  examinations by, 32-1-605
  insured banks, acquisition by holding company prohibited when, 32-1-375
  liquidating agent, as, 32-1-507, 32-1-515, 32-1-518, 32-1-531, 32-1-532, 32-1-538, 32-1-551, 32-1-553, 32-1-603
  liquidation of banking institution, 32-1-552, 32-1-603, 32-1-604
Federal reserve banks
  authorization to join or associate with, 32-1-373
  fiduciary relationships, deposit of securities, 32-1-427
  holidays of local banks coincident with, 32-1-563

BANKS AND TRUST COMPANIES (Continued)
Federal reserve banks (Continued)

- life insurance claims, interest rate, 33-20-114
- reserve requirements, compliance, 32-1-455
- saturdays, closing on, 32-1-483
- stock, investment in, 32-1-373, 32-1-422

Fees, 32-1-213
- application, 32-1-302
- special examination, 32-1-215

Fiduciary relationships, deposit of securities, See also **Trust companies**; **Trusts**
- central depository, 32-1-426
- definitions, 32-1-425
- federal reserve bank, 32-1-427

Fire Department Relief Association disability and pension fund, investment, 19-18-402
Fire protection and safety regulations, 50-61-103
First-time home buyer savings account administrators, as, Title 15, chapter 63
Foreign capital depositories, Title 32, chapter 8, See **FOREIGN CAPITAL DEPOSITORIES**
Foreign corporations, 32-1-103, 32-1-402
Foreign-money claims, Title 25, chapter 9, part 7
Funds transfers, Title 30, chapter 4A
Funeral plans, prearranged — deposit of money with, 37-19-828, 37-19-829
Health Facility Authority
- bonds as legal investment, 90-7-113
- trust funds, trustee, 90-7-306

Holding companies, 32-1-109
- consolidation or merger of banks, acquisition by — prohibited when, 32-1-371
- consumer loan business, purchase, 32-5-103
- examination, 32-1-220
- foreign capital depositories, 32-8-103, 32-8-203
- insured banks, acquisition prohibited when, 32-1-375
- interstate bank acquisitions
  - definitions, 32-1-382
  - federal applications and comments, 32-1-384
  - limitations, 32-1-383
  - purpose of provisions, 32-1-381
- name, use of "bank" in, 32-1-402
- subsidiary trust company provisions, 32-1-801 — 32-1-808

Holidays
- emergency closing, effect, 32-1-563, 32-1-565
- federal reserve bank, holidays coincident with, 32-1-563
- legal holidays, 32-1-481, 32-1-565
- mourning, rejoicing, or special observance — day of, 32-1-563
- saturdays, 32-1-482, 32-1-483, 32-1-485
- transactions on, 32-1-482

Home inspection and inspector provisions, exclusion, 30-14-1003
Hours of operation, 32-1-484
Housing, Board of — loan collateral, custodian, 90-6-108
Impairment, 32-1-502, 32-1-504, 32-1-506, See also **Closure**; **Insolvency**; **Liquidation**
Incorporation
- articles of agreement, 32-1-301, 32-1-321
- articles of incorporation, 32-1-301, 32-1-302
  - articles of amendment, 32-1-301
  - articles of restatement, 32-1-301
  - directors, board of — statement in, 32-1-322
  - national bank, reorganization as state bank, 32-1-374
- capital stock, amount required for, 32-1-307, 32-1-403

BANKS AND TRUST COMPANIES (Continued)
Incorporation (Continued)

- certificate of authorization, 32-1-202, 32-1-301 — 32-1-303
  - cancellation, 32-1-321
  - hearings and notice, 32-1-204
- certificate of incorporation, 32-1-321, 32-1-401 — 32-1-403, 32-1-502
- corporation law inapplicable, 35-1-114
- first meeting, 32-1-321
- hearings, 32-1-204, 32-1-302
- incorporators, number necessary, 32-1-104
- rules for, 32-1-203

Injunctions
- advertisement of banking business prior to certification and violation of corporate name restrictions, restraint, 32-1-402
- closure, recourse of aggrieved bank, 32-1-516
- transaction of banking business without certificate, restraint, 32-1-403
- unsafe or unsound practices, temporary cease and desist order — restraint, 32-1-904

Insolvency, 32-1-503, See also **Closure**; **Impairment**; **Liquidation**; **Unsafe practices**
- city-county consolidated government treasurer's liability, effect on, 7-3-1320
- creditors, notice to, 32-1-531
- declaration, malicious, 32-1-510
- deposits in insolvent bank, 32-1-504, 32-1-505, See also **BANK DEPOSITS AND COLLECTIONS**, **Insolvency**
- falsification of records, 32-1-505
- foreign capital depositories, 32-8-203
- unsafe or unsound practices causing, temporary cease and desist order, 32-1-904

Installment loans, applicability of laws, 31-1-202, See also **Loans**
Institutional funds, management contracts, 72-30-205
Insurance
- administrators
  - exclusion from provisions, 33-17-102
  - fiduciary accounts, records required, 33-17-613
- indemnification, for, 33-1-211, See **SURETYSHIP AND SURETIES**, **Surety insurance**
- sale and other activities, 32-1-429
- small employer health insurance voluntary purchasing pools, fiduciary accounts — records required, 33-22-1817
- title insurance escrow, settlement, closing, or indemnification accounts, 33-25-201
- viatical settlements
  - proceeds, escrow or trust accounts — approval, 33-20-1314
  - providers, nonapplicability of provisions, 33-20-1302

Insurers
- alien
  - surplus lines insurers, 33-2-307
  - trusteed assets, 33-2-202, 33-2-214
- controlling producers' accounts, 33-2-1510
- deposits, requirements, 33-2-501, 33-2-604
- domestic stock and mutual, trust deposit of premiums and fees, 33-3-207
- investments, qualified bank, 33-12-102
  - investment pools and agreements, 33-12-204, 33-12-304
- liquidators, powers, 33-2-1345
- managing general agent, requirements, 33-2-1602
- premium finance companies, license not required, 33-14-201
- reinsurance intermediaries, requirements, 33-2-1702, 33-2-1705
- restrictions, 33-18-501

Interstate
- bank acquisitions, 32-1-381 — 32-1-384
- merger of banks, 32-1-370

BANKS AND TRUST COMPANIES (Continued)

Investment companies, 32-1-102, 32-1-108
    deposit liabilities, effect of debentures or certificates of indebtedness on, 32-1-412
    trust fiduciaries, investments by, 32-1-420
Investments, 32-1-424
    capital stock, investment in own — prohibited, 32-1-335
    common trust funds, 32-1-703
    corporate stock, restrictions, 32-1-422
    economic development bonds, 17-5-1525
    federal reserve banks, in, 32-1-373, 32-1-422
    health facility authority bonds, 90-7-113
    housing authority bonds, 7-15-4505
    municipal finance consolidation bonds or notes, 17-5-1628
    profits, calculation, 32-1-452
    real estate, 32-1-423
    savings bank, restrictions, 32-1-421
    securities, specific — in, 32-1-433
    trust companies, 32-1-107, 32-1-424
    trust fiduciaries, by, 32-1-420
    urban renewal bonds, 7-15-4306
    water and wastewater authorities, regional — revenue bonds, 75-6-329
Jury duty, depositor-institution relationship not grounds for challenge of juror, 25-7-223
Letters of credit, Title 30, chapter 5, See **LETTERS OF CREDIT**
Liens
    bankers', 71-3-1502
    liquidating agents and attorneys, compensation as lien on assets, 32-1-518
    liquidation of bank, priority of payment, 32-1-534
    loans to managing officers, requirements, 32-1-467
    minors' deposits, 32-1-444
    possession of bank by department of commerce, effect, 32-1-512
Limited liability companies, purpose of organization, 35-8-106
Liquidation, See also **Closure**; **Impairment**; **Insolvency**
    assets
        disposition, 32-1-515, 32-1-538
        insufficiency, 32-1-551, 32-1-552
        inventory to be filed, 32-1-553
    claims of creditors
        allowance or rejection, 32-1-532
        assets, disposition after payment, 32-1-538
        assignment, 32-1-535
        insolvency, notice to creditors, 32-1-531
        liquidating agent's duties, 32-1-551
        payment
            order of priority, 32-1-532 — 32-1-535
            partial, 32-1-535
            report of, 32-1-553
        unclaimed funds, disposition, 32-1-537, 32-1-538
    closure of bank, upon, 32-1-502
    compensation of agents, attorneys, accountants, and assistants, 32-1-518, 32-1-534
    corporate existence ceases when, 32-1-508, 32-1-538
    employees, retention, 32-1-517
    expenses, 32-1-517, 32-1-518, 32-1-534, 32-1-535, 32-1-538
    federal deposit insurance corporation
        liability of stockholders, 32-1-552
        loan from corporation authorized when, 32-1-606
        subrogation of corporation, 32-1-604

BANKS AND TRUST COMPANIES (Continued)
Liquidation (Continued)

- foreign capital depositories, 32-1-501, 32-8-312
- funds in hands of department of commerce, deposit, 32-1-536
- impairment of capital, upon failure to make good, 32-1-506
- injunction to stay proceedings, 32-1-516
- inventory to be filed, 32-1-553
- liquidating agent
  - appointment and duties, 32-1-501
  - closed bank, borrowing money, 32-1-507
  - compensation, 32-1-517, 32-1-518, 32-1-534
  - federal deposit insurance corporation agent, 32-1-603
  - powers and duties generally, 32-1-551, 32-1-552
- powers of department of commerce, 32-1-515 — 32-1-517
- report, filing, 32-1-553
- unclaimed funds, 32-1-537, 32-1-538
- voluntary, procedure, 32-1-501

Livestock markets, custodial account for shippers' proceeds, 81-8-213
Living trusts, license to offer or sell — exemption, 30-10-904
Loans

- capital for, 32-1-413
- capital stock, loan of own — prohibited, 32-1-335
- coal severance tax funds, Title 17, chapter 6, part 3
- concealment of, 32-1-472
- credit life and disability insurance, 32-1-106, 32-1-429
- energy improvement loans, interest and tax credit, 15-32-107
- false statement to obtain, 32-1-474
- federal deposit insurance corporation, from, 32-1-606
- foreign corporations, by — authorized when, 32-1-103
- installment loans, applicability of laws, 31-1-202
- insurance, 32-1-434
- insured banks, acquisition by holding company prohibited when, 32-1-375
- interest rate limitation exemption, 31-1-111, 31-1-112
- limitations, 32-1-432, 32-1-455, 32-1-465, 32-1-467
- motor vehicle dealer and wholesaler licensing provisions, effect of selling repossessed collateral, 61-4-108
- officers, directors, and shareholders — to, 32-1-465, 32-1-467
- real estate
  - authorization, 32-1-430
  - federal housing administrator, approval, 32-1-434
  - homesteads subject to execution for certain judgments, acknowledgment required, 70-32-221
  - mortgages, Title 71, chapter 1, parts 1 and 2
  - security for loans, 32-1-423
  - trust indentures, Title 71, chapter 1, part 3
- savings banks, personal securities — limitation, 32-1-421

Losses, 32-1-452

- definitions, 32-1-109
- directors, officers, or employees — removal when, 32-1-468, 32-1-905
- insolvency when, 32-1-503
- investments, 32-1-422

Main banking houses, 32-1-109, 32-1-371, 32-1-372
Mausoleum-columbarium authority endowment care funds, trustee of, 35-21-847
Medical care savings account administrators, as, Title 15, chapter 61
Merger, 32-1-109, 32-1-202, 32-1-204, 32-1-370, 32-1-371
Minors

- deposits, 32-1-444, 72-5-104

BANKS AND TRUST COMPANIES (Continued)
Minors (Continued)

- transfers to, custodian, 72-26-502, 72-26-603

Mortgages, See **Loans**, real estate; **MORTGAGES**
Municipal finance consolidation bonds, powers of board of investments, 17-5-1651
Name of corporation, 32-1-301, 32-1-302, 32-1-402
National banks

- emergency closure, 32-1-561 — 32-1-565
- fiduciary relationships, deposit of securities, 32-1-426, 32-1-427
- purchase and sale, agreement for, 32-1-377
- records, See **Records**
- saturdays, closing on, 32-1-483
- service of process when unable to make personal service, Title 25, chapter 20, M.R.Civ.P., Rule 4D; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
- state bank
  - change to national bank, 32-1-361, 32-1-363 — 32-1-365
  - powers extended to, 32-1-362
  - reorganization as, 32-1-374

Negotiable instruments, Title 30, chapter 3, See **NEGOTIABLE INSTRUMENTS**
Officers and employees, 32-1-325

- bond requirements, 32-1-461
- certified checks, issuance requirements, 32-1-441
- concealment of actions from board of directors, 32-1-472
- conviction of banking violations, previous — employment, 32-1-462
- emergency closure of bank, 32-1-561 — 32-1-565
- false statements or entries in bank records and reports, 32-1-236, 32-1-464
- fraudulent practices, 32-1-464, 32-1-473
- hypothecation of property received, 32-1-471
- insolvency, deposit violations and false statements, 32-1-504, 32-1-505
- liquidation
  - retention during, 32-1-517
  - sale of assets to, 32-1-515
- loans to, limitations, 32-1-465, 32-1-467
- notaries public, as, 1-5-417
- obligations or assets of bank, purchase or sale, 32-1-466
- refusal to be examined, effect, 32-1-502
- removal, See **Removal of directors or officers**
- savings bank, additional requirements, 32-1-421
- securities, sale by — to bank, 32-1-463
- theft of bank funds, 32-1-473

Orders or declaratory statements by Department of Commerce, 32-1-112, 32-1-218, 32-1-219
Organization, See **Incorporation**; **Reorganization**
Parking commission bondholders, trustee for, 7-14-4663
Petroleum Tank Release Compensation Board, representation on, 2-15-2108
Power of attorney, statutory — authority, 72-31-201, 72-31-228
Preexisting banks, application of bank act, 32-1-102
Probate matters, See **ESTATES AND PROBATE**, **Banks**
Profit and loss, 32-1-109
Profits, 32-1-109, See also **Insolvency**; **Surplus**

- calculation, 32-1-453
- undivided, 32-1-109
  - capital stock, conversion to, 32-1-340
  - dividends or losses, 32-1-452
  - insolvency when, 32-1-503

Property

- bank-owned, 32-1-111, 32-1-447, 32-1-473

BANKS AND TRUST COMPANIES (Continued)
Property (Continued)

- common trust funds, ownership, 32-1-706
- consolidation or merger of banks, 32-1-371
- hypothecation of property received, 32-1-471
- liquidation, 32-1-515, 32-1-538
  - claims, priority of payment, 32-1-534
  - completion when, 32-1-508
  - inventory to be filed, 32-1-553
  - voluntary, transfer upon, 32-1-501
- national bank
  - reorganization as state bank, 32-1-374
  - state bank reorganized as, 32-1-363, 32-1-365
- possession by department of commerce when, 32-1-512
- real estate holdings permitted, 32-1-423
- savings banks, limitations, 32-1-421

Public contracts, deposited obligations
- interest or income, 18-1-303
- servicing, contract for, 18-1-302

Public fund deposits
- cities and towns, 7-6-201, 7-6-203, 7-6-205 — 7-6-208, 7-6-211, 7-6-4601, 7-7-4504, 7-31-114
- collateral, eligibility of federal housing securities, 32-1-435
- counties, 7-6-201, 7-6-203, 7-6-205 — 7-6-208, 7-6-211, 7-31-114
- liquidation of bank, priority of payment, 32-1-534
- security for, 32-1-447
- state, 17-6-101 — 17-6-105
- unemployment insurance fund, 39-51-402

Public obligations registration, financial intermediaries or custodian banks, 17-5-1102, 17-5-1121

Purpose of provisions, 32-1-101, 32-1-301

Real estate
- loans, See **Loans**
- purchase, limitations, 32-1-423
- savings banks, purchase — limitations, 32-1-421

Records
- destruction, 32-1-491, 32-1-492, 32-1-494, 32-1-495, 32-1-538
- entries, See **Entries in bank records and reports**
- examination by stockholders, 32-1-339
- falsification, 32-1-236, 32-1-464
- fiduciary relationships, deposit of securities, 32-1-426
- liquidation, disposition upon, 32-1-538
- meetings, of, 32-1-325
- possession by department of commerce when, 32-1-502
- preservation, 32-1-491, 32-1-492, 32-1-495, 32-1-538
- refusal to submit to inspection, effect, 32-1-502
- reproduction, 32-1-492 — 32-1-495
- rules, 32-1-218, 32-1-491

Regents of Higher Education, Board of — bonds secured by trust indenture, 20-25-402

Relocation, 32-1-202, 32-1-204, 32-1-205, 32-1-218

Removal of directors or officers
- charges, 32-1-905, 32-1-906, 32-1-908
- definitions, 32-1-901
- grounds, 32-1-468, 32-1-905
- hearings, 32-1-905, 32-1-907, 32-1-908, 32-1-910
- informal conference, 32-1-906
- notice of
  - intention, 32-1-905, 32-1-907, 32-1-911, 32-1-912, 32-1-921

BANKS AND TRUST COMPANIES (Continued)
Removal of directors or officers (Continued)
  notice of (Continued)
    suspension or prohibition from participation, 32-1-907, 32-1-908, 32-1-911, 32-1-912, 32-1-921
  order for removal, suspension, or prohibition from participation, 32-1-905, 32-1-907, 32-1-908, 32-1-910, 32-1-912, 32-1-921
  quorum of directors, lack of — effect, 32-1-909
  service of papers, manner of, 32-1-911
  temporary directors, 32-1-909
  violation of notice or final order, 32-1-921
Reorganization
  consolidation or merger, 32-1-371
  federal reserve bank, joining or association with, 32-1-373
  national bank to state bank, 32-1-374
  state bank to national bank, 32-1-361, 32-1-363 — 32-1-365
Reports to Department of Commerce
  call reports, 32-1-231
  confidentiality, 32-1-234
  dividend, declaration of, 32-1-232
  failure to make, 32-1-235
  falsification, 32-1-236, 32-1-464
  federal deposit insurance corporation examinations, 32-1-605
  reserve requirements, concerning, 32-1-455
  special reports, 32-1-233
Reserve banks, approval and designation, 32-1-455
Reserve requirements, 32-1-101, 32-1-218, 32-1-455, 32-1-502
Resources and liabilities, statement of, 32-1-451
Rules by Department of Commerce, 32-1-112, 32-1-218, 32-1-219
  drafts, acceptance and issuance, 32-1-437
  fees, 32-1-213
  foreign trust company, conduct of business, 32-1-1007
  investments, for, 32-1-422, 32-1-433
  liquidation, voluntary — for, 32-1-501
  loan limitations, 32-1-432, 32-1-465, 32-1-467
  national bank powers extended to state bank, application for approval, 32-1-362
  records, retention schedules, 32-1-491
  reserve requirements, 32-1-455
  unsafe or unsound practices and removal of directors or officers, manner of service of papers, 32-1-911
  violation, effect, 32-1-502
Rules by State Banking Board, 32-1-203 — 32-1-205, 32-1-302, 32-1-426, 32-1-427
Safe deposit boxes, 32-1-446, 33-2-604, 70-1-308, 70-9-804, 70-9-808, 70-9-809, 70-9-811, 72-31-228
  foreign capital depositories, 15-31-803, 32-1-446, 32-8-314, 32-8-501, 32-8-503
Sales
  assets of bank, 32-1-466, 32-1-515, 32-1-553, 32-1-606
  branch banks, 32-1-202, 32-1-204, 32-1-218, 32-1-376, 32-1-377
  concealment of, 32-1-472
  corporate stock, acquisition and sale, 32-1-422
  liquidation, sale of assets, 32-1-515, 32-1-553
  national or state bank, agreement for, 32-1-377
  obligations or assets of bank, 32-1-466
  securities — sale by director, officer, employee, or stockholder to bank, 32-1-463
  stock, to make good impairment, 32-1-506
Sales finance company, as, 31-1-202, 31-1-221
Satellite banking, Title 32, chapter 6

BANKS AND TRUST COMPANIES (Continued)

Saturdays
  closing on, 32-1-482, 32-1-483
  interest payable on, how paid, 32-1-485
Savings accounts, See **BANK DEPOSITS AND COLLECTIONS**
Savings association, 32-1-109, 32-1-371, See also **BUILDING AND LOAN ASSOCIATIONS**
Savings banks, 32-1-102, 32-1-106
  capital, investment, 32-1-421
  corporate stock, investment in — restrictions, 32-1-422
School district money, investment, 20-9-213
Secured transactions, 30-9-122, See **BANK DEPOSITS AND COLLECTIONS, Security interest of bank**; **SECURED TRANSACTIONS**
Securities
  broker-dealer, exclusion as, 30-10-103
  concealment of purchase or sale, 32-1-472
  exemptions, 30-10-104, 30-10-105
  federal deposit insurance corporation, securities of — acquisition, 32-1-602
  fiduciary relationships, deposit, 32-1-425 — 32-1-427
  hypothecation of property received, 32-1-471
  investment adviser, exclusion as, 30-10-103
  investment in, limitations, 32-1-424
  living trusts, license to offer or sell — exemption, 30-10-904
  sale by director, officer, employee, or stockholder to bank, 32-1-463
  savings banks, investment in, 32-1-421
  securities intermediary, 30-8-112
  state, handling, 17-6-221
  trust company, purpose, 32-1-107
Shareholders, See **Stockholders**
Shares, See **Capital and capital stock**
Shell banks, 32-1-109, 32-1-218, 32-1-383
Short title, 32-1-101
State Banking Board, 2-15-1803, 32-1-109, 32-1-201, 32-8-103
  branch banks, continuation of operation, 32-1-372
  capital stock requirements, consultation, 32-1-307
  certificate of authorization, application — approval or refusal, 32-1-303
  disqualification of members when, 32-1-206
  foreign capital depositories, duties, See **FOREIGN CAPITAL DEPOSITORIES**
  hearings and discovery procedures, 32-1-202, 32-1-204, 32-1-205, 32-1-302
  powers and duties generally, 32-1-202
  rulemaking, 32-1-203 — 32-1-205, 32-1-302, 32-1-426, 32-1-427
State banks, specific provisions
  bank examiner and director of department of commerce, conflict of interest, 32-1-212
  bookkeeping and accounting, rules for, 32-1-218
  branch bank, purchase, 32-1-376
  closed bank, deposit liability — transfer to or assumption by, when, 32-1-204
  consolidation or merger, 32-1-371
  fiduciary relationships, deposit of securities, 32-1-426, 32-1-427
  liquidation, See **Liquidation**
  loans or extensions of credit, 32-1-432
  national bank
    change of state bank to, 32-1-361, 32-1-363 — 32-1-365
    powers extended to state bank, 32-1-362
    reorganization as state bank, 32-1-374
  purchase and sale, agreement for, 32-1-377
  real estate loans, authority to make, 32-1-430

BANKS AND TRUST COMPANIES (Continued)
State banks, specific provisions (Continued)

    records, See **Records**
Stock, See **Capital and capital stock**
Stockholders
    articles of incorporation, statement in, 32-1-301
    dividends, payment to, 32-1-452
    examination of books and records, right of, 32-1-339
    impairment of capital, procedure upon, 32-1-506
    liquidation
        assets, surrender, 32-1-538
        claims, payment, 32-1-533, 32-1-534
        liability, 32-1-551
        sale of assets to, 32-1-515
        voluntary, procedure, 32-1-501
    loans to, limitations, 32-1-465
    meetings, 32-1-321, 32-1-322, 32-1-325, 32-1-340, 32-1-501, 32-1-506
    national bank
        reorganization as state bank, 32-1-374
        state bank reorganized as, 32-1-361
    notaries public, as, 1-5-417
    principal shareholder, 32-1-109
    securities, sale to bank, 32-1-463
    special examination of bank, request for, 32-1-214
Subdivisions, contracts for deed — payments to escrow agent, 76-3-303
Subpoenas, power to issue
    bank, 32-1-204
    banking board, state, 32-1-205
    commerce, department of, 32-1-211
Supervision, 32-1-211, 32-1-213
Surety, deposit of money by fiduciaries on agreement with, 33-26-107
Surplus, 32-1-109, 32-1-452, See also **Profits**
    borrowing money, limitations, 32-1-412
    capital and capital stock
        conversion to, 32-1-340, 32-1-452
        purchase, investment, or loan prohibited, 32-1-335
    corporate stock, investment in, 32-1-422
    drafts, acceptance and issuance — limitations, 32-1-437
    federal reserve banks, investment in, 32-1-373
    insolvency when, 32-1-503
    liquidation, claims — payment, 32-1-533
    loans and extensions of credit, limitations, 32-1-432, 32-1-465, 32-1-467
    losses paid from, 32-1-452
    real estate, investment in, 32-1-423
    reserve bank, designation, 32-1-455
Taxation, corporation license tax, 15-31-101, Title 15, chapter 31, part 7
    national bank, state bank reorganized as — effect, 32-1-363
Telemarketers' registration and bonding requirements, exemption, 30-14-1405
Theft, 32-1-471, 32-1-473
Trust companies, 32-1-102, 32-1-107, See also **TRUSTS**
    fees, 32-1-213
    first special service force memorial monument permanent trust fund and corporate trustee, duties, 10-2-701 — 10-2-703
    foreign capital depositories, as, 32-8-314, 32-8-315, 32-8-502
    foreign trust companies as trustee, guardian, or conservator
        appointment, 32-1-1002
        bond or certification of deposit of capital, 32-1-1005

BANKS AND TRUST COMPANIES (Continued)
Trust companies (Continued)
  foreign trust companies as trustee, guardian, or... (Continued)
    definition, 32-1-1001
    rights and duties, 32-1-1006
    service of process, 32-1-1003, 32-1-1004
    solicitation of business, 32-1-1007
  health facility authority bonds, trust agreement to secure — trustee, 90-7-305
  purposes, 32-1-107
  subsidiary trust companies
    applicable laws, 32-1-803
    citation of the subsidiary trust company act of 1975, 32-1-801
    definitions, 32-1-802
    organization, 32-1-803
    permissible business of, 32-1-804
    transfer of fiduciary relationships, procedure
      between affiliated banks, 32-1-808
      from affiliated bank to subsidiary trust company, 32-1-807
    trust offices
      affiliated banks, 32-1-806
      subsidiary trust companies, 32-1-805
  transfers to minors, as custodian, 72-26-603, 72-26-606, 72-26-607, 72-26-801
Trust indenture, trustee for, 71-1-306, See also **TRUST INDENTURES**
  agricultural loan authority bonds, 80-12-303
  coal severance tax bonds or notes, 17-5-711
  economic development bonds, 17-5-1511
  highway revenue bonds, 17-5-923
  housing development, lower income — bonds, 90-6-116
  municipal finance consolidation bonds or notes, 17-5-1624
  safe drinking water treatment revolving fund bonds, 75-6-225
  water conservation revenue bonds, 85-1-305
  water pollution control state revolving fund program bonds, 75-5-1121
Trusts and trustees
  administration, 32-1-107
  cemetery association permanent care and improvement fund, as trustee, 35-20-302
  cemetery district permanent care and improvement fund, trustee for, 7-35-2134
  common trust funds
    accounting, 32-1-704
    "affiliate" defined, 32-1-707
    application of provisions, 32-1-702
    citation of uniform common trust fund act, 32-1-701
    corporation license and income tax, exemption, 15-31-102
    establishment and administration, 32-1-703, 32-1-706
    institutional funds, investment in, 72-30-204
    insurance law, applicability, 32-1-708
    interpretation and construction, uniformity, 32-1-705
    securities registration, exemption, 32-1-708
    trust provisions, nonapplicability, 72-1-103, 72-33-108
  deposits, 32-1-504, 32-1-505, 72-34-311
  fiduciaries, investments by, 32-1-420
  fiduciary relationships, deposit of securities, 32-1-425 — 32-1-427
  funeral plans, prearranged — money deposited as trust fund, 37-19-828, 37-19-829
  insolvency of bank, deposits, 32-1-504, 32-1-505
  liquidation of bank, priority of payment, 32-1-534
  theft of funds, 32-1-473
Unclaimed property, Title 70, chapter 9, part 8
Unemployment insurance coverage, 39-51-204

BANKS AND TRUST COMPANIES (Continued)

Unlawful practices
  advertising, 32-1-401 — 32-1-403
  assets, purchase or sale by bank officials, 32-1-466
  bank act violations generally, 32-1-101, 32-1-102, 32-1-110, 32-1-403
  capital stock, bank's purchase or loan of own, 32-1-335
  concealment of actions by officers or employees from board of directors, 32-1-472
  conviction of banking violations, previous — employment, 32-1-462
  corporate name restrictions, violation of, 32-1-402
  corporate stock, investment restrictions — violation, 32-1-422
  directors or officers
    removal, grounds, 32-1-905
    removal or prohibition from participation, notice or final orders — violation, 32-1-921
    suspension or prohibition from participation, grounds, 32-1-908
  falsification of records and entries therein, 32-1-236, 32-1-325, 32-1-464, 32-1-505
  fraud by director, officer, or employee, 32-1-464, 32-1-473
  hypothecation of property received, 32-1-471, 32-1-473
  insolvent banks
    deposits, receipt unlawful when, 32-1-504, 32-1-505
    falsification of records, 32-1-505
    malicious declaration of insolvency, 32-1-510
  loans, false statement to obtain, 32-1-474
  obligations of bank
    concealment from board of directors by officers or employees, 32-1-472
    purchase or sale by bank officials, 32-1-466
  reports to department of commerce
    confidentiality, violation of, 32-1-234
    falsification, 32-1-233, 32-1-234, 32-1-236
  securities — sale by director, officer, employee, or stockholder, 32-1-463
  theft, 32-1-471, 32-1-473, See also **CRIMES, Theft**
  transaction of business without certificate, 32-1-403
Unsafe or unsound practices
  cease and desist order, 32-1-901 — 32-1-905, 32-1-910 — 32-1-912
  closure, grounds for, 32-1-502
  definitions, 32-1-901
  hearings, 32-1-902, 32-1-910
  informal conference, 32-1-903
  notice of charges, 32-1-902 — 32-1-904, 32-1-911, 32-1-912
  removal of directors or officers, grounds for, 32-1-905
  service of papers, manner of, 32-1-911
Water and wastewater authorities, regional — revenue bonds
  investment, as, 75-6-329
  trust indenture to secure, 75-6-322
Water conservancy districts, investments, 85-9-604, 85-9-629
Wire transfers, Title 30, chapter 4A

BAR ASSOCIATION
  See **STATE BAR OF MONTANA**

BARBERING AND BARBERS
  See also **PROFESSIONAL AND OCCUPATIONAL LICENSING AND REGULATION**
Administration of provisions, 37-30-203
Barbershops, 37-30-101
  contracts of employment with self-employed barbers, 39-51-204
  discriminatory practices, See **DISCRIMINATION, Public accommodations**
  facilities, 37-30-403
  fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**

BARBERING AND BARBERS (Continued)
Barbershops (Continued)
  inspections and fees, 37-30-203, 37-30-402, 37-30-403, 37-30-423
  licensing, See **Licenses, barbershops**
  owner's duty to employees, 37-30-412
  price schedules, display, 37-30-413
  sanitary rules and conditions, 37-30-412, 37-30-422
Board of Barbers, 2-15-1856, 37-30-101; Title 37, chapter 30, part 2
  licensing and regulatory duties, Title 37, chapter 30, parts 3 and 4
Certificates, barber instructors
  discrimination in issuance prohibited, 49-3-204
  examinations, 37-30-203, 37-30-310, 37-30-311
  fee, 37-30-310
  practice without, unlawful, 37-30-501
  required, 37-30-310, 37-30-407
  revocation or suspension, 37-30-501
  school and college operators, license requirement, 37-30-404
Certificates of registration, barbers
  applications, 37-30-303, 37-30-305
  barber instructors' certificates, requirement for, 37-30-311
  discrimination in issuance prohibited, 49-3-204
  display, 37-30-308
  examinations, 37-30-203, 37-30-303, 37-30-305, 37-30-307
  fees, 37-30-307
  local licenses or fees prohibited, 37-30-307
  practice without, unlawful, 37-30-501
  qualifications, 37-30-303
  renewal, 37-30-307
  required, 37-30-301, 37-30-411
  revocation, suspension, or refusal, 37-30-501
Cities and towns
  licenses or fees, imposition — prohibited, 37-30-307
  water and wastewater disposal requirements, 37-30-403
Colleges, See **Licenses, schools and colleges**; **Schools and colleges**
Cosmetology, applicability of provisions, 37-30-101, 37-31-102
Definitions, 37-30-101
Disabilities, persons with — training and exemptions, 37-30-307
Income tax withholding, employment exclusion, 15-30-256
Inspectors, 37-30-203
Instructors, See **Certificates, barber instructors**; **Schools and colleges**
Licenses, barbers, See **Certificates of registration, barbers**
Licenses, barbershops
  applications, 37-30-402
  discrimination in issuance prohibited, 49-3-204
  display, 37-30-421
  eligibility, 37-30-411
  fees, 37-30-423
  nontransferability, 37-30-411
  refusal, revocation, or suspension, 37-30-402, 37-30-403, 37-30-501
  renewal, 37-30-423
  required, 37-30-401, 37-30-411
  temporary, 37-30-403
Licenses, schools and colleges
  applications, 37-30-405
  discrimination in issuance prohibited, 49-3-204
  display, 37-30-404, 37-30-421
  fees, 37-30-404, 37-30-423

BARBERING AND BARBERS (Continued)
Licenses, schools and colleges (Continued)

  issuance, 37-30-405
  refusal, revocation, or suspension, 37-30-403, 37-30-501
  renewal, 37-30-423
  required, 37-30-401
  temporary, 37-30-403
Nonresidents, 37-30-311, 37-30-424
Practice of barbering, 37-30-101
  communicable disease, practice while afflicted with — reporting, 37-30-412
  license required, 37-30-301, 37-30-501
  students, requirements, 37-30-406
Schools and colleges
  advertising, 37-30-407
  barber instructors, training, 37-30-311
  barbers' certificates of registration, education requirements, 37-30-303
  compliance with provisions, 37-30-405
  curriculum requirements, 37-30-203, 37-30-403, 37-30-406
  disabilities, persons with — training, 37-30-307
  facilities, 37-30-403, 37-30-405
  inspections and fees, 37-30-203, 37-30-403, 37-30-405, 37-30-406
  instructors, 37-30-310, 37-30-406, 37-30-407, See also **Certificates, barber instructors**
  licensing, See **Licenses, schools and colleges**
  operating requirements, 37-30-203, 37-30-403, 37-30-407
  owners, 37-30-404, 37-30-405
  records, 37-30-406
  sanitary conditions, maintenance, 37-30-422
  signs, display, 37-30-404
  students, 37-30-203, 37-30-403, 37-30-404, 37-30-406, 37-30-407
Self-employed barbers
  unemployment insurance coverage exclusion, 39-51-204
  workers' compensation coverage exclusion, 39-71-401
Training programs, clinics, or seminars, 37-30-424
Violations and penalty, 37-30-501
  license suspension or revocation for, 37-30-403

BAR EXAMINERS, BOARD OF, 37-61-102, 37-61-103
  See **SUPREME COURT, Attorneys' Examining Board**

BARLEY, Title 80, chapter 4, parts 4 — 7 and chapter 5
  See **AGRICULTURAL COMMODITIES; AGRICULTURAL SEEDS**

BATTERED PERSONS
  See **ASSAULT AND BATTERY, Partner or family member assault**; **CHILD ABUSE AND NEGLECT**

BEARS
  See **FISH AND WILDLIFE, Game animals**; See also **LIVESTOCK, Alternative livestock ranches and alternative livestock**; **PREDATORS AND PREDATOR CONTROL**

BEAUTY PARLORS AND SCHOOLS, Title 37, chapter 31
  See **COSMETOLOGY AND COSMETOLOGISTS**

BEAVERS
  See **FISH AND WILDLIFE, Fur-bearing animals; Fur farms**

BEES AND BEEKEEPING, Title 80, chapter 6
  See **ALFALFA LEAF-CUTTING BEES; APIARIES; TAXATION, PROPERTY**

BEGINNING FARMER PROGRAM, Title 80, chapter 12
  See **AGRICULTURAL LOAN AUTHORITY PROGRAM**

BENEVOLENT ASSOCIATIONS
Amendments, filing, 33-6-104
Annual statements, 33-6-302, 33-6-304
Applicable provisions, 33-6-101
Assessments, 33-6-102, 33-6-302 — 33-6-304
Certificate of authority, 33-6-101, 33-6-401
Death benefits or claims, 33-6-102, 33-6-302 — 33-6-304, 33-6-405
Definitions, 33-6-102
Delinquency proceedings, 33-6-101, 33-2-1304, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Expenses, 33-6-302, 33-6-304
Filings, 33-6-104, 33-6-201, 33-6-303
Foreign associations, 33-6-103
Insurance producers, 33-6-402, 33-6-403
Membership
  contracts, 33-6-102, 33-6-104, 33-6-304
  minimum, 33-6-404
Montana Insurance Code, applicability, 33-1-102, 33-6-101
New associations prohibited, 33-6-103
Officers, 33-6-102, 33-6-104, 33-6-201, 33-6-304, 33-6-403
Receipts for payments, issuance, 33-6-301
Scope of provisions, 33-6-101

BENTONITE
Metal mining provisions, exclusion, 82-4-303
Mining, 82-4-403, See **MINES AND MINING**, **Opencut mining, reclamation**
Seismic operations for geophysical exploration, use in plugging shot holes, 82-1-104
State land leases, See **STATE LANDS**, **Nonmetallic mineral leases**
Tax on net proceeds, 15-23-502, See **TAXATION, MINERALS**, **Mines, metal**

BESTIALITY
Deviate sexual conduct, as, 45-1-205, 45-5-505, 45-5-620, See also **CRIMES**, **Sexual offenses**

BIBLE
Family records, hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
School libraries, inclusion, 20-7-112

BICYCLES
Carrying articles, 61-8-606
Child safety restraint systems, exception, 61-9-421
Clinging to vehicles, 61-8-604
Definitions, 60-3-302, 61-1-123, 61-8-605
Driver's license required when, 61-5-102
Drivers to exercise due care, 61-8-504
Equipment on, 61-8-607
Footpaths and bicycle trails
  "bicycle trail" defined, 60-3-302
  citation of Montana footpath and bicycle trail act of 1975, 60-3-301
  duties of department of transportation, 60-3-304
  establishment and funding, 60-3-303
Highways, controlled-access — use restrictions, 61-8-332
Lamps, 61-8-607

BICYCLES (Continued)

Local authorities, regulations, 61-8-609, 61-12-101
Overtaking and passing, vehicles or pedestrians, 61-8-605, 61-8-608
Racing, lawful when, 61-8-609
Regulations, effect, 61-8-601
Riding on, 61-8-603
Roadways, riding on, 61-8-605
Sidewalks, parking on, 61-8-354
Tax exemption, 15-6-201
Traffic-control devices, compliance, 61-8-333
Traffic education course, purpose, 20-7-501, See **SCHOOLS, Traffic education**
Traffic laws, applicability, 61-8-602, 61-8-609
Trailers or semitrailers attached to, 61-8-604
Turning procedures and signals, 61-8-333, 61-8-336, 61-8-338, 61-8-605

BIDS AND BIDDING
  See **PUBLIC CONTRACTS**; specific subject heading

BIGAMY, 45-5-611
Invalidity, grounds for, 40-1-402
Marrying a bigamist, 45-5-612

BIGHORN SHEEP
  See **FISH AND WILDLIFE, Game animals; LIVESTOCK, Alternative livestock ranches and alternative livestock**

BILLBOARDS
  See **OUTDOOR ADVERTISING**, generally

BINGO, Title 23, chapter 5, parts 4 and 6
  See **GAMBLING**

BIOLOGICAL STATION, STATE, 23-1-201, 23-1-202, 87-5-404

BIRDS
  See generally **ANIMALS; FISH AND WILDLIFE; PESTS AND PEST CONTROL; POULTRY AND EGGS**

BIRTH
Abortion, See **ABORTION**
Adoption, See **ADOPTION**
Anatomical gifts, Title 72, chapter 17
"Baby Doe" provision, 41-3-102
Birthing assistants, fetal deaths — reporting, 46-4-114
Breastfeeding in public, 50-19-501
Certificates, Title 50, chapter 15, parts 1 and 2, See **VITAL STATISTICS**
Contraception, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Contraceptive**
Date, judicial determination, See also generally **SPECIAL PROCEEDINGS**
  appeal, 27-32-303
  evidence, 27-32-203, 27-32-301
  fees, 27-32-104
  hearing, 27-32-201, 27-32-203
  judgment, 27-32-104, 27-32-204, 27-32-301, 27-32-302
  jurisdiction in district court, 27-32-101, 27-32-103
  notices, 27-32-104, 27-32-201
  objections, 27-32-202
  petition, 27-32-101, 27-32-102, 27-32-104
  venue, 27-32-101, 27-32-204

BIRTH (Continued)

Defects, See subject heading for specific disease or disability
Genetics program, voluntary statewide, 33-2-712, 33-2-713, 50-19-211
Hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rules 803, 804
Illegitimate, See **Legitimacy**
Insurance coverage
  childbirth, minimum hospital stay following, 33-22-133
  comprehensive health association plan, covered expenses, 33-22-1521
  disability insurance, 33-22-131, 33-22-133, 33-22-301, 33-22-303, 33-22-504, 33-22-512, 33-22-523, 33-30-1001
  health maintenance organizations, 33-31-102, 33-31-301, 33-31-402
  health service corporations, 33-30-1001, 33-30-1014
  small employer health insurance, basic health benefit plan requirements, 33-22-1827
  well-child care, coverage for, 33-22-303, 33-22-512, 33-30-1014
Legitimacy
  birth certificate upon proof of legitimation, 50-15-207, 50-15-223
  dissolution of marriage, born after, 40-6-202
  invalid or prohibited marriages, 40-1-401
  marriage of parents subsequent to birth, 40-6-203
  presumed when, 26-1-602, 40-6-201
Maternal-child health programs, 50-1-202; Title 50, chapter 19, part 3
Maternity leave, 49-2-310, 49-2-311
Metabolic tests of newborns
  administrative authority, 50-19-202
  assistance, 50-19-204
  definitions, 50-19-201
  genetics program, 50-19-211
  genetic testing required when, 33-18-902
  required, 50-19-203
  results, procedures for giving, 50-19-204
  rules, 50-19-202, 50-19-203
Metabolism, inborn errors of — insurance coverage for treatment, 2-18-704, 33-22-131, 33-31-102, 33-31-111, 33-35-306
MIAMI project, Title 50, chapter 19, part 3
Midwifery, Title 37, chapter 27, See **MIDWIVES**
Mortality and morbidity
  fetal, infant, and child mortality review teams — duties, 50-19-401 — 50-19-406
  information, 37-27-320, 50-16-102
  review, 50-19-311
Naturopathic childbirth attendance, 37-26-103, 37-26-301, 37-26-304, 37-27-205
Parents' rights regarding, 37-27-102, 37-27-111
Paternity proceedings, See **PARENT AND CHILD**
Phenylketonuria (PKU)
  midwives, client screening procedures, 37-27-312
  testing for, 50-19-211
Place of, judicial determination, See **Date, judicial determination**
Records, use, 50-1-202
Register, index, 7-4-2619
State employees, parental leave, 2-18-606
Unborn children, 41-1-103
  abortion, See **ABORTION**
  estate of, subject to income tax, 15-30-135, See **TAXATION, INDIVIDUAL INCOME, Estate or trust income**
  estates, See **ESTATES AND PROBATE, Unborn persons**
  fetal death, See **DEATH**
  trusts, See **TRUSTS, Unascertained or unborn**

BIRTH (Continued)

"Withholding of medically indicated treatment" defined, 41-3-102

BISON, 15-24-921, 15-24-922, 81-2-120, 81-2-121, 81-5-101, 81-5-104, 87-1-216, 87-3-130
  See **FISH AND WILDLIFE; LIVESTOCK; MEAT AND MEAT PRODUCTS; TAXATION, PROPERTY, Livestock**

BLACK-FOOTED FERRET, 87-3-501
  See **FISH AND WILDLIFE**, **Fur-bearing animals**; **Nongame and endangered species**

BLACKJACK, 23-5-112

BLACKLISTING, 27-1-737, 39-2-801 — 39-2-804, 49-2-301, 49-3-209
  See also **LABOR AND EMPLOYMENT**

BLACK LUNG DISEASE, Title 39, chapters 72 and 73
  See **OCCUPATIONAL DISEASE; SILICOSIS BENEFITS**

BLACKSMITH SHOPS, 7-21-4204, 70-15-104

BLINDNESS OR LOW VISION, PERSONS WITH
  See also **DISABILITIES, PERSONS WITH**
Accommodations, public and housing — rights, 49-4-211 — 49-4-217
Canes, Title 49, chapter 4, part 2
Disabilities, persons with — employment preference, Title 39, chapter 30, See **LABOR AND EMPLOYMENT, Disabilities, persons with**
Discrimination, Title 49, chapter 4, See **DISCRIMINATION**
Drivers' duty and liability to, 49-4-216, 49-4-217
Education for children, Title 20, chapter 7, part 4; Title 20, chapter 8, part 1, See **DEAF AND BLIND, MONTANA SCHOOL FOR THE; SCHOOLS, Special education**
Employment
  discrimination, Title 49, chapter 4, part 1
  preference, Title 18, chapter 5, part 5; Title 39, chapter 30
  state policy, 49-4-202
  vending facilities, Title 18, chapter 5, parts 4 and 5
  vocational rehabilitation, Title 53, chapter 7, part 3
Fishing license, lifetime, 87-2-803
Guide dogs, See **Service animals**
Housing accommodations, 49-4-203
  access to, 49-2-305, 49-4-212
  rights, 49-4-212, 49-4-214
Jury duty, permanent exclusion, 3-15-313
Library services for, 22-1-103
Medicaid benefits, right to recovery — limitation, 53-6-167, 53-6-171, 53-6-178
Parking, permits and requirements, 49-4-301 — 49-4-307, 49-4-310
Pedestrians' duty and liability to, 49-4-216, 49-4-217
Penalties, 49-4-215, 49-4-217
Public assistance programs for, 52-1-104, 53-2-201; Title 53, chapter 7, part 3
Public places and accommodations, rights, 49-4-211 — 49-4-217
Rights, 49-4-211 — 49-4-214, 49-4-216
School for visually impaired children, Title 20, chapter 8, part 1, See **DEAF AND BLIND, MONTANA SCHOOL FOR THE**
Service animals
  definitions, 49-2-101, 49-3-101
  pedestrians' and drivers' duty and liability, 49-4-216, 49-4-217
  right to have and liability, 49-4-214
State plan for services, 53-2-201

BLINDNESS OR LOW VISION, PERSONS WITH (Continued)

State policy, 49-4-202
Tax exemption, 15-30-112, 15-30-303
Telecommunications services and equipment, Title 53, chapter 19, part 3
Transportation, public — rights, 49-4-211, 49-4-214
Vending facilities and vendors
  administration, 18-5-411, 18-5-412
  availability of facilities, equipment, and supplies, 18-5-404
  bids and bidding, 18-5-415, 18-5-416, 18-5-501
  certification and eligibility, 18-5-403
  definitions, 18-5-402, 18-5-501
  federal government, agreements, 18-5-413
  grievances, right to fair hearing, 18-5-405
  health and retirement fund, 18-5-406
  income from operation, 18-5-406
  leases or contracts, 18-5-404, 18-5-411, 18-5-502
  operation, 18-5-406, 18-5-411, 18-5-415, 18-5-416
  preference to blind persons, 18-5-501 — 18-5-504
  procurement law, applicability, 18-5-503
  purpose of provisions, 18-5-401
  rules, 18-5-413 — 18-5-415, 18-5-504
  vending machines, 18-5-402, 18-5-416, 18-5-501
Visual Services, Division of — functions, 2-15-2205
Vocational rehabilitation
  administration, 53-7-302, 53-7-303, 53-7-315
  cooperation between governmental entities, 53-2-201, 53-7-302, 53-7-303
  definitions, 53-7-101, 53-7-301, 53-7-315
  eligibility, determination, 53-7-306, 53-7-310
  financial responsibility for services, 53-7-310
  hearings, 53-7-314, 53-7-315
White canes, 49-4-213, 49-4-216, 49-4-217

BLOCK GRANTS, 17-6-503, 17-6-505, 20-9-321, 53-10-501 — 53-10-505, 90-1-103

BLOOD, TISSUE, ORGANS, AND BONES
  See also **ANATOMICAL GIFTS**
Actions, order for examination when in controversy, Title 25, chapter 20, M.R.Civ.P., Rule 35(a)
AIDS testing, 50-16-1003, 50-16-1008, See **DISEASES, AIDS (acquired immunodeficiency syndrome)**
Alcoholic beverages, intoxicating quantity, 16-6-305
Alcohol or drug concentration, 16-6-305, 23-2-535, 61-1-512, 61-5-205, 61-8-401 — 61-8-407, 61-8-441, 61-8-442, 61-8-806, 67-1-211
Assault with a bodily fluid, offense of, 45-5-214
Blood banks
  AIDS testing and counseling, 50-16-1003
  labeling of containers required, 50-33-101
  liability, 50-33-104
Blood products
  furnishing declared service and not sale, 50-33-102
  labeling, 50-33-101
  liability, 50-33-103, 50-33-104
  testing, 50-33-101, 50-33-104
Blood tests
  AIDS and HIV-related, 50-16-1003, 50-16-1007
  alcohol or drug concentration, 23-2-535, 61-8-401 — 61-8-405, 61-8-806, 67-1-211
  genetic test or testing, applicability when, 33-18-901
  marriage, 40-1-203 — 40-1-206

BLOOD, TISSUE, ORGANS, AND BONES (Continued)
Blood tests (Continued)

- paternity proceedings, 40-5-201, 40-5-210, 40-5-225, 40-5-226, 40-5-232 — 40-5-234, 40-5-236 — 40-5-238, 40-6-102, 40-6-105, 40-6-111 — 40-6-115, 40-6-119
- prenatal care, for, Title 50, chapter 19, part 1
- syphilis, for, 50-18-104

Blood transfusions
- furnishing declared service and not sale, 50-33-102
- liability, 50-33-103, 50-33-104
- minors, consent, 41-1-402
- wholesale drug distribution, exception, 37-7-602

Bone marrow transplants
- comprehensive health association plan, covered expenses, 33-22-1521
- small employer health insurance, basic health benefit plan requirements, 33-22-1827

Clinical laboratory science practitioners, licensing, Title 37, chapter 34
DNA testing, sexual or violent offenders, 44-6-101 — 44-6-103, 44-6-106 — 44-6-108, 44-6-110
Eggs when defined as unfit for human food, 81-20-205
Evidence, samples as, 46-15-323
Eye tissue, 72-17-311, 72-17-312
Furnishing
- liability, 50-33-103, 50-33-104
- service and not sale, 50-33-102

Health care facility organ procurement program, 50-5-212
HIV-related testing, 50-16-1003, 50-16-1008
Infectious disease, exposure to, 50-16-701
Infectious waste management, Title 75, chapter 10, part 10
Medical waste, incineration permits, 75-2-103, 75-2-231 — 75-2-233
Phenylketonuria (PKU), testing for, 50-19-211
Ritual abuse of minor, 45-5-627
Tissue banks, liability, 50-33-104
Transplants of tissue, organs, and bones
- comprehensive health association plan, covered expenses, 33-22-1521
- furnishing, 50-16-1008, 50-33-102, 50-33-104, See also **ANATOMICAL GIFTS**
- small employer health insurance, basic health benefit plan requirements, 33-22-1827

BLUE SKY LAW, Title 30, chapter 10, parts 1 — 3
- See **SECURITIES AND SECURITIES REGULATION**, generally

BOARDING HOUSES
- See **ADULTS, Foster family care homes; HEALTH CARE FACILITIES, County operation; HOTELS AND LODGING ESTABLISHMENTS; NURSING HOMES**

BOATS AND BOATING
Abandonment of boat, 23-2-512
Accidents, 23-2-524, 23-2-527, 23-2-528, 70-6-103
Age requirements for operators, 23-2-523, 23-2-529
Alcohol concentration standards, 23-2-535
Alcoholic beverages
- evidence, inferences of fact from, 16-6-209
- nuisance, public — premises where illegally handled, 16-6-312, 16-6-313
- operation under the influence prohibited, 23-2-523, 23-2-535, 53-24-106
- seizure of beverage and conveyance when, 16-6-105
- tour boats, sales on, 16-4-210

Bathing or swimming areas, restricted operation near, 23-2-525
Boating Advisory Council, 23-2-533, 23-2-536
Bonds
- dealers, requirements, 23-2-513
- owner violations, forfeiture, 23-2-507

BOATS AND BOATING (Continued)

Buoys or beacons, 23-2-507, 23-2-523, 23-2-525
Canoes, 16-6-105, 16-6-209, 23-2-502, 23-2-516 — 23-2-519, 75-7-202
Carburetor flame arresters required, 23-2-521
Carriers, as, Title 69, chapter 11, parts 1 and 2
Certificate of number, 23-2-502, 23-2-508, 23-2-511 — 23-2-516, 23-2-520
Certificate of ownership, 23-2-502, 23-2-508, 23-2-512
  lost, mutilated, or illegible, 23-2-509, 23-2-510
  tour boats, 16-4-210
  transfer, 23-2-510
Certificate of registration, 23-2-510
Charter, See **Liveries**
Collisions, 23-2-523, 23-2-524, 23-2-527, 23-2-528, 70-6-103
Counties
  collisions, accidents, and casualties, 23-2-527
  state recreational boating safety programs, 23-2-534
  temporary permit for operation of out-of-state motorboat, 7-16-2121, 23-2-511
County coroner, authority, 7-4-2911, 46-4-111
Damage caused by, 23-2-505, 23-2-523, 23-2-527
Dealers and manufacturers, 23-2-502
  bond requirements, 23-2-513
  business — place of, signs, and inspection, 23-2-513, 23-2-540
  cancellation of dealership or distribution contract, inventory repurchase requirements, Title 30, chapter 11, part 7
  certificates of number, 23-2-502, 23-2-513
  certificates of ownership, requirements, 23-2-508, 23-2-510
  delivery of goods ex-ship, 30-2-322
  demonstration boats or personal watercraft, 23-2-510, 23-2-513, 23-2-540
  fee in lieu of tax, nonapplicability, 23-2-516
  fees, 23-2-513
  identification number, 23-2-508, 23-2-513
  inventory of dealer, 23-2-508, 23-2-516
  judgments against, 23-2-513
  license decals, 23-2-513, 23-2-515
  noise suppression device requirements for boats, manufacture and sale of boats — compliance, 23-2-532
  personal watercraft, registration requirements, 23-2-540
  sales personnel, overtime compensation exclusions, 39-3-406
  stickers, affixation and records, 23-2-510
  unlawful conduct, effect, 23-2-513
  yacht brokers, 23-2-502
Definitions, 1-1-207, 23-2-502, 23-2-522, 23-2-535, 45-2-101
Destruction of boat, 23-2-512
Disabilities, persons with
  blindness or low vision, passengers with — rights, 49-4-211, 49-4-213 — 49-4-217
  operation by, prohibited when, 23-2-523
Disorderly conduct, 23-1-122, 23-2-526, 87-1-506
Diver-down symbol, areas where displayed — operation prohibited, 23-2-507, 23-2-525
Docks, ramps, diving boards, or floats, See also **FERRIES AND WHARVES**
  exhaust noise levels, dockside tests, 23-2-521
  fishing access sites, maintenance priority, 23-1-127
  floodways, launching ramps within, 76-5-401
  gasoline license tax, records, 15-70-222
  personal watercraft, operation, 23-2-531
  placement of moorage, landowner permission required when, 23-2-302
  primitive parks, 23-1-117

BOATS AND BOATING (Continued)
Docks, ramps, diving boards, or floats (Continued)

- reckless approach to, departure from, or passage by prohibited, 23-2-523
- state parks, maintenance priority, 23-1-127
- unsafe condition, boats in — operator to return to and remain at, 23-2-523
- vessel terminal, 23-2-522

Driving under the influence of alcohol or drugs prohibited, 23-2-523, 23-2-535, 53-24-106, 61-8-407

Drugs
- operation under the influence prohibited, 23-2-523, 23-2-535
- violations, forfeiture of vessel, 44-12-102, 45-9-206

Emergency
- diver safety zones, operation in, 23-2-525
- vessels, use of sirens, 23-2-521

Enforcement of provisions
- authorized emergency vessels, use of sirens, 23-2-521
- certificate of number, inspection, 23-2-512
- federal officers, by, 23-2-506, 23-2-512
- fish and game wardens, 23-1-122, 23-2-511, 87-1-503, 87-1-506
- fish, wildlife, and parks — department of, 23-2-506
- park rangers, 23-1-122
- peace officers, 23-2-506, 23-2-511, 23-2-512
- revenue for, 7-16-2121, 23-2-512, 23-2-519
- sound level limitation, nonapplicability, 23-2-521

Equipment, 23-2-501, 23-2-521, 23-2-523
- enforcement of requirements, 23-2-523
- liveries, responsibilities, 23-2-503
- personal watercraft, lanyard type engine cutoff — prohibited when, 23-2-531
- tour boats, 16-4-210

Evidence
- certificates of ownership, presumption of joint ownership with right of survivorship, 23-2-510
- diver safety zone, operation in — burden of proof of existence of emergency or insufficient water, 23-2-525
- liability of owner for injury or damage, presumption of owner's consent and knowledge for operation of boat by family member, 23-2-505
- noise limitations, exceeding — presumption of public nuisance, 23-2-526
- operation
  - under the influence of alcohol or drugs, admissibility and inferences, 23-2-535
  - without license decal or numbers, transfer of ownership, 23-2-511
- operators under 15 years of age, completion of water safety course, 23-2-523
- security interest, perfection, 23-2-508

Exhaust noise levels, 23-2-521, 23-2-523, 23-2-526, 23-2-532

Facilities, regional, 23-2-533

Federal
- accident information to officials, 23-2-528
- buoys or beacons, placement by, 23-2-523
- coast guard
  - equipment approved by, 23-2-521
  - law enforcement officers, authority, 23-2-506, 23-2-521
- documented vessel of united states, 23-2-502, 23-2-512
- identification numbering system, 23-2-511, 23-2-512, 23-2-514
- law enforcement, 23-2-506, 23-2-512, 23-2-521
- state waters, marking system, 23-2-502

BOATS AND BOATING (Continued)

Fee in lieu of tax, 15-16-202, 23-2-508, 23-2-510, 23-2-512, 23-2-515 — 23-2-520, 23-2-533, 23-2-534
  school district funding, consideration in computation, 20-9-141, 20-9-331, 20-9-333, 20-9-360, 20-9-501, 20-10-144, 20-10-146, 23-2-518
Fees
  certificate of number, 23-2-512
  certificate of ownership, 23-2-508 — 23-2-510
  county motor vehicle computer fee, 61-3-511
  dealers or manufacturers — identifying number, certificate of number, and license decals or renewals, 23-2-513
  identification number, 23-2-508
  security interest, filing and for failure to file satisfaction, 23-2-508
  temporary permit for operation of out-of-state motorboat, 7-16-2121
Ferries and wharves, See **FERRIES AND WHARVES**
Fire extinguishers or extinguishing systems, requirements, 23-2-521, 23-2-523
Fishing from
  fort peck dam territory, right, 2-1-209
  regulation, 87-3-203
  restricted operation of or near fishing boats, 23-2-525
Floating cabins, waste disposal, 23-2-521
Flotation devices, requirements, 23-2-521, 23-2-523, 23-2-531
Gasoline license tax, records and use, 15-70-222, 60-3-201
Harassment of wildlife prohibited, 87-3-126
Hazardous substances
  release, 75-10-602, 75-10-715
  ventilation system required when, 23-2-521
Houseboats, waste disposal, 23-2-521
Hunting from
  fort peck dam territory, right, 2-1-209
  unlawful, 87-3-126
Identification numbers, 23-2-502, 23-2-503, 23-2-508, 23-2-511 — 23-2-514
Injury caused by, liability of owner, 23-2-505
Insurance against loss or damage to, 33-1-209, 33-16-103, See **INSURANCE, MARINE**
Kayaks, 23-2-502, 23-2-517
"Lake" defined, 75-7-202
Lakes, specific — noise level requirements, 23-2-523
Liability
  landowner, to gratuitous permittee, 70-16-301, 70-16-302
  owner — for injury, damage, or death, 23-2-505, 69-14-1006
  personal watercraft dealers, insurance coverage, 23-2-540
  tour boats, insurance coverage, 16-4-210
License decals, 23-2-502, 23-2-510 — 23-2-515, 23-2-520
Liens, 23-2-502, 23-2-508, 23-2-510, 23-2-512, 30-9-203, 30-9-302, 30-9-331
Lifeboats, 23-2-514
Life preservers, requirements, 23-2-521, 23-2-523
Lights required when, 23-2-521
Liveries, 23-2-503, 23-2-512, 23-2-523
  contract, 30-9-105, 30-9-106, 30-9-122, 70-8-201
Livestock
  disease control, authority of agents, 81-2-101
  transporting, inspections — exceptions, 81-3-212
Loss of boat, 23-2-512
Manufacturers, See **Dealers and manufacturers**
Marinas, See **Docks, ramps, diving boards, or floats**
Motorboat account, 23-2-518, 23-2-519, 23-2-533, 23-2-536

BOATS AND BOATING (Continued)

Mufflers, requirements, 23-2-521, 23-2-526, 23-2-532
Negligent operation, 23-2-505, 23-2-523, 23-2-525, 23-2-531
Noise
    suppression devices, requirements, 23-2-521, 23-2-523, 23-2-532
    violations, 23-1-122, 23-2-526, 87-1-506
Nuisance, public
    alcoholic beverages, premises where illegally handled, 16-6-312, 16-6-313
    noise violations, 23-1-122, 23-2-526, 87-1-506
Numbers
    certificate of number, 23-2-502, 23-2-508, 23-2-511 — 23-2-516, 23-2-520
    exemptions from provisions, 7-16-2121, 23-2-514
    identification numbers, 23-2-502, 23-2-503, 23-2-508, 23-2-511 — 23-2-514
    operation of boat without, 23-2-510, 23-2-511
    permanent boat numbers, 23-2-508
    serial numbers, 23-2-510
Outfitters, use and safety, 37-47-101, 37-47-305
Out-of-state motorboats, temporary operation, 7-16-2121, 23-2-511, 23-2-514
Overloading or overpowering prohibited, 23-2-523, 23-2-526
Overtaking and right-of-way, 23-2-524
Passenger carriers, as, Title 69, chapter 11, parts 1 and 2
    destructive device, offense of possession of, 45-8-334
Passengers, 23-2-502
    accidents, responsibilities of operator, 23-2-527
    blindness or low vision, passengers with — rights, 49-4-211, 49-4-213 — 49-4-217
    fire extinguishers or extinguishing equipment not required when, 23-2-521
    overloading prohibited, 23-2-526
Passing rule, 23-2-524, 23-2-529
Permits
    racing, 23-2-526
    temporary, for operation of out-of-state motorboats, 7-16-2121, 23-2-511
    tuning engines, test or trial runs, or competition for speed records — for, 23-2-521
Personal flotation devices, requirements, 23-2-521, 23-2-523, 23-2-531
Personal watercraft, 23-2-502
    dealers
        franchise agreement, filing, 61-4-204
        registration requirements, 23-2-540
    fee in lieu of tax, 23-2-516 — 23-2-519
    identification number, 23-2-512
    license decal, 23-2-515
    manufacturers, distributors, and importers
        financing purchase or sale of watercraft, 61-4-401 — 61-4-406
        license plate fees, nonapplicability, 61-4-222
        license provisions and exceptions, 61-4-202, 61-4-205
    noise limitations, 23-2-526
    operation, prohibitions and restrictions, 23-2-523, 23-2-531, 87-1-303, 87-1-306
Policy of state, 23-2-501
Pontoons, 23-2-502, 23-2-516 — 23-2-519
Prohibited operation and mooring, 23-2-302, 23-2-507, 23-2-511, 23-2-521 — 23-2-523, 23-2-525, 23-2-526, 23-2-529, 45-6-308, 53-24-106, 87-1-306
Pumpout facilities, 23-2-512, 23-2-522
Races, 23-2-521, 23-2-523, 23-2-526, 23-2-529
Railroads owning, liability to employees for death or injury, 69-14-1006
Ramps, See **Docks, ramps, diving boards, or floats**
Reckless operation prohibited, 23-2-523, 23-2-531
Recreational use or purpose, 23-2-301, 23-2-302, 70-16-301

BOATS AND BOATING (Continued)

Regattas, 23-2-521, 23-2-523, 23-2-529
Registration, 23-2-510, 61-3-345 — 61-3-347, 61-3-511, See also **Certificate of number; Certificate of ownership; License decals**
Rentals, See **Liveries**
Restricted areas, 23-2-525, 87-1-306
Right-of-way, 23-2-524, 23-2-529
Rubber rafts, 23-2-502, 23-2-516 — 23-2-519
Rules
  certificate of number, change of address, 23-2-512
  diver safety zones, concerning, 23-2-525
  enforcement, 23-2-506
  equipment, 23-2-521, 23-2-523
  liveries, compliance, 23-2-503
  operation of boats generally, 87-1-303, 87-1-306
  "passing rule", 23-2-524
  publication and filing, 23-2-504, 87-1-202
  pumpout facilities, 23-2-522
  right-of-way, 23-2-524, 23-2-529
  speed regulations, 87-1-303
  waterskiing and surfboarding, 23-2-529, 87-1-303
Safety, 23-2-501
  diver safety zones, 23-2-525
  education program, 23-2-530
  operators, safety certificate or water safety course, 23-2-523
  outfitters, requirements, 37-47-305
  state recreational boating safety program, 23-2-534
  tour boats, 16-4-210
Sailboats, 23-2-508, 23-2-512, 23-2-515 — 23-2-519, 23-2-524, 23-2-525, 87-3-126
Sales, See **Dealers and manufacturers**
Searches of, when, 16-6-105, 87-1-506
Secured transactions, contracts involving hiring, 30-9-105, 30-9-106, 30-9-122
Security interest, 23-2-502, 23-2-508, 23-2-510, 23-2-512, 30-9-203, 30-9-302, 30-9-331
Serial numbers, 23-2-510
Sirens, restrictions, 23-2-521
Skiing, See **Waterskis and surfboards**
Sound levels, limitations, 23-2-521, 23-2-523, 23-2-526, 23-2-532
Speed or speeding, 7-14-2826, 23-2-521, 23-2-523, 23-2-525, 23-2-531, 87-1-303
Steamboats, 1-1-207, 7-14-2826, 69-14-211 — 69-14-214, 85-16-101, 85-16-102
Stickers, 23-2-510
Stolen property, owner's immunity from damage caused by use of, 27-1-709
Surfboards, See **Waterskis and surfboards**
Swimming or bathing area, restricted operation near, 23-2-525
Taxation
  assessment, 15-8-201
  exemption, 15-6-201
  fee in lieu of, 15-16-202, 23-2-508, 23-2-510, 23-2-512, 23-2-515 — 23-2-520, 23-2-533, 23-2-534
  gasoline license tax, records and use, 15-70-222, 60-3-201
Temporary sticker, 23-2-510
Testing of boats, permits, 23-2-521
Theft of boat, 23-2-512
Title to, 23-2-502, 23-2-508, 23-2-510
Tour boats, sale of alcoholic beverages, 16-4-210
Tourist-oriented directional signs, business eligibility, 60-5-522
Trailers, 23-2-508

BOATS AND BOATING (Continued)

Transfer of ownership, 23-2-508, 23-2-510 — 23-2-512
Transporters, stinger-steered — length restriction, 61-10-104
Trial runs or tuning engines, permits for, 23-2-521
Unemployment insurance coverage for officers and employees, exclusion when, 39-51-204
Uniform state waterway marking system, 23-2-502, 23-2-525
Use, 23-2-501
  regulations, 23-2-302, 87-1-303, 87-1-306, 87-3-203
  restrictions, 87-1-306, 87-3-126
  state of principal use, 23-2-512, 23-2-514
  unauthorized, 45-6-308
Ventilation system required when, 23-2-521
"Vessel" defined, 1-1-207, 23-2-502
Violations, 23-2-507
  disabilities, persons with — operation by, when, 23-2-523
  disorderly conduct, 23-1-122, 23-2-526, 87-1-506
  driving under the influence of alcohol or drugs, 23-2-535
  emergency vessels in pursuit of violators, use of sirens, 23-2-521
  fee in lieu of tax, failure to pay, 23-2-519
  garbage, refuse, waste, or sewage — discharge, 23-2-522
  negligent operation consisting of, 23-2-505
  noise, excess, 23-1-122, 23-2-526
  nuisance, public — as, 23-1-122, 23-2-526, 87-1-506
  out-of-state motorboat, failure to have temporary permit for operation of, 7-16-2121
  penalties, 23-2-507, 23-2-519
  reporting to county attorney, 23-2-506
  unauthorized use, 45-6-308
Wakes, jumping or crossing prohibited when, 23-2-523
Waste disposal, 23-2-512, 23-2-521, 23-2-522
Wastewater holding system required when, 23-2-521, 23-2-522
Waterfowl hunters, restricted operation near, 23-2-525
Water pollution, 23-2-521, 23-2-522, 75-5-103
Waterskis and surfboards
  landowner's liability to gratuitous permittee, 70-16-301, 70-16-302
  operation prohibited when, 23-2-523, 23-2-529, 23-2-535
  personal flotation device required on person, 23-2-523
  personal watercraft, operation, 23-2-531
  reckless or negligent operation prohibited, 23-2-523
  right-of-way rules, 23-2-524, 23-2-529
  rules, adoption and enforcement, 23-2-529, 87-1-303
  towing rules, 23-2-529
Wharves, See **Docks, ramps, diving boards, or floats**; See also **FERRIES AND WHARVES**
Witness who is concealed in, service of subpoena, 26-2-103
Yacht brokers, 23-2-502

BOBCATS
  See **FISH AND WILDLIFE**, **Fur-bearing animals**; **Fur farms**; See also **PREDATORS AND PREDATOR CONTROL**

BOILERS AND STEAM ENGINES
Asbestos, insulation or fireproofing with — demolition procedures, 50-64-104
Buildings, primary function areas — exclusion, 50-60-101
Construction, 50-74-101, 50-74-102
Definitions, adoption, 50-74-101
Dinkey engines, classification, 50-74-104, See **Traction engines**

BOILERS AND STEAM ENGINES (Continued)

Engineers
    inspections, assistance, 50-74-214
    licensing, See **Licensing of engineers**
    unlicensed, employment unlawful when, 50-74-316, 50-74-317
Exemptions from provisions, 50-74-103
Fees
    inspection, 50-74-103, 50-74-202, 50-74-212, 50-74-219
    license, 50-74-309, 50-74-310, 50-74-313
Hazardous waste incinerators, 75-2-103, 75-2-215, 75-10-405, 75-10-431, 75-10-433, 75-10-442
Heating oil for operation of, 75-11-302
Inspections and inspectors, 50-74-101
    access, duty to allow, 50-74-210
        refusal, 50-74-211 — 50-74-213
    certificates
        display, 50-74-106
        exemptions, 50-74-103
        operation without, 50-74-208
        purchaser to receive, 50-74-205
        required, 50-74-206
        wrongful certification, 50-74-107
    certification under seal, 50-74-204
    city or town councils, 7-33-4204
    dinkey engines, 50-74-104
    engineers, assistance, 50-74-214
    exemptions, 50-74-103
    fees, 50-74-103, 50-74-202, 50-74-212, 50-74-219
    fire department chief engineers, 7-33-4105
    gauge cocks, 50-74-217
    hydrostatic pressure test, 50-74-216
    interior and exterior examination, 50-74-215, 50-74-219
    joint or separate action by inspectors, 50-74-204
    qualifications for inspectors, 50-74-203
    repair, boilers opened for, 50-74-207
    safety valves, 50-74-217
    safe working pressure, 50-74-218
    special inspections, 50-74-219
    special inspectors, 50-74-202, 50-74-207
    state inspectors, 50-74-201, 50-74-207
    water supply, 50-74-217
    when, 50-74-206, 50-74-209
    wrongful certification or granting of license by inspectors, 50-74-107
Installation, 50-74-101, 50-74-102, 50-74-105
Insurance against liability, loss, or damage, 33-1-206, See **INSURANCE, CASUALTY**, generally
Licensing of engineers
    application, 50-74-310
    classifications, 50-74-303
    dinkey engines, 50-74-104
    discrimination in issuance prohibited, 49-3-204
    display, 50-74-106
    examination
        failure to appear for or pass, 50-74-310, 50-74-311
        reexamination, 50-74-311
        required, 50-74-302, 50-74-304, 50-74-305, 50-74-312

BOILERS AND STEAM ENGINES (Continued)
Licensing of engineers (Continued)
  examination (Continued)
    traction licenses, 50-74-306, 50-74-307
  exemptions, 50-74-103, 50-74-301, 50-74-305
  expiration, 50-74-313
  fees, 50-74-309, 50-74-310, 50-74-313
  hoisting engine license provisions, applicability, 50-76-105, 50-76-107
  inspectors to have, 50-74-203
  operation without, 50-74-315
  reciprocity with other states, 50-74-305
  rejection, review, 50-74-312
  renewal, 50-74-313
  required, 50-74-301
  requirements, 50-74-302, 50-74-304, 50-74-307
    exceptions to, 50-74-305, 50-74-308
  revocation or suspension, 50-74-214
  traction licenses, 50-74-306 — 50-74-308
  uniform regulation for licensing programs without boards, Title 37, chapter 1, part 4, See also **PROFESSIONAL AND OCCUPATIONAL LICENSING AND REGULATION**
  unlicensed engineer, employment unlawful when, 50-74-316, 50-74-317
  wrongful granting, 50-74-107
Location
  city or town council, regulation, 7-21-4204
  notice, 50-74-105, 50-74-206, 50-74-208
Minors, prohibited employment, 41-2-106
Notice
  license rejection, review, 50-74-312
  location, of, 50-74-105, 50-74-206, 50-74-208
  purchase, of, 50-74-105
  repair, boilers opened for, 50-74-207, 50-74-208
  unlicensed engineer, employment, 50-74-317
  unsafe conditions, of, 50-74-209
Operating permit, 50-74-102
Operation, 50-74-101
Purchaser
  certificate of inspection, to receive, 50-74-205
  notice of purchase, 50-74-105
Repair, 50-74-101, 50-74-207 — 50-74-209
Rules, 50-74-101, 50-74-102, 50-74-305
Safety valve, tampering with, 50-74-108
Traction engines
  certificate of inspection, purchaser to receive, 50-74-205
  dinkey engines, classification as, 50-74-104
  engineer's license, exceptions, 50-74-303
  hobby purposes, maintenance for, 50-74-308
  licensing of operators, 50-74-306 — 50-74-308, See also **Licensing of engineers**
Unsafe condition
  maintaining boilers in, 45-8-113, 50-74-215
  notice, 50-74-209
Violations
  inspection
    access, refusal, 50-74-213
    certificate, operation without, 50-74-208
    purchaser, failure to provide certificate to, 50-74-205
    wrongful certification, 50-74-107
  licensing of engineers
    operation without, 50-74-315

BOILERS AND STEAM ENGINES (Continued)
Violations (Continued)
  licensing of engineers (Continued)
    unlicensed engineer, employment, 50-74-316
    wrongful, 50-74-107
  location, failure to give notice, 50-74-208
  purchaser
    inspection certificate, failure to provide to, 50-74-205
    notice of purchase, failure to give, 50-74-105
  repair, boilers opened for — failure to give notice, 50-74-208
  safety valve, tampering with, 50-74-108
  unsafe condition, maintaining in, 45-8-113

BONDS AND BOND ISSUES
  See also **SECURITIES AND SECURITIES REGULATION**
Actions
  coal severance tax bondholders, to enforce and compel performance, 17-5-713
  highway revenue, enforcement of provisions, 17-5-925
  municipal finance consolidation bond or note trustees, upon default of payment, 17-5-1647
  restrain, to — limitations, 17-5-1001
Agricultural loan authority program, Title 80, chapter 12
Airport financing, 67-10-402, 67-11-301, 67-11-303
Amortization bonds, 17-5-302, 17-5-605, 17-5-615
Anticipation notes
  coal severance tax bonds, 17-5-713, 17-5-718, 17-5-731
  economic development bonds, 17-5-1507
  highway general obligation bonds, 17-5-504
  highway revenue bonds, 17-5-921
  municipal finance consolidation bonds and notes, 17-5-1606, 17-5-1608, 17-5-1609, 17-5-1611, 17-5-1645
  political subdivisions, sale by, 7-7-109
  state general obligation bonds, 17-5-805
Appropriations, statutory — for payment, 17-7-502
Armed carrier or armored car services, Title 37, chapter 60
Arrest bond certificates, 46-9-412, 46-9-414
Bail, See **BAIL**
Bank investment in, 32-1-421, 32-1-433
Barber school and college owners, 37-30-404
Benevolent association officers, 33-6-201
Boats
  dealer requirements, 23-2-513
  owner violations, forfeiture, 23-2-507
Building and loan association, investment in, 32-2-406
Building bonds, See **Employment security building bonds; Highway general obligation bonds; Long-range building program bonds; State general obligation bonds**
CERCLA bonds, Title 75, chapter 10, part 6
Child support payments, delinquent — to secure, 40-4-209
Cities and towns, See **Municipal finance consolidation bonds and notes; CITY FINANCE**
Citizen bonds
  county, 7-7-2212 — 7-7-2214, See **COUNTY FINANCE, General obligation bonds**
  municipal, 7-7-4211 — 7-7-4214, See **CITY FINANCE, General obligation bonds**
City-county consolidated government sinking fund, investment in, 7-3-1322
Coal severance tax bonds
  additional bond or notes, 17-5-709, 17-5-731
  anticipation notes, 17-5-713, 17-5-718, 17-5-731
  authorization, 17-5-702, 17-5-706, 17-5-709, 17-5-720, 17-5-731, 85-1-605

BONDS AND BOND ISSUES (Continued)
Coal severance tax bonds (Continued)

bondholders, 17-5-712, 17-5-713, 17-5-716
capital projects fund, 17-5-710
coal severance tax trust funds, 17-5-703 — 17-5-705, 17-5-708, 17-5-709
coupons, 17-5-710, 17-5-715
debt service, 15-34-115, 17-5-702, 17-5-709, 17-5-710, 17-5-731, 90-3-1004
fiscal agent for, 17-5-710, 17-5-731
form and denomination, 17-5-710
intent, 17-5-702
interest and principal, 15-34-115, 17-5-703, 17-5-705, 17-5-708, 17-5-710, 17-5-716, 17-5-720, 17-5-731, 90-3-1004
investments, as, 17-5-716, 17-5-718
irrigation district loans, 85-7-1971, 85-7-1974
issuance and sale, 17-5-701, 17-5-702, 17-5-706, 17-5-707, 17-5-709, 17-5-710, 17-5-716, 17-5-719, 17-5-720, 17-5-731, 90-6-701
liability, personal, 17-5-713
limitations, 17-5-719, 17-5-731
maturity, 17-5-710, 17-5-716, 17-5-731
negotiability, 17-5-714
pledge of state, 17-5-717
proceeds, 17-5-710, 17-5-716, 17-5-731, 90-6-701, 90-6-703
purpose, 17-5-701, 17-5-702, 17-5-731
redemption, 17-5-702, 17-5-710, 17-5-716, 17-5-731
refunding obligations, 17-5-716, 17-5-720, 17-5-721, 17-5-731
registration, 17-5-710
revenue bonds, 17-5-720, 17-5-721
security, 17-5-709, 17-5-711, 17-5-718
signatures, validity, 17-5-715
special bond fund revenues, 17-5-708, 17-5-709
state special revenue account, 17-5-710
tax exemption, 17-5-718
terms, 17-5-710, 17-5-731
treasure state endowment program, Title 90, chapter 6, part 7
trust indenture, 17-5-711
water development state special revenue account, 17-5-702
Conservation districts, 76-15-315, 76-15-621; Title 76, chapter 15, part 5
Corporate, 35-1-115, 35-1-618, See **SECURITIES AND SECURITIES REGULATION**
Cosmetology, manicuring, or esthetics — schools of, requirements for operators, 37-31-311
Counties, See **Municipal finance consolidation bonds and notes; COUNTY FINANCE**
County water and/or sewer districts, Title 7, chapter 13, part 23
Crossover refunding bonds, 17-5-2101, 17-5-2102
Debt adjustment, obligor, 31-3-203
Deferred deposit lenders, licensing requirement, 31-1-705
Definitions, 17-5-101, 17-5-202, 17-5-401, 17-5-801, 17-5-903, 17-5-1102, 17-5-1302, 17-5-1503, 17-5-1526, 17-5-1527, 17-5-1604, 17-5-2101
Economic development bonds
additional, 17-5-1508
anticipation notes, 17-5-1507
appropriations for, 17-5-1515, 17-5-1516
assignment, power of board of investments, 17-5-1504, 17-5-1505
audits, annual, 17-5-1529
authorization, 17-5-1503, 17-5-1506 — 17-5-1508
bondholders, 17-5-1504, 17-5-1506, 17-5-1508, 17-5-1510, 17-5-1511, 17-5-1516, 17-5-1517, 17-5-1522
bond proceeds fund, 17-5-1514

BONDS AND BOND ISSUES (Continued)
Economic development bonds (Continued)

- cancellation, 17-5-1510
- capital reserve account, 17-5-1514 — 17-5-1516, 17-5-1526, 17-5-1527, 17-6-308, 17-6-311
- citation of Montana economic development bond act of 1983, 17-5-1501
- common bond fund, 17-5-1514
- contracts financed by, standard prevailing wage requirement, 17-5-1526, 17-5-1527, 18-2-403
- coupons, 17-5-1506, 17-5-1513
- debt service fund or account, 17-5-1508, 17-5-1514, 17-5-1515, 17-5-1526, 17-5-1527
- definitions, 17-5-1503, 17-5-1526, 17-5-1527
- financing programs, 17-5-1505, 17-5-1524, 17-5-1526, 17-5-1527
- form and denomination, 17-5-1506
- hearings, 17-5-1526, 17-5-1527
- interest and principal, 17-5-1503, 17-5-1504, 17-5-1506, 17-5-1507, 17-5-1510, 17-5-1515, 17-5-1517, 17-5-1523, 17-5-1526, 17-5-1527
- investments, bonds as, 17-5-1525
- issuance and sale, 17-5-1503, 17-5-1504, 17-5-1506 — 17-5-1508, 17-5-1515, 17-5-1517, 17-5-1523, 17-5-1526, 17-5-1527
- legislative declaration, 17-5-1502
- liability, personal, 17-5-1509
- maturity, 17-5-1506, 17-5-1507, 17-5-1515, 17-5-1517
- negotiability, 17-5-1506, 17-5-1512
- notices, 17-5-1526, 17-5-1527
- operating account, 17-5-1514
- outstanding bonds or notes, 17-5-1506, 17-5-1507, 17-5-1517
- payment, 17-5-1503, 17-5-1504, 17-5-1506 — 17-5-1508, 17-5-1511, 17-5-1515, 17-5-1517, 17-5-1523
- pledge of
  - board of investments, validity, 17-5-1528
  - state, 17-5-1522, 17-5-1523
- powers of board of investments, 17-5-1504
- preference to Montana labor for projects, 17-5-1526, 17-5-1527
- proceeds, 17-5-1507, 17-5-1508, 17-5-1511, 17-5-1514, 17-5-1515, 17-5-1517
- purchase, 17-5-1510, 17-5-1515, 17-5-1517
- redemption, 17-5-1506, 17-5-1507, 17-5-1510, 17-5-1515, 17-5-1517
- refunding, 17-5-1506 — 17-5-1508, 17-5-1517
- registration, 17-5-1506, 17-5-1512
- reserves, 17-5-1503, 17-5-1506, 17-5-1508, 17-5-1515, 17-5-1516, 17-5-1526, 17-5-1527
- resolutions for, 17-5-1506 — 17-5-1508, 17-5-1515, 17-5-1517, 17-5-1528
- rules, 17-5-1504, 17-5-1521
- securities act, exemption from, 17-5-1506
- securities, as, 17-5-1525
- security, 17-5-1504, 17-5-1506, 17-5-1508, 17-5-1511
- signatures, validity, 17-5-1513
- taxation of projects, 17-5-1524
- tax exemption, 17-5-1518
- terms, 17-5-1507, 17-5-1508
- trust indenture, 17-5-1511, 17-5-1517

Election to void, statute of limitations, 13-35-107, See **BALLOT ISSUES**, generally
Electric utility industry restructuring, transition bonds, 69-8-103, 69-8-503
Employment security building bonds

- architect, employment, 17-5-602, 17-5-612
- authorization, 17-5-601, 17-5-604, 17-5-611, 17-5-614
- bids, 17-5-603, 17-5-613
- budget act, nonapplicability, 17-5-610, 17-5-620
- construction, landscaping, and paving, 17-5-602, 17-5-603, 17-5-613
- contractor's bond, 17-5-603, 17-5-613

BONDS AND BOND ISSUES (Continued)
Employment security building bonds (Continued)

  coupons, 17-5-605
  employment security commission building account, 17-5-608, 17-5-618
  form and denomination, 17-5-605, 17-5-615
  interest and principal, 17-5-605, 17-5-607, 17-5-608, 17-5-615, 17-5-617, 17-5-618
  issuance and sale, 17-5-601, 17-5-606, 17-5-607, 17-5-611, 17-5-616, 17-5-617
  location of buildings, 17-5-601, 17-5-611
  payment, 17-5-605, 17-5-607, 17-5-608, 17-5-615, 17-5-617, 17-5-618
  purchase, 17-5-609, 17-5-619
  redemption, 17-5-605, 17-5-615
  registration, 17-5-606, 17-5-616
Estate and probate matters, See **ESTATES AND PROBATE**
Evidence
  hearings by board of investments, 17-5-1611
  municipal finance consolidation bonds and notes, presumption of validity, 17-5-1625
Executive branch reorganization, effect, 2-15-135
Federal covered securities, exemption, 30-10-104
Fee for issuance of bonds, 17-5-2201
Fidelity, See **SURETY BONDS**
Fire company secretaries, 7-33-2312
Fire Department Relief Association disability and pension fund, investment, 19-18-402
Fire districts, rural, 7-33-2109
Foreign capital depositories, services allowed, 32-8-314
General obligation bonds
  CERCLA, Title 75, chapter 10, part 6
  city, See **CITY FINANCE**
  county, See **COUNTY FINANCE**
  crossover refunding, 17-5-2101, 17-5-2102
  fire department relief association disability and pension fund, investment, 19-18-402
  highway, Title 17, chapter 5, part 5
  open-space land purposes, for, 76-6-109
  public fund deposits, security for, 17-6-103
  renewable resource bonds, 85-1-624
  state, Title 17, chapter 5, part 8
Grazing districts, trespassing livestock — security for payment of damages, 76-16-311
Guaranteed arrest bond certificates, 46-9-412, 46-9-414
Guardian, bond of, See **GUARDIANS AND GUARDIANSHIP**
Hard-rock mining local government facility impact bonds, 90-6-307, 90-6-310
Health care facilities, financing by, 7-34-2411, See also **Economic development bonds**, generally
Health Facility Authority bonds, Title 90, chapter 7
Highway general obligation bonds
  additional, 17-5-503, 17-5-506
  authorization, 17-5-501, 17-5-503
  coupons, 17-5-505
  debt service account, 17-5-503, 17-5-507
  fiscal agent for, 17-5-504, 17-5-505
  form and denomination, 17-5-504, 17-5-505
  highway capital projects fund, 17-5-506
  interest and principal, 17-5-503 — 17-5-505, 17-5-507
  issuance and sale, 17-5-501 — 17-5-505
  maturity, 17-5-503, 17-5-504
  payment, 17-5-501, 17-5-505
  proceeds, deposit and use, 17-5-506
  redemption, 17-5-504
  refunding bonds, 17-5-503, 17-5-506

BONDS AND BOND ISSUES (Continued)
Highway general obligation bonds (Continued)

- security, 17-5-507
- site acquisition and construction, authorization, 17-5-502
- taxes, appropriation and pledge, 17-5-503, 17-5-507, 60-3-201
- terms, 17-5-505

Highway revenue bonds
- actions to compel performance, 17-5-925
- additional, 17-5-914, 17-5-921, 17-5-922
- anticipation notes, 17-5-921
- authorization, 17-5-913, 17-5-921
- bondholders, protection and rights, 17-5-914, 17-5-924, 17-5-925, 17-5-928, 17-5-929
- bond registrar and transfer agent, 17-5-922
- citation of Montana highway revenue bonds act of 1983, 17-5-901
- coupons, 17-5-922, 17-5-927
- definitions, 17-5-903
- fiscal agent, 17-5-922
- form and denomination, 17-5-922
- highway revenue bond debt service account, 17-5-911, 17-5-912
- interest and principal, 17-5-911, 17-5-912, 17-5-921, 17-5-922, 17-5-928
- investment of proceeds, 17-5-928
- investments, bonds as, 17-5-930
- issuance and sale, 17-5-913, 17-5-914, 17-5-921 — 17-5-923, 17-5-925, 17-5-927, 17-5-928, 17-5-930
- liability, personal, 17-5-925
- maturity, 17-5-921, 17-5-922, 17-5-928
- negotiability, 17-5-926
- outstanding bonds, 17-5-903, 17-5-914, 17-5-922, 17-5-928
- payment, 17-5-911, 17-5-912, 17-5-922, 17-5-928
- pledge of
  - highway revenues, 17-5-902, 17-5-911 — 17-5-913, 17-5-922
  - state, 17-5-929
- proceeds, 17-5-911, 17-5-921, 17-5-928
- purpose, 17-5-902
- redemption, 17-5-912, 17-5-921, 17-5-922, 17-5-928
- refunding bonds or notes, 17-5-921, 17-5-922, 17-5-928
- registration, 17-5-922
- security, 17-5-913, 17-5-923
- signatures, validity, 17-5-927
- state special revenue fund, 17-5-911, 17-5-914
- taxes, appropriation and pledge, 17-5-903, 17-5-914
- tax exemption, 17-5-930
- terms, 17-5-921, 17-5-922
- trust indenture, 17-5-923 — 17-5-925, 17-5-928

Housing authorities, Title 7, chapter 15, part 45
Housing developments, funding, Title 90, chapter 6, part 1
Indemnity, See **INDEMNITY**
Industrial development projects, funding, Title 17, chapter 5, part 15; Title 90, chapter 5, part 1
Insurance guaranteeing and executing, 33-1-211, See **SURETYSHIP AND SURETIES**, generally
Insurers, See also **INSURERS REGULATION GENERALLY**, **Bonds; Investments**
- deposits, securities eligible for, 33-2-603
- domestic mutuals, requirements, 33-3-205
- farm mutual, investment, 33-4-403

Interest rate, 17-5-101 — 17-5-104, See also specific bond issue
Investment, See **SECURITIES AND SECURITIES REGULATION**

BONDS AND BOND ISSUES (Continued)

Irrigation districts, Title 85, chapter 7, See **IRRIGATION DISTRICTS**
Issuance of bonds, See also specific bond issue
    fee, 17-5-2201
    restraint limitations, 17-5-1001
Libraries, public — purposes, 22-1-304
Limitations of actions, 13-35-107, 17-5-1001
Limited liability companies, issuance, 35-8-107
Long-range building program bonds
    additional, issuance prohibited when, 17-5-802
    authorization, 17-5-402, 17-5-410, 17-5-414, 17-5-415, 17-5-430
    capital projects fund, 17-5-401, 17-5-403, 17-5-404
    costs, payment, 17-5-401, 17-5-404
    debt service account, 15-34-115, 17-5-401, 17-5-403, 17-5-406 — 17-5-408, 17-5-415, 17-7-205
    definitions, 17-5-401
    fiscal agent for, 17-5-403
    form and denomination, 17-5-403
    interest and principal, 17-5-402, 17-5-403, 17-5-405 — 17-5-408
    issuance and sale, 17-5-402, 17-5-403, 17-5-407, 17-5-410, 17-5-414, 17-5-415, 17-5-430
    payment, 17-5-402, 17-5-403, 17-5-410
    prepayment, 17-5-407
    proceeds, 17-5-403
    redemption, 17-5-402, 17-5-407, 17-5-410
    refunding bonds, 17-5-407, 17-5-414, 17-5-415
    reserves, 17-5-405, 17-5-408
    security, 17-5-403, 17-5-405, 17-5-407, 17-5-409
    taxes, appropriation and pledge, 16-11-119, 17-5-403, 17-5-407
    terms, 17-5-403, 17-5-407, 17-5-415
Mausoleum-columbarium authority endowment care fund, investment, 35-21-850
Mineral and coal exploration activities, tax incentive credit — certified expenditures, 15-32-502
Municipal finance consolidation bonds and notes
    actions on, 17-5-1647
    additional, 17-5-1621
    amortization payments, 17-5-1647
    anticipation notes, 17-5-1606, 17-5-1608, 17-5-1609, 17-5-1611, 17-5-1645
    appropriations, 17-5-1630
    audit, annual, 17-5-1649
    authorization, 17-5-1606, 17-5-1621, 17-5-1625
    bondholders, 17-5-1606, 17-5-1609 — 17-5-1611, 17-5-1621, 17-5-1623, 17-5-1624, 17-5-1627, 17-5-1630, 17-5-1643, 17-5-1646, 17-5-1647
    bylaws, 17-5-1605
    citation of municipal finance consolidation act of 1983, 17-5-1601
    construction of provisions, 17-5-1603
    coupons, 17-5-1606, 17-5-1627, 17-5-1643
    credit of state not pledged, 17-5-1642
    debt service funds, 17-5-1621, 17-5-1628, 17-5-1630
    default, 17-5-1621, 17-5-1646, 17-5-1647
    definitions, 17-5-1604
    execution, exemption for board of investments property, 17-5-1648
    form and denomination, 17-5-1606, 17-5-1643
    funds and accounts, 17-5-1631, 17-5-1641
    guaranty and insurance for payment, 17-5-1645
    hearings, 17-5-1611
    implementation of provisions, 17-5-1605
    injunction, 17-5-1647

BONDS AND BOND ISSUES (Continued)
Municipal finance consolidation bonds and notes (Continued)

- interest and principal, 17-5-1606, 17-5-1610, 17-5-1611, 17-5-1630, 17-5-1642 — 17-5-1646
- investment
  - bonds as, 17-5-1628
  - funds and accounts, 17-5-1641
- issuance and sale, 17-5-1606 — 17-5-1611, 17-5-1621, 17-5-1623, 17-5-1625, 17-5-1642, 17-5-1643, 17-5-1650, 20-9-412
- limitations, 17-5-1608, 17-5-1651
- loans to local government units, 17-5-1606, 17-5-1611, 17-5-1623, 17-5-1643, 17-5-1651
- maturity, 17-5-1606, 17-5-1610, 17-5-1611, 17-5-1630, 17-5-1643, 17-5-1646
- negotiability, 17-5-1627
- nonimpairment by state, 17-5-1623
- notice, 17-5-1647
- orders, 17-5-1605
- participation voluntary, 17-5-1607
- payment, 17-5-1606, 17-5-1610, 17-5-1611, 17-5-1621, 17-5-1624, 17-5-1630, 17-5-1645 — 17-5-1647
- pledge by board of investments, validity, 17-5-1622
- policy of state, 17-5-1602
- proceeds, 17-5-1621, 17-5-1624, 17-5-1630
- purchase, 17-5-1606, 17-5-1608 — 17-5-1611, 17-5-1630, 17-5-1643, 17-5-1644, 17-5-1651
- purpose of provisions, 17-5-1602
- redemption, 17-5-1606, 17-5-1610, 17-5-1611, 17-5-1630, 17-5-1646
- refunding, 17-5-1606, 17-5-1608, 17-5-1610, 17-5-1621
- registration, 17-5-1606, 17-5-1643
- renewal, 17-5-1605
- reports, 17-5-1650
- reserve fund, 17-5-1604, 17-5-1630
- reserves, 17-5-1606, 17-5-1621, 17-5-1631
- resolutions, 17-5-1606, 17-5-1610, 17-5-1621, 17-5-1622, 17-5-1630, 17-5-1631, 17-5-1641
- rules, 17-5-1605
- school districts, 20-6-640, 20-9-412
- security, 17-5-1602, 17-5-1611, 17-5-1621, 17-5-1624, 17-5-1644
- signatures, validity, 17-5-1626
- solid waste management districts, applicability, 7-13-301
- subpoena, 17-5-1611
- tax exemption, 17-5-1629
- terms, 17-5-1611
- trustees, 17-5-1621, 17-5-1624, 17-5-1646, 17-5-1647
- trust indentures, 17-5-1610, 17-5-1624
- validity, presumption, 17-5-1625
- witnesses, 17-5-1611

Nonprofit corporations, 35-2-118
Notice of public bond sale, publication, 17-5-106
Off-highway vehicle dealers, requirement, 23-2-818
Official, See **SURETY BONDS**
Performance, See **SURETY BONDS**, generally
Personal property, intangible — tax exemption, 15-6-218
Port authorities, 7-14-1131, 7-14-1133, 7-14-1134
Power of attorney, statutory — authority, 72-31-201, 72-31-224, 72-31-226, 72-31-229, 72-31-231
Principal and income determinations, 72-34-404, 72-34-408, See also **TRUSTS**, **Principal and income, determination**
Probate matters, See **ESTATES AND PROBATE**
Public authorities, See **PUBLIC CONTRACTS**, generally
Public weighers, 7-21-3105

BONDS AND BOND ISSUES (Continued)

Rail authorities, issuance, 7-14-1636
Redemption
  coal severance tax bonds, 17-5-702, 17-5-710, 17-5-716, 17-5-731
  crossover refunding bonds, 17-5-2102
  economic development bonds, 17-5-1506, 17-5-1507, 17-5-1510, 17-5-1515, 17-5-1517
  employment security building bonds, 17-5-605, 17-5-615
  highway general obligation bonds, 17-5-504
  highway revenue bonds, 17-5-912, 17-5-921, 17-5-922, 17-5-928
  long-range building program bonds, 17-5-402, 17-5-407, 17-5-410
  municipal finance consolidation bonds and notes, 17-5-1606, 17-5-1610, 17-5-1611, 17-5-1630, 17-5-1646
  optional method, 17-5-105
  prior to maturity, when, 17-6-213
  state general obligation bonds, 17-5-802, 17-5-803, 17-5-805
Refunding bonds
  application of law, 17-5-303
  authorization, 17-5-301
  character of, 17-5-302
  city, See **CITY FINANCE**
  coal severance tax bonds, 17-5-716, 17-5-720, 17-5-731
  cost and expense, 17-5-304
  county, See **COUNTY FINANCE**
  crossover refunding bonds, 17-5-2101, 17-5-2102
  economic development, 17-5-1506 — 17-5-1508, 17-5-1517
  form, 17-5-302
  highway general obligation bonds, 17-5-503, 17-5-507
  highway revenue bonds, 17-5-921, 17-5-922, 17-5-928
  interest, 17-5-301
  local government, issuance prohibited when, 17-6-213
  long-range building program bonds, 17-5-407, 17-5-414, 17-5-415
  municipal finance consolidation bonds and notes, 17-5-1606, 17-5-1608, 17-5-1610, 17-5-1621, See also **CITY FINANCE**
  notice, 17-5-302
  registration, 17-5-302
  renewable resource, 85-1-617, 85-1-620
  sale, 17-5-302, 17-5-305
  state general obligation bonds, 17-5-803, 17-5-805
  water development revenue bonds, 17-5-721
Registration
  coal severance tax bonds, 17-5-710
  economic development bonds, 17-5-1506, 17-5-1512
  employment security building bonds, 17-5-606, 17-5-616
  exemption, 30-10-104
  highway revenue bonds, 17-5-922
  municipal finance consolidation bonds and notes, 17-5-1606, 17-5-1643
  public obligations, Title 17, chapter 5, part 11
  refunding bonds, 17-5-302
  state general obligation bonds, 17-5-803
Registration of public obligations
  agents, 17-5-1121
  applicability of provisions, 17-5-1105
  certificated public obligation, 17-5-1102, 17-5-1105, 17-5-1111 — 17-5-1114, 17-5-1123
  citation of model public obligations registration act of Montana, 17-5-1101
  construction of provisions, 17-5-1104
  declaration of state interest, 17-5-1103

BONDS AND BOND ISSUES (Continued)
Registration of public obligations (Continued)

  definitions, 17-5-1102
  depositories, 17-5-1121
  election, 17-5-1105
  purpose of provisions, 17-5-1103
  records — inspection, copying, or location, 17-5-1106
  rescission, 17-5-1105
  security, deposits for, 17-5-1123
  system of registration, 17-5-1102, 17-5-1103, 17-5-1122
  uncertificated public obligation, 17-5-1102, 17-5-1105, 17-5-1111, 17-5-1115, 17-5-1123
Renewable resource bonds, 85-1-603, 85-1-605, 85-1-617 — 85-1-620, 85-1-624
Renewable resource development projects, funding, Title 17, chapter 5, part 7; Title 85, chapter 1, part 6
Restraint, limitations, 17-5-1001
Revenue bonds
  city, See **CITY FINANCE**
  coal severance tax, 17-5-720
  county, 7-7-2501
  highway, Title 17, chapter 5, part 9
  irrigation district revenue bond act, Title 85, chapter 7, part 14
  parking commissions, Title 7, chapter 14, part 46
  public fund deposits, security for, 17-6-103
  railroads, Title 60, chapter 11, parts 11 and 12
  solid waste management districts, 7-13-236, 7-13-237, 7-13-308, 7-13-309
  water conservation, Title 85, chapter 1, part 3
  water development, 17-5-721
Rural fire districts, 7-33-2109
Rural special improvement districts, Title 7, chapter 12, part 21
Sale of bonds, See also specific bond issue
  notice, publication, 17-5-106
  restraint limitations, 17-5-1001
School districts, Title 20, chapter 9, part 4, See **SCHOOL FINANCE**, **Bonds and bond issues**
Serial bonds
  economic development bonds, 17-5-1506
  employment security building bonds, as, 17-5-605, 17-5-615
  municipal finance consolidation bonds, 17-5-1606
  refunding bonds, as, 17-5-302
Snowmobile dealers, requirement, 23-2-619
Solid waste management districts, 7-13-236, 7-13-237, 7-13-301, 7-13-308, 7-13-309
Special improvement districts, Title 7, chapter 12, parts 41 and 42
State building construction, approval for, 18-2-103, 18-2-105
State building energy conservation program bonds or anticipation notes, 90-4-602, 90-4-606, 90-4-607, 90-4-611, 90-4-612, 90-4-614
State general obligation bonds
  anticipation notes, 17-5-805
  appropriations, 17-5-802
  authorization, 17-5-802, 17-5-805
  bond registrar and transfer agent, 17-5-803
  capital projects account, 17-5-801, 17-5-803, 17-5-804
  coupons, 17-5-803
  debt service account, 17-5-801 — 17-5-803
  definitions, 17-5-801
  drinking water state revolving fund, purchase, 75-6-212
  fiscal agent, 17-5-803
  form and denomination, 17-5-803

BONDS AND BOND ISSUES (Continued)
State general obligation bonds (Continued)

- interest and principal, 17-5-802, 17-5-803, 17-5-805
- issuance and sale, 17-5-430, 17-5-802, 17-5-803, 17-5-805
- long-range building program bonds, 17-5-414, 17-5-415, 17-5-430, 17-5-802
- maturity, 17-5-803, 17-5-805
- payment, 17-5-802, 17-5-803, 17-5-805
- proceeds, 17-5-803, 17-5-805
- redemption, 17-5-802, 17-5-803, 17-5-805
- refunding bonds or notes, 17-5-803, 17-5-805
- regional correctional facilities, issuance for, 53-30-504
- registration, 17-5-803
- terms, 17-5-803, 17-5-805
- water pollution control state revolving fund program, 75-5-1106, 75-5-1107, 75-5-1121, 75-5-1122

State land leases, required when, 77-6-207
Statutes of limitation, 13-35-107, 17-5-1001
Surety, See **SURETY BONDS**
Surety companies and insurance, See **SURETYSHIP AND SURETIES**
Title insurers, guaranteeing payment prohibited, 33-25-213
Trust company, purpose, 32-1-107
Umbrella bonds
- municipal finance consolidation, Title 17, chapter 5, part 16
- state, Title 17, chapter 5, part 15

Urban renewal, Title 7, chapter 15, part 43
Utilities, rural cooperatives — member approval prerequisite to indebtedness for nuclear power generating facility, 35-18-318
Validation, 17-5-203
- application, 17-5-204, 17-5-205
- citation of bond validating act, 17-5-201
- definitions, 17-5-202

Volume cap bonds
- agricultural purposes, authority — reassignment, 17-5-1325
- allocations
  - applications for, 17-5-1316, 17-5-1323
  - expiration, 17-5-1318, 17-5-1322
  - governor, authorization by, 17-5-1314
  - issuance, 17-5-1316, 17-5-1318
  - local issuers, to, 17-5-1313, 17-5-1314
  - nontransferability, 17-5-1321
  - notice of approval or disapproval, 17-5-1317, 17-5-1318, 17-5-1322
  - reapplication, 17-5-1322
  - records, 17-5-1323
  - state issuers, to, 17-5-1312, 17-5-1314, 17-5-1316
  - termination, 17-5-1318
  - terms, 17-5-1318
  - validity, period of and extension, 17-5-1318
- audit, annual, 17-5-1312
- carryforward elections, 17-5-1315, 17-5-1318
- citation of Montana unified volume cap bond allocation plan act, 17-5-1301
- definitions, 17-5-1302
- local portion, 17-5-1302, 17-5-1311, 17-5-1313
- set-asides, 17-5-1312, 17-5-1313
- short title, 17-5-1301
- state portion, 17-5-1302, 17-5-1311, 17-5-1312
- volume cap and reservations, 17-5-1311

Vote on, See **BALLOT ISSUES**, generally

BONDS AND BOND ISSUES (Continued)

Water and wastewater authorities, regional, See **WATER AND WASTEWATER AUTHORITIES, REGIONAL**
Water conservancy districts, Title 85, chapter 9, part 6
Water conservation revenue bonds, 85-1-206, 85-1-210, 85-1-211, 85-1-220; Title 85, chapter 1, part 3
Water development bonds, 17-5-721
Water pollution control state revolving fund program, 75-5-1106, 75-5-1107, 75-5-1121, 75-5-1122
Water supply and sewer districts, 7-13-3034, 7-13-3035, 7-13-3037 — 7-13-3039
Workers' compensation
  bonds, 39-71-2321, 39-71-2354, 39-71-2355, 39-71-2503
  public corporations, establishment of self-insurance fund, 39-71-403
  security for employer, as, 39-71-2106

BOTTLED WATER
Company name, misrepresentation, 50-31-238
Definitions, 50-31-103
Health claims prohibited, 50-31-237
Labeling requirements, 50-31-236 — 50-31-238

BOUNTIES, Title 81, chapter 7, parts 1 and 2
  See **PREDATORS AND PREDATOR CONTROL**

BOW AND ARROW HUNTING
  See **FISH AND WILDLIFE, Bow and arrow**

BOWLING ALLEYS
Fire protection and safety regulations, 50-61-103
Licenses, city, 7-21-4201, 49-3-204

BOXING AND WRESTLING
Abusive language or threats to officials or spectators, 23-3-603
Administration of provisions, 23-3-405
Admission
  fee, 23-3-404
  federal admission tax, 23-3-601
Amateur associations, 23-3-404
Athletics, Board of, 2-15-1882; Title 23, chapter 3
Bribery unlawful, 45-8-214
Championship matches, labeling authority, 23-3-405
Decisions by officials, review, 23-3-405
Definitions, 23-3-301
Disciplinary authority, 23-3-603
Enforcement of provisions, 23-3-402, 23-3-405
Examination of books and records of licensee, 23-3-602
Gloves, weight, 23-3-405
Licenses and licensing, 23-3-404, 23-3-501
  bond required, 23-3-502
  forfeiture and disqualification when, 23-3-602
  revocation or suspension, 23-3-603
  rules for, 23-3-405
Mud wrestling, 23-3-404
Physical examination of contestants, 23-3-405
Physicians, attendance required at matches or exhibitions, 23-3-405
Prizes or purse, 23-3-404
Promoters, 23-3-403, 23-3-405, 23-3-501
Records, 23-3-401, 23-3-602

BOXING AND WRESTLING (Continued)

Referees, managers, or judges, 23-3-403 — 23-3-405, 23-3-501
Reports, 23-3-601, 23-3-602
Ring officials or timers, 23-3-403
Rounds, number and length, 23-3-405
Rules, 23-3-402, 23-3-405, 23-3-502, 23-3-603
Safety measures, 23-3-405
Seconds, 23-3-405, 23-3-501
"So you think you are tough" boxing matches, 23-3-404
Subpoenas, 23-3-602
Supervision of matches or exhibitions, 23-3-402
Suspension of right to participate, 23-3-404, 23-3-603
Tax, federal admission, 23-3-601
Tax on gross receipts, 23-3-601, 23-3-602
Ticket sales, report, 23-3-601, 23-3-602
Trainers, 23-3-403, 23-3-501
Unsportsmanlike conduct, 23-3-603
Violation of provisions, 23-3-603, 23-3-611, 45-8-214

BRAIN DEATH ACT, UNIFORM, 50-22-101

BRANCHES OF GOVERNMENT
Executive
    cities and towns, 7-1-4121
    state, See **EXECUTIVE BRANCH**
Judicial, See **JUDICIAL BRANCH**
Legislative, See **LEGISLATIVE BRANCH**
Separation of powers, Const., III, 1

BRANDS
Recording and inspection, Title 81, chapter 3, See **LIVESTOCK, Marks and brands**
Security interests, livestock, Title 81, chapter 8, part 3

BREWERS
    See **ALCOHOLIC BEVERAGES, Beer brewers, importers, and wholesalers**

BRIDGES
    See also **COUNTY ROADS AND BRIDGES**
"Barrier" defined, 23-2-301, See **RIVERS AND STREAMS, Recreational use**
Business improvement districts, within, 7-12-1131
Cities and towns
    commission
        right to occupy or use, grant for, 7-3-4449
        supervision, 7-3-4447
    jurisdiction of city court, 3-11-103
    public service, director of — authority, 7-3-4441
    public works, director of — authority, 7-3-1331
    tax increment financing, costs paid by, 7-15-4288
Construction, 60-2-201, 60-2-206
    funding and funds for, Title 90, chapter 6, part 7, See also generally **CITY FINANCE, Bond issues; Indebtedness; SPECIAL IMPROVEMENT DISTRICTS**
    public service, director of — authority, 7-3-4441
Definitions, 60-1-103
Eminent domain, 70-30-102, 70-30-103
Flood plains and floodways, Title 76, chapter 5, See **FLOOD PLAINS AND FLOODWAYS, Obstructions**
Insurance against loss or damage to, 33-1-209, 33-1-226, See **INSURANCE, MARINE**
Maintenance, 7-3-4441, 60-2-201, 60-2-206

BRIDGES (Continued)

Marking, rules for, 60-2-201
Motor vehicles
  illegally stopped or unattended, removal, 61-8-705
  overtaking vehicles when approaching bridge, 61-8-325
  speed limitations, 61-8-313
  stopping, standing, or parking prohibited when, 61-8-354
Railroads, running trains over unsafe bridges unlawful, 69-14-562
Repairs, 7-3-4441, 60-2-201, 70-16-107
Speed limit on, 61-8-313
Supervision, 7-3-4447
Taxes, assessment, 15-8-405
Trailers transporting materials for, registration fee, 61-3-321, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Registration**
Use, right to — grant for, 7-3-4449

BROKERS
Commission merchants, See **SALES**
Factors, See **SALES**
Motor vehicles, See generally **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Dealers and wholesalers; Manufacturers, distributors, and importers**
Real estate, Title 37, chapter 51, See **REAL ESTATE BROKERS AND SALESPERSONS**
Securities, See **SECURITIES AND SECURITIES REGULATION**
Timeshares, Title 37, chapter 53, See **TIMESHARE SALES**
Wage, Title 31, chapter 1, part 3

BRUCELLOSIS, 81-2-201, 81-2-403, 81-2-703
  See **LIVESTOCK**

BUDGET AND BUDGETING
Administrative rules, nonapplicability, 2-4-102, 2-5-103
Agency operating budgets, building repair and maintenance costs — inclusion, 18-2-102
Agency program budgets, 17-7-111, 17-7-140
  continuing and reliable source of revenue, 17-1-502
Appropriations, See also **APPROPRIATIONS**
  anticipated revenue, appropriations may not exceed, Const., VIII, 8; VIII, 9
  executive budget, inclusion, 17-7-123
  general fund spending reductions, 17-7-140
  operating budget, 17-7-138
  program transfers, 17-7-139
  supplemental, 17-7-301, 17-7-311
Approving authority, 17-7-102, 17-7-138, 17-7-139, 17-7-301, 17-7-402 — 17-7-405
Balanced budget, 17-7-111, 17-7-123, 17-7-140; Const., VIII, 8
Budget Act
  employment security building bonds, applicability, 17-5-610, 17-5-620
  generally, Title 17, chapter 7, part 1
  public employees' retirement, validity and effectiveness, 19-2-1008
Budget amendments
  agriculture, department of — rural rehabilitation program, administrative expense increase, 80-2-102
  appropriations, temporary — creation, 17-7-501
  approving authority, 17-7-102, 17-7-402 — 17-7-405
  budget comparisons, inclusion, 17-7-151
  certification, 17-7-403 — 17-7-405
  community college districts, 20-15-325
  consumer counsel, 69-1-224
  definitions, 5-12-102, 17-7-102

BUDGET AND BUDGETING (Continued)
Budget amendments (Continued)

  developmental disabilities, institutions for persons with — transfers of funding, 53-20-214
  drug forfeiture account expenditures, approval, 44-12-206
  emergency, 17-7-402, 17-7-403, 20-9-168, 75-10-621
  environmental quality, department of — spending authorization, 75-10-621, 75-10-704
  federal assistance program funds, expenditure, 17-3-108
  long-range building program, 17-7-211
  overspending, 5-12-401, 17-8-103, 17-8-104
  procedures, 17-7-404
  requirements, 17-7-402
  rural rehabilitation program, required, 80-2-102
  school districts, See **SCHOOL FINANCE**
  special law enforcement assistance account, expenditures — approval, 44-13-102
  submission, 5-12-401, 17-7-402, 17-7-404
  void when, 17-7-405
Budget bill, action on, 17-7-131
Budget comparisons, 17-7-151
Budget deficit, 17-7-140
Budget director, duties, See **BUDGET AND PROGRAM PLANNING, OFFICE OF**
Budget performance, measure of, 17-7-151
Capital construction budget, 17-7-203
Chief budget officer, 17-7-103
Citation of Budget Act, 17-7-101
Cities and towns, See **CITY FINANCE**
County, See **COUNTY FINANCE**
Definitions, 17-7-102, 17-7-140
Enterprise and internal service funds, information concerning and appropriation, 17-7-111, 17-8-101
Estimates, See **Requests**
Executive budget
  agricultural loan guaranty fund minimum reserve requirement, sum requested, 80-12-216
  building energy conservation program
    energy cost savings, 90-4-614
    project recommendations, 90-4-606
  contents and form, 17-7-123
  dedication of revenue, 17-1-507
  economic development bonds, capital reserve requirements, 17-5-1516
  health facility authority capital reserve account minimum reserve, amount required to restore — inclusion, 90-7-319
  housing, board of — capital reserve account minimum reserve, inclusion of amount required to restore, 90-6-120
  legislative fiscal analyst, duties, 5-12-302
  long-range building program, 17-7-111, 17-7-204
  pay plan schedules and salary upgrades, 17-7-111, 17-7-112
  recommendations and information, 17-7-111, 17-7-123, 17-7-124, 17-7-204
  resource indemnity trust interest account, diversion of allocations — requirements, 15-38-202
  state prevention programs, interagency coordinating council for — for prevention programs, 2-15-225
  statutory appropriations, 17-1-508, 17-7-151
  submission to legislature, Const., VI, 9
  water storage projects, 85-1-704
Expenditures
  budget comparisons, 17-7-151
  general fund, reductions, 17-7-140
  levels of, 5-12-303, 17-1-102, 17-7-112, 17-7-138

BUDGET AND BUDGETING (Continued)
Expenditures (Continued)

    limitations and conditions, 17-8-103
    nonstate and nonfederal money, 17-7-402, 17-7-403, 17-8-101
    operating budget, 17-7-138
    penalty for violations, 17-8-104
    procedures, 17-8-102
    recommendations, filing, 5-12-303
Federal mandates, recommendation requirements, 2-1-405
Game Wardens' and Peace Officers' Retirement System, state contributions, 19-8-504
General fund budget deficit, 17-7-140
Hearings, budget director and agency representatives — right of appearance, 17-7-132
Housing development, lower income — capital reserve account, 90-6-120
Judges' Retirement System, state contributions, 19-5-404
Legislative action on, 17-7-131
Levies to meet, 15-7-122
Lobbying payments, budget preparation not, 5-7-211
Long-range building program, 17-7-111, 17-7-204, 17-7-211
Operating budget, 17-7-138
Overspending, 5-12-401, 17-8-103, 17-8-104
Preliminary budget, 17-7-112, 17-7-121
Preparation of budget, 17-7-111, 17-7-112, 17-7-122
Privatization of state programs, plan for — contents, 2-8-303
Program transfers, 17-7-139
Public Employees' Retirement System, state employer costs, 19-3-317
Requests
    contents and form distribution, 17-7-111, 17-7-112
    fire services training school, submission, 20-31-102
    investigations and inquiries, 17-7-113
    judicial branch, 3-1-702, 17-7-122
    legislative branch, 17-7-122
    preparation, 17-7-111, 17-7-112
    submission, deadline and exceptions, 17-7-111, 17-7-112
    supplemental, 17-7-301, 17-7-311
    water storage projects, 85-1-704
Salary upgrades and pay plan schedules, inclusion, 17-7-111, 17-7-112
Schools, See **SCHOOL FINANCE, Budgets and budgeting**
Social security contributions, allowance for, 19-1-703, 19-1-825
State general obligation bond interest, principal, and redemption — inclusion, 17-5-802
Submission
    to governor and governor-elect, 17-7-112, 17-7-121
    to legislative fiscal analyst, 17-7-111, 17-7-112, 17-7-121, 17-7-122
    to legislature, Const., VI, 9
Telecommunications services and equipment for persons with disabilities, program budget, 53-19-305
Workers' compensation fraud office, 2-15-2015

BUDGET AND PROGRAM PLANNING, OFFICE OF
Administration, Department of
    group insurance plans for state employees, reports — submission, 2-18-811
    public employees' compensation, salary survey — submission, 2-18-301
Appropriations
    budger comparisons, 17-7-150, 17-7-151
    program transfers, request submitted to, 17-7-139
    transfers between agencies, report, 17-8-101
    unexpended, spending amount — determination, 17-7-304
Budget comparisons, requirements, 17-7-150, 17-7-151

BUDGET AND PROGRAM PLANNING, OFFICE OF (Continued)

Budget director, 5-12-102, See also **PUBLIC OFFICERS OR EMPLOYEES**, generally
  access to information, 17-1-132
  appointment, 17-7-103
  appropriations, insufficient — request for expenditure of second fiscal year appropriation, 17-7-301, 17-7-311
  ballot issues, preparation of fiscal notes, 13-27-312
  budget, See also **BUDGET AND BUDGETING**
    amendments, 5-12-102, 5-12-401, 17-7-211, 17-7-402
    audit costs, inclusion, 5-13-402
    budget comparisons, requirements, 17-7-151
    deficit and spending reductions, 17-7-140
    executive budget, contents, 17-7-123
    expenditures, 5-12-303, 17-8-102
    hearings, right to appear, 17-7-132
    preliminary, preparation and submission, 17-7-112, 17-7-121
    preparation, 17-7-111
    requests, 17-7-111, 17-7-112
  community college districts, budget forms and funding proposal, 20-15-309
  fiscal impacts on local government, estimation required, 5-4-210
  fiscal notes, responsibility and preparation, 5-4-203, 5-4-204, 5-4-206, 13-27-312
  fish, wildlife, and parks — department of, reports, 87-2-722
  income tax, individual — information provided to, 15-30-303, 17-7-111
  investigations and inquiries by, 17-7-113
  legislature, assistance to, 17-1-131
  long-range building program, 17-7-111, 17-7-211
  medicaid payments to personal-care facilities, certification required, 53-6-101
  personnel, 17-7-103
  publishing policy committee, member, 2-15-1017
  report requirements, 17-1-131
  statewide classification and pay plans
    positions and employees, 2-18-204, 2-18-206
    salary and wage adjustments, 2-18-106
    schedules, submission, 17-7-111, 17-7-112
  superintendent of public instruction, request for supplemental appropriations when, 20-9-351
  vehicle equipment safety commission, budget submitted by, 61-2-208
  workers' compensation benefit claim processing, operation plan — review and approval, 39-71-203
  workers' compensation state fund, unfunded liability — additional funding, 39-71-2354
Commerce, Department of — professional and occupational licensing reports to, 37-1-106
Commercial property, delinquent taxes — notification and consultation concerning suspension or cancellation, 15-24-1702
Corporation income tax information provided to, 15-31-511
Departmental positions, elimination — appropriation increases as incentive, 2-15-112
Enterprise and internal service funds, reports on, 17-8-101
Environmental Quality, Department of — reports to, 75-10-533
Fiscal notes, dedication of revenue findings — inclusion, 17-5-106
Fish, Wildlife, and Parks — Department of, reports, 87-2-722
General fund budget deficit and spending reductions, 17-7-140
Income tax, individual — information provided to, 15-30-303, 17-7-111
Insurance, commissioner of — comprehensive health association members, report of premium tax offsets, 33-22-1513
Lottery, state — spending authority, review and approval for increase, 23-7-402
Privatization of programs or services, information submitted to legislative audit committee, 2-8-304

BUDGET AND PROGRAM PLANNING, OFFICE OF (Continued)

Property valuation and assessment system fee, exemption, 2-6-110
Revenue dedication
  executive budget, in, 17-1-507
  review of provisions, 17-1-505
Statutory appropriations, review, 17-1-508
Superintendent of public instruction, equalization aid information, 20-9-346
Teachers' Retirement Board, reports to, 19-20-201
University system maintenance expenditures and equipment and fixed assets purchase, plan for — information to, 17-7-304

BUDGET LAW, MUNICIPAL, Title 7, chapter 6, part 42
  See **CITY FINANCE, Budget**

BUFFALO, 15-24-921, 15-24-922, 81-2-120, 81-2-121, 81-5-101, 81-5-104, 87-1-216, 87-3-130
  See **FISH AND WILDLIFE, Bison; LIVESTOCK; MEAT AND MEAT PRODUCTS; TAXATION, PROPERTY, Livestock**

BUILDING AND LOAN ASSOCIATIONS
Accounting, uniform system, 32-2-302
Accounts, See **Savings accounts**
Actions
  conversion of association, effect, 32-2-257
  directors, board of — against or for recovery of losses, 32-2-304
  fines for violations, recovery, 32-2-106
  foreign associations, 32-2-261
  insolvency, impairment, appointment of receiver, or liquidation, 32-2-309
  power to sue and be sued, 32-2-401
  statute of limitations, 27-2-213
Agents
  appointment, 32-2-401
  assets of association, purchase, 32-2-109
  bond requirements, 32-2-408
  contracts paying income to person other than association, approval, 32-2-305
  examination of, 32-2-302
  falsification or fraud, 32-2-107
  foreign associations, 32-2-261 — 32-2-263, 32-2-409
  license requirements, 32-2-409
  obligations of association, purchase, 32-2-108
  penalties, fines, or premiums exceeding maximum rate — collection unlawful, 32-2-402
Alcoholic beverage license mortgagees, fingerprints not required, 16-4-403
Annual statements, 32-2-412, 32-2-413
Application of laws, 32-2-103
Articles of incorporation, 32-2-104, 32-2-201, 32-2-202, 32-2-205, 32-2-253, 32-2-401
Assets
  borrowing money, limitation, 32-2-401
  insolvency or impairment, disposition, 32-2-309
  investments, restrictions, 32-2-406
  liquidation, disposition, 32-2-309, 32-2-431
  loan limitations, 32-2-415
  pledge of, 32-2-405
  purchase by directors, officers, agents, or employees, 32-2-109, 32-2-309
Assignments
  capital stock associations, failure to complete organization, 32-2-241
  mutual associations, failure to complete organization, 32-2-232
  transfer of stock, 32-2-211, 32-2-212
Board of directors, See **Directors, board of**

BUILDING AND LOAN ASSOCIATIONS (Continued)

Borrowing money, 32-2-401, 32-2-404, 32-2-405
Branching prohibited, 32-2-271
Bylaws, 32-2-104, 32-2-204 — 32-2-206, 32-2-208, 32-2-253, 32-2-401, 32-2-411
Capital and capital stock, 32-2-101, 32-2-241, See also **Capital stock associations**; **Stockholders**
  articles of incorporation, statement in, 32-2-201
  conversion of association, 32-2-254, 32-2-255
  deceased stockholder, purchase of stock from, 32-2-245
  foreign associations, 32-2-261, 32-2-264
  funeral plans, prearranged — investment of money in stock, 37-19-828, 37-19-829
  increase or decrease of stock, 32-2-401
  interest on delinquent stock payments, 32-2-402
  issuance of stock and restrictions, 32-2-243, 32-2-244, 32-2-401
  joint ownership of shares, 32-2-416
  liquidation, payment priority, 32-2-431
  requirements, 32-2-241 — 32-2-244
  reserve fund, determination of amount, 32-2-411
  retirement of stock, 32-2-243 — 32-2-245
  solicitation for sale of stock, 32-2-409
  subscriptions of stock, 32-2-241, 32-2-242, 32-2-254
  surplus, 32-2-242, 32-2-244, 32-2-254, 32-2-255
  transfer of stock, 32-2-211, 32-2-212
  trust, shares held in, 32-2-417
Capital stock associations, specific provisions, 32-2-101, See also **Capital and capital stock**; **Stockholders**
  articles of incorporation, 32-2-201
  conversion, See **Conversion of association**
  directors, removal, 32-2-207
  mutual association, conversion from, 32-2-244
  organization, 32-2-205, 32-2-241
  verification statement, filing, 32-2-242
Child support debts, service upon, 40-5-244
Coal severance tax fund loans, Title 17, chapter 6, part 3
Concealed weapons, carrying in, 45-8-328
Conformity required, 32-2-104, 32-2-252
Consolidation, 32-2-244, 32-2-271
Consumer loan business, purchase by association, 32-5-103
Continual succession, 32-2-101, 32-2-401
Contracts paying income to person other than association, 32-2-305
Conversion of association, 32-2-251
  capital stock, to mutual, 32-2-255
  certificate of conversion, 32-2-256
  federal savings and loan association, to, 32-2-441, 32-2-442
  mutual, to capital stock, 32-2-244, 32-2-254
  plan of conversion
    approval, 32-2-251, 32-2-252
    submission to members or stockholders, 32-2-253
  rights and obligations, continuance, 32-2-257
Corporate existence
  conversion of association, effect, 32-2-256
  evidence of, 32-2-203
Crimes, See **Unlawful practices**
Deferred deposit lender licensing provisions, nonapplicability, 31-1-704
Definitions, 32-2-101

BUILDING AND LOAN ASSOCIATIONS (Continued)

Deposits
- bank or bank holding company, control — limitation, 32-1-371, 32-1-383
- campaign funds, depository for, 13-37-205
- child support debts, service upon — effective when, 40-5-244
- credit unions
    - deposits by, 32-3-401
    - investment in, 32-3-701
    - risk assets, 32-3-704
- fire department relief association disability and pension fund, investment, 19-18-402
- public money, See **Public fund deposits**
- rural special improvement district funds, investment in, 7-12-2175
- school district money, investment in, 20-9-213
- special improvement district funds, investment in, 7-12-4207
- trust funds, 72-34-311
- water conservancy district funds, investment in, 85-9-604, 85-9-629

Deposits and collections, "bank" defined, 30-4-104, See **BANK DEPOSITS AND COLLECTIONS**

Development corporation, membership in, 32-4-101, 32-4-302

Directors, board of, 32-2-206, 32-2-401
- annual statements, 32-2-413
- assets of association, purchase, 32-2-109, 32-2-309
- bonding of officers, agents, and employees, 32-2-408
- bylaws
    - adoption and amendment, 32-2-204, 32-2-401
    - statement in, 32-2-204
- capital and surplus, use, 32-2-242
- capital stock
    - deceased stockholder, purchase from — resale, 32-2-245
    - issuance, 32-2-243
- consolidation of association, 32-2-271
- conversion of association, 32-2-251, 32-2-254
- election, qualification, and term, 32-2-204, 32-2-206, 32-2-253
- examination findings available to, 32-2-301
- falsification or fraud, 32-2-107
- insolvency or impairment, 32-2-309
- liquidation
    - reorganization under, 32-2-432
    - voluntary, 32-2-431
- losses, contingent — creation of fund, 32-2-410
- meetings, 32-2-206, 32-2-208, 32-2-309
- obligations of association, purchase, 32-2-108
- officers, selection, 32-2-206
- proxies, duties, 32-2-210
- removal, 32-2-207, 32-2-304
- report of condition, verification, 32-2-303
- savings accounts, transfer, 32-2-211
- stock, transfer — requirements, 32-2-212

Discriminatory practices, See **DISCRIMINATION, Credit transactions**; **Financial institutions**

Dissolution, 32-2-401

Distributions, 32-2-401, 32-2-411

Dividends, 32-2-211, 32-2-401, 32-2-402, 32-2-403, 32-2-411

Earnings, 32-2-233, 32-2-401, 32-2-410, 32-2-411

Economic development projects, acquisition and financing, Title 17, chapter 5, part 15

Electronic funds transfer, Title 32, chapter 6

BUILDING AND LOAN ASSOCIATIONS (Continued)

Employees, See **Officers and employees**
Enforcement of laws, 32-2-101, 32-2-103, 32-2-104
Escrow accounts and escrow businesses, 32-7-103, 32-7-117
Estates, nonprobate transfers, 72-6-201
Evidence
  articles of incorporation, certified copy evidence of facts therein, 32-2-202
  corporate existence, 32-2-203
  directors, board of — negligence by, 32-2-304
  examinations, for, 32-2-302
  federal savings and loan association, conversion to — minutes evidence of meeting taking action, 32-2-441
  foreign association, agent's consent — presumption of execution and authority, 32-2-262
  transfer of stock or savings accounts, status of owner or loss of certificate, 32-2-212
Examination, 32-2-301
  confidentiality, 32-2-307
  conversion of association, prior to, 32-2-252
  evidence for, 32-2-302
  false statements, 32-2-107, 32-2-307
  funding for, 32-2-102, 32-2-110
  liquidation, voluntary, 32-2-431
  refusal of permission for, 32-2-107
  removal of directors, officers, or employees when, 32-2-304
  special examinations, 32-1-215, 32-2-301
  statement of, 32-2-306
Expenses, 32-2-404, 32-2-411, 32-2-431
Family education savings accounts, depository and manager for, Title 15, chapter 62
Federal home loan banks
  applicability of laws, 32-2-111
  borrowing from, 32-2-401, 32-2-405
  federal savings and loan association, organization and charter, 32-2-441
  investment in, 32-2-406
  membership in, 32-2-308
  real estate loans, limitations, 32-2-407
Federal savings and loan associations
  conversion to, 32-2-441, 32-2-442
  equality of rights, 32-2-111
Fees
  agent's license, issuance or renewal, 32-2-409
  annual fee, 32-2-110
  disposition, 32-2-102
  membership fee, 32-2-204, 32-2-305, 32-2-404
  special examination, 32-1-215
First-time home buyer savings account administrators, as, Title 15, chapter 63
Foreign associations
  agent, 32-2-261 — 32-2-263, 32-2-409
  attachment of stock or savings accounts, 32-2-264
  branching prohibited, 32-2-271
  contracts void when, 32-2-263
  reciprocity, obligations and prohibitions, 32-2-105
  requirements, 32-2-261
  secured loans, purchasing, 32-2-103
Foreign capital depositories, financial records and privacy provisions, 32-8-502, See also FOREIGN CAPITAL DEPOSITORIES
Funds transfers, Title 30, chapter 4A
Home inspection and inspector provisions, exclusion, 30-14-1003

BUILDING AND LOAN ASSOCIATIONS (Continued)

Impairment, 32-2-309, See also **Liquidation**
Incorporation
    articles of incorporation, 32-2-104, 32-2-201, 32-2-202, 32-2-205, 32-2-253, 32-2-401
    certificate of incorporation, 32-2-106, 32-2-203, 32-2-205, 32-2-232, 32-2-241, 32-2-243
    consolidation, by, 32-2-271
    investigations, 32-2-205
Insolvency, 32-2-309, See also **Liquidation**
Installment loans, 31-1-202, 32-2-403
Insurance
    administrators, exclusion from provisions, 33-17-102
    deceased stockholder's stock, purchase — to fund, 32-2-245
    indemnification, for, 33-1-211, See **SURETYSHIP AND SURETIES**, **Surety insurance**
    viatical settlement provider, nonapplicability of provisions, 33-20-1302
Insurers
    premium finance companies, license not required, 33-14-201
    restrictions, 33-18-501
Investments, 32-2-406
    authorization, 32-2-401
    economic development bonds, 17-5-1525
    health facility authority bonds, 90-7-113
    housing authority bonds, 7-15-4505
    municipal finance consolidation bonds or notes, 17-5-1628
    urban renewal bonds, 7-15-4306
    water and wastewater authorities, regional — revenue bonds, 75-6-329
Jury duty, depositor-institution relationship not grounds for challenge of juror, 25-7-223
Liquidation
    capital stock, retirement, 32-2-244
    insolvency or impairment, upon, 32-2-309
    mutual associations, expense fund contributions — repayment, 32-2-233
    reorganization of association, 32-2-432
    voluntary liquidation and settlement, 32-2-431
Loans
    authorization, 32-2-401
    cancellation, 32-2-401, 32-2-403
    coal severance tax fund loans, Title 17, chapter 6, part 3
    energy improvement loans, interest and tax credit, 15-32-107
    expenses of association, charges as, 32-2-411
    foreign associations, purchase of secured loans, 32-2-103
    installment loans, 31-1-202, 32-2-403
    interest, 32-2-401, 32-2-402
        rate limitation exemption, 31-1-111, 31-1-112
        statement of rate charged, 32-2-403
    late payment penalty, 32-2-402
    limitations, 32-2-415
    liquidation, unlawful during, 32-2-431
    motor vehicle dealer and wholesaler licensing provisions, effect of selling repossessed collateral, 61-4-108
    real estate
        homesteads subject to execution for certain judgments, acknowledgment required, 70-32-221
        limitations, 32-2-407
        mortgages, Title 71, chapter 1, parts 1 and 2
        national housing act loans, 32-2-501 — 32-2-503
        servicemen's readjustment act of 1944, guaranteed by, 32-2-420
        trust indentures, Title 71, chapter 1, part 3

BUILDING AND LOAN ASSOCIATIONS (Continued)
Loans (Continued)

solicitation of, 32-2-409
Losses, 32-2-242, 32-2-304, 32-2-404, 32-2-411
contingent losses, fund for, 32-2-401, 32-2-410, 32-2-411
Medical care savings account administrators, as, Title 15, chapter 61
Members, 32-2-101, See also **Stockholders**
assets, sale to, 32-2-309
bylaws, statement in, 32-2-204
consolidation of association, 32-2-271
conversion of association, 32-2-252 — 32-2-255
directors, removal, 32-2-207
examination of association, request for, 32-2-301
federal savings and loan association, conversion to, 32-2-441
fines, premiums, or penalties charged to or collected from — prohibited, 32-2-402
joint ownership, 32-2-101, 32-2-416
liquidation
reorganization of association in, 32-2-432
voluntary, 32-2-431
meetings, 32-2-207 — 32-2-209, 32-2-253, 32-2-271, 32-2-309, 32-2-431, 32-2-432, 32-2-441
proxies, 32-2-209, 32-2-210
Merger, 32-2-244, 32-2-271
Minors
deposit for, 72-5-104
savings certificates and accounts, 32-2-401, 32-2-418
transfers to, custodian, 72-26-502, 72-26-603
Mortgages, See **Loans**, real estate; **MORTGAGES**
Municipal finance consolidation, powers of board of investments, 17-5-1651
Mutual associations, specific provisions, 32-2-101
conversion, See **Conversion of association**
directors, removal, 32-2-207
expense fund, 32-2-232, 32-2-233
meetings, special — calling, 32-2-208
organization, 32-2-205, 32-2-232, 32-2-233
Name of association, 32-2-201, 32-2-401, 32-2-442
National Housing Act loans, 32-2-501 — 32-2-503
Obligations
conversion of association, effect, 32-2-257, 32-2-442
power to enter into, 32-2-401
preexisting, 32-2-104
purchase by directors, officers, agents, or employees, 32-2-108
Officers and employees
appointment, 32-2-206, 32-2-401
assets of association, purchase, 32-2-109, 32-2-309
bond requirements, 32-2-232, 32-2-241, 32-2-408
bylaws, governed by, 32-2-204
election, 32-2-206, 32-2-253
examination of, 32-2-302
falsification or fraud, 32-2-107
federal savings and loan association, conversion to, 32-2-441
liquidation, voluntary, 32-2-431
obligations of association, purchase, 32-2-108
penalties, fines, or premiums exceeding maximum rate — collection unlawful, 32-2-402
property tax statement, secretary to furnish, 15-24-801
removal, 32-2-304
report of condition, verification, 32-2-303

BUILDING AND LOAN ASSOCIATIONS (Continued)

Power of attorney, statutory — authority, 72-31-228
  stock transfers, 32-2-211
Powers and duties, 32-2-104, 32-2-111, 32-2-401
Profits, 32-2-254, 32-2-255, 32-2-414
Property
  acquisition and conveyance, 32-2-401
  consolidation of association, 32-2-271
  conversion of association, 32-2-256, 32-2-442
  fraud, obtaining by, 32-2-107
  investment in, 32-2-406
  liquidation, disposition, 32-2-309, 32-2-431
  maintenance, 32-2-404
Proxies, 32-2-210
  consolidation of association, vote on, 32-2-271
  conversion of association, vote on, 32-2-253, 32-2-441
  meetings, entitlement to vote, 32-2-209
  reorganization under liquidation, ratification, 32-2-432
Public fund deposits
  cities and towns, 7-6-201, 7-6-203, 7-6-206 — 7-6-208, 7-6-211
  counties, 7-6-201, 7-6-203, 7-6-206 — 7-6-208, 7-6-211
  state, 17-6-101, 17-6-102, 17-6-104, 17-6-105
Purpose, 32-2-101, 32-2-103
Reciprocity, laws of other states, 32-2-105
Records, 32-2-306, 32-2-309
Reorganization, See **Conversion of association**; **Liquidation**
  capital stock, restrictions — applicability, 32-2-244
  consolidation of association, 32-2-271
Reports by Department of Commerce, 32-2-306, 32-2-307
Reports to Department of Commerce, 32-2-302, 32-2-303
  annual report of financial condition, 32-2-306, 32-2-412, 32-2-413
  false statements, 32-2-107
Reserves or reserve fund, 32-2-233, 32-2-242, 32-2-254, 32-2-255, 32-2-411
Sales finance company, as, 31-1-202, 31-1-221
Savings accounts, 32-2-101
  contingent losses, fund for — determination of amount, 32-2-410
  conversion of association, 32-2-252, 32-2-254, 32-2-255
  deceased stockholder's stock, purchase — effect, 32-2-245
  earnings, 32-2-233
  foreign associations, 32-2-264
  interest, 32-2-404, 32-2-418
  joint ownership, 32-2-101, 32-2-416
  liquidation, voluntary — payment priority, 32-2-431
  "member" defined, 32-2-101
  minors, accounts of, 32-2-401, 32-2-418
  secured transactions, deposit accounts, 30-9-105, 30-9-122
  security, as, 32-2-401
  subscriptions, 32-2-232, 32-2-233
  transfer, 32-2-211, 32-2-212
  trust, deposits held in, 32-2-417
  withdrawals, 32-2-233, 32-2-243, 32-2-401, 32-2-404, 32-2-416
Savings association, 32-1-109
Seal, 32-2-401
Secured transactions, 30-9-122, See **SECURED TRANSACTIONS**
Securities
  investment in, 32-2-406

BUILDING AND LOAN ASSOCIATIONS (Continued)
Securities (Continued)

  registration and federal covered securities, exemption, 30-10-104
Shell bank, 32-1-109
Stock, See **Capital and capital stock**
Stockholders, 32-2-101, See also **Members**
  assets, sale to, 32-2-309
  bylaws, statement in, 32-2-204
  consolidation of association, 32-2-271
  conversion of association, 32-2-252 — 32-2-255
  directors, election or removal, 32-2-206, 32-2-207
  examination of association, request for, 32-2-301
  federal savings and loan association, conversion to, 32-2-441
  fines, premiums, or penalties charged to or collected from — prohibited, 32-2-402
  liquidation
    reorganization of association in, 32-2-432
    voluntary, 32-2-431
  losses, assessment, 32-2-411
  meetings, 32-2-204, 32-2-206 — 32-2-209, 32-2-253, 32-2-271, 32-2-309, 32-2-431, 32-2-432, 32-2-441
  proxies, 32-2-209, 32-2-210
Subdivisions, contracts for deed — payments to escrow agent, 76-3-303
Supervision, 32-2-101, 32-2-110
Taxation
  corporation license tax, 15-31-101; Title 15, chapter 31, part 7
  property tax, 15-24-801
Telemarketers' registration and bonding requirements, exemption, 30-14-1405
Trust indenture, trustee for, 71-1-306
Trusts
  deposits, power of trustee, 72-34-311
  funeral plans, prearranged — deposit of money, 37-19-828, 37-19-829
  minors, transfers to — custodian, 72-26-502, 72-26-603
  shares and savings accounts held in, 32-2-417
Unclaimed property, Title 70, chapter 9, part 8
Unlawful practices
  agents, license — failure to have, 32-2-409
  assets of association — purchase by directors, officers, agents, or employees when, 32-2-109
  certificate of incorporation, transaction of business without, 32-2-106
  contracts paying income to person other than association, lack of approval, 32-2-305
  examination of association — false statements, refusal of permission, or violation of confidentiality, 32-2-107, 32-2-307
  false statements, 32-2-107, 32-2-307
  liquidation, voluntary — issuance of stock or making loans after filing for, 32-2-431
  obligations of association — purchase by directors, officers, agents, or employees when, 32-2-108
  penalties, fines, or premiums exceeding maximum rate — collection unlawful, 32-2-402
  property, obtaining by fraud, 32-2-107
  reports, violation of confidentiality or falsification, 32-2-107, 32-2-307
  violations generally, 32-2-106
Wire transfers, Title 30, chapter 4A

BUILDINGS AND BUILDING REGULATIONS
  See also **CAPITOL AND OTHER STATE BUILDINGS**
Administration of provisions, 50-60-103, 50-60-105, 50-60-106
Airports and landing fields, height of buildings, See **AIRPORTS AND LANDING FIELDS, Height of buildings and structures**

BUILDINGS AND BUILDING REGULATIONS (Continued)

Appliances, below-grade liquefied petroleum gas-burning — installation permitted when, 50-60-203
Architects Title 37, chapter 65, See also **PUBLIC CONTRACTS**
Arrest of persons, method, 46-6-104
Asbestos regulation, Title 50, chapter 64, part 1; Title 75, chapter 2, part 5, See **ASBESTOS**
Blindness or low vision, persons with — rights and penalty for denial or interference with, 49-4-211, 49-4-215
Boilers, Title 50, chapter 74, See **BOILERS AND STEAM ENGINES**
Building codes, See also **Municipal and county building codes; State building code**
  education program, 50-60-106, 50-60-116
  interpretations, 50-60-103, 50-60-201
    publication and central registry, 50-60-117
Building Codes Council
  building code interpretations, 50-60-103, 50-60-117, 50-60-201
  purpose, composition, allocation, and compensation, 50-60-115
  single-family dwelling construction plans, examination checklist, 50-60-103, 50-60-118
Business improvement districts, assessment of costs, 7-12-1133
Certificate of occupancy, 50-60-106, 50-60-107, 50-60-211, 50-60-212, 50-60-302
Chimneys, construction — rules for, 50-3-103
Cities and towns
  auction, purchase at, 7-5-4310
  bond issues, See **CITY FINANCE, Bond issues; General obligation bonds**
  codes, See **Municipal and county building codes**
  construction, lease, and management, 7-8-4101
  county buildings, use, 7-3-4370
  disabilities, persons with — accessibility, site inspections, 50-60-211
  electrical installations
    exception to requirements, 50-60-602
    inspection, 50-60-604
  factory-built modular or pre-built homes or buildings, enforcement of construction standards, 50-60-404
  materials, inspection, 7-15-4123
  plumbing installations, inspection, 50-60-510
  "real property" defined, 7-1-4121
  recreation facilities, 7-16-4107, 20-7-801
  streets, grade changes — determination of damages caused by, 7-14-4202, 7-14-4203
    appeals from, 7-14-4204, 7-14-4205
City-county buildings
  acquisition or construction and management, 7-8-201
  bonding authority, 7-8-204
  contract, contents, 7-8-202
  cost, division, 7-8-203
City-county consolidated government, authority of director of public works, 7-3-1331
City courts, jurisdiction over collection of taxes and assessments for, 3-11-103
Codes, See **Building codes**; See also **Municipal and county building codes**; **State building code**
Community college districts, See **COMMUNITY COLLEGE DISTRICTS AND TRUSTEES**
Concealed
  property, seizure, 27-17-206
  weapons, carrying in, 45-8-328
  witness, service of subpoena on, 26-2-103
Condemnation as fire hazard, Title 50, chapter 62, See **FIRES AND FIRE PROTECTION, Hazards**
Condominiums, Title 70, chapter 23, See **CONDOMINIUMS**

BUILDINGS AND BUILDING REGULATIONS (Continued)

Conservation easements, prohibitions or limitations, 76-6-203
Conservator's power, 72-5-427
Construction, 50-60-101, See also **PUBLIC CONTRACTS**, **Construction of buildings**
  application for permission, 50-60-206
  asbestos, use, See **ASBESTOS**
  blasting, Title 37, chapter 72
  building codes council, representation on, 50-60-115
  building codes education program, 50-60-116
  certificate of occupancy, 50-60-106, 50-60-107, 50-60-211, 50-60-212, 50-60-302
  chimneys, rules for, 50-3-103
  cities and towns, authority, 7-7-4101, 7-15-4123, 50-60-106, See also **CITY FINANCE, Bond issues**; **General obligation bonds**
  city-county buildings, 7-8-201, 7-8-202
  city or town council, authority, 7-8-4101
  commerce, department of — duties, 50-60-103
  counties, authority and bonds for, 7-7-2111, 7-7-2112, 7-8-2102, See also **COUNTY FINANCE, Bond issues and bonds**, road and bridge; **General obligation bonds**
  cranes, Title 50, chapter 76, See **HOISTING ENGINES**
  disabilities, persons with — requirements, 50-60-211, 50-60-213, 50-60-214
  electrical installations, See **Electrical installations**
  elevator openings, protection, 50-77-104, 50-77-107
  explosives, use in, Title 37, chapter 72
  factory-built buildings, 50-60-104, 50-60-401 — 50-60-404
  fees and charges, 50-60-106
  floors, temporary, 50-77-102, 50-77-107
  flues
    protection, 50-77-104, 50-77-107
    rules for, 50-3-103
  hoisting engines, Title 50, chapter 76, See **HOISTING ENGINES**
  industrial development projects, 90-5-101, See **INDUSTRIES AND INDUSTRIAL DEVELOPMENT**, **Development projects**
  injunction when, 50-60-109
  inspections, See **Inspections**
  insurance for builders' risks and installation risks, commercial property floaters, 33-1-228, See also **INSURANCE, MARINE**
  justice, department of — rules, 50-3-103
  liens, Title 71, chapter 3, part 5
  minors' employment prohibited, 41-2-106, 41-2-107
  municipal commission-manager government, powers, 7-3-4313
  openings in floors, protection, 50-77-104, 50-77-107
  permits, 50-60-106, 50-60-108, 50-60-118, 50-61-112, See also **Permits, licenses, certificates, and other documents**
  planking above scaffolds, 50-77-103, 50-77-107
  plans and specifications, approval, 50-60-106, 50-60-202, 50-60-206, 50-61-112, 50-61-113
    school buildings, 20-6-622, 20-6-624
    single-family dwellings, model plans, 50-60-103, 50-60-106, 50-60-118, 50-60-301
  plumbing, See **Plumbing installations**
  residential energy efficiency, 50-60-801 — 50-60-803
  rulemaking authority, 50-3-103, 50-60-203
  scaffolds and scaffolding, 39-9-102, 41-2-106, 50-77-101, 50-77-103, 50-77-107
  stairways, protection of openings, 50-77-104, 50-77-107
  standards generally, 50-60-201, 50-60-203
  state building code
    purpose, 50-60-201
    variances, 50-60-206

BUILDINGS AND BUILDING REGULATIONS (Continued)
Construction (Continued)

- tax benefits for remodeling, reconstruction, or expansion, 15-24-1501
- toilets, temporary, 50-77-105, 50-77-107
- violations, 50-60-109, 50-60-110

Contractor registration, See **CONTRACTOR REGISTRATION, CONSTRUCTION CONTRACTORS**
Contracts, Title 18, chapter 2, See **PUBLIC CONTRACTS, Construction of buildings**
Counties

- boarding homes for the aged, 7-34-2301, 7-34-2303
- bonds for construction, 7-7-2111, 7-7-2112, 7-14-2524, See **COUNTY FINANCE, Bond issues and bonds**, road and bridge; **General obligation bonds**
- building commission, 7-1-202, 7-8-2103, 7-21-3451 — 7-21-3454
- cities and towns, use, 7-3-4370
- codes, See **Municipal and county building codes**
- contracts for erection, See **COUNTIES, Contracts**
- county poor fund, use, 53-2-322
- damaged structures, repair or replacement, 7-14-2524
- disabilities, persons with — accessibility, site inspections, 50-60-211
- district court expenditures, limitations, 7-6-2351, 7-6-2352
- electrical installations, inspection, 50-60-604
- erection and maintenance, 7-8-2102, 53-2-322
- health care facilities, for, See **HEALTH CARE FACILITIES**
- insurance, 7-8-2104
- municipal jurisdictional area, consent for extension, 50-60-101
- new counties, creation by petition — valuation, 7-2-2244
- park buildings, 7-16-2101
- park districts, 7-16-2401, 7-16-2423, 7-16-2433
- plumbing installations, inspection, 50-60-510
- public markets, for, 7-21-3302, 7-21-3322
- rooms, provision for, 7-8-2101

County coroner, authority, 7-4-2911, 46-4-111
Deaf persons, rights and penalty for denial or interference with, 49-4-211, 49-4-215
Definitions, 50-60-101, 50-60-213, 50-77-101
Demolition

- asbestos regulation, See **ASBESTOS**
- fire hazards, due to, Title 50, chapter 62

Destructive device, possession — offense of, 45-8-334, 45-8-337
Disabilities, persons with — accessibility

- accessible exterior routes and exceptions, 50-60-213, 50-60-214
- barriers, improvements to remove — tax exemption, 15-6-216
- disclaimer, 50-60-212
- inspections, 50-60-211
- parking spaces, 49-4-302
- primary function area, alteration, 50-60-101, 50-60-211, 50-60-214
- state building code, purpose of provisions, 50-60-201, 50-60-203

District courts, change of place in emergencies, 3-5-405
Electioneering on election day prohibited, 13-35-211
Electrical installations

- compliance with building codes required, 50-60-603
- dairy product manufacturing plants, conformance, 81-22-403
- exceptions to requirements, 50-60-602
- inspections and fees, 50-60-602, 50-60-604 — 50-60-607
- justice, department of — rules, 50-3-103
- local government codes, 7-5-108, 7-5-4202, 7-5-4121
- permits, 50-60-604
- power suppliers, inspection tag requirements, 50-60-605 — 50-60-607

BUILDINGS AND BUILDING REGULATIONS (Continued)
Electrical installations (Continued)

professional license, request for proof of, 37-68-315, 50-60-604
purpose of provisions, 50-60-601
rules, 50-3-103, 50-60-603
standards, 50-60-601, 50-60-603
violations, 50-60-607
Elevators and escalators
construction sites, protection of openings at, 50-77-104, 50-77-107
disabilities, persons with — installation for, tax exemption, 15-6-216
hoisting engine provisions, nonapplicability, 50-76-101
inspections and fees, 33-1-206, 39-1-103, 50-60-701 — 50-60-703
inspectors, certification, 50-60-702
insurance against loss or damage, 33-1-206, See **INSURANCE, CASUALTY**, generally
landlord-tenant relationships, maiantenance, 70-24-303, 70-24-321, See also **LANDLORD AND TENANT**, **Maintenance**
smoking in, prohibited, 50-40-105, 50-40-204
state building code, compliance, 50-60-101, 50-60-701, 50-60-702
Eminent domain, public uses, 70-30-102, 70-30-104, See also **EMINENT DOMAIN**
Energy efficiency, 50-60-201, 50-60-203, 50-60-801 — 50-60-803; Title 15, chapter 32, parts 1 and 2
Enforcement of provisions, 50-60-103, 50-60-106, 50-60-118, 50-60-201, 50-60-211, 50-60-302, 50-60-402, 50-60-404
Engineers, Title 37, chapter 67, See **ENGINEERS AND LAND SURVEYORS**
Entrances, See **Exits and entrances**
Environmental control easements, prohibitions or limitations, 76-7-203
Equipment, 50-60-101, 50-60-203
justice, department of — rules, 50-3-103, 50-60-202
Execution, exemption when, 25-13-613
Exits and entrances
city or town council, authority, 7-15-4124
disabilities, persons with
accessibility, 50-60-101, 50-60-213, 50-60-214
parking spaces, 49-4-302
rules for, 50-3-103
Factory-built buildings, 50-60-101
construction standards and rules, 50-60-401, 50-60-402
enforcement, 50-60-404
inspections, 50-60-104, 50-60-402, 50-60-404
retail installment sales, Title 31, chapter 1, part 2
testing laboratories, 50-60-403
Fairgrounds and buildings, Title 7, chapter 21, part 34, See **FAIRS, County fairs**
Farm animal and research facilities protection, Title 81, chapter 30, part 1
Fire protection regulations, See **FIRES AND FIRE PROTECTION**
Flood plains and floodways, within, Title 76, chapter 5, See **FLOOD PLAINS AND FLOODWAYS, Obstructions**
Forcible entry and detainer, Title 70, chapter 27
Furnaces, 50-3-103, 50-74-215
low emission wood or biomass combustion device, tax incentives, Title 15, chapter 32, parts 1 and 2
Health care facilities, See **HEALTH CARE FACILITIES**
Health officers, local — authority, 50-2-118
Hearings
authorization for, 50-60-105
plumbing installations, for stoppage of work, 50-60-512
state building code
rules, amendments, or repeal, 50-60-204

BUILDINGS AND BUILDING REGULATIONS (Continued)
Hearings (Continued)
  state building code (Continued)
    variances, 50-60-206
Historical buildings, See **ANTIQUITIES**
Home Inspection Trade Practices Act, Title 30, chapter 14, part 10
Hospital districts, powers, 7-34-2122
Housing, See **HOUSING; HOUSING AUTHORITIES, COUNTY; HOUSING AUTHORITIES, MUNICIPAL**
Injunction when, 50-60-109, 50-60-211, 50-60-302, 50-60-514
Inspections
  city or town councils, 7-33-4204
  commerce, department of — authority, 50-60-103
  construction sites, 50-60-211
  county authority, 50-60-302, 50-60-510, 50-60-604
  disabilities, persons with — accessibility requirements, 50-60-211, 50-60-213
  electrical installations, 50-60-602, 50-60-604 — 50-60-607
  elevators, 33-1-206, 39-1-103, 50-60-701 — 50-60-703
  factory-built buildings, 50-60-104, 50-60-402
  fees, 50-60-104, 50-60-116, 50-60-604, 50-60-607, 50-60-701
  fire safety, See **FIRES AND FIRE PROTECTION, Inspection of buildings**
  local building department, duties, 50-60-101, 50-60-118
  medical gas piping systems and proof of installation endorsement, 37-69-403, 50-60-203
  municipal authority, 7-15-4121, 50-60-106, 50-60-118, 50-60-302, 50-60-510, 50-60-604
  plans and specifications, of, 50-60-104, 50-60-106
  plumbing installations, 37-69-403, 50-60-203, 50-60-506, 50-60-510, 50-60-511
  public safety, director of — authority, 7-3-4464
  statewide uniformity, 50-60-201
Inspectors, 37-69-403, 50-60-203, 50-60-211, 50-60-302, 50-60-510, 50-60-604, 50-60-701, 50-60-702
  building codes council, representation on, 50-60-115
Insulation, 50-60-201
  asbestos regulation, See **ASBESTOS**
Insurance for builders' risks and installation risks, commercial property floaters, 33-1-228, See also **INSURANCE, MARINE**
Insurers, farm mutual — insuring powers, 33-4-101, 33-4-501, 33-4-511
Landlord-tenant relationships, See **LANDLORD AND TENANT**
Libraries, 22-1-304, 22-1-309, 22-1-403
Local building codes, See **Municipal and county building codes**; **State building code**
Local economic development organizations, building and land tax exemption, 15-24-2001, 15-24-2002
Medical gas piping systems — installation, plumbing permits, and inspections, 37-69-403, 50-60-203
Merchants, transient retail — premises for, Title 7, chapter 21, part 24, See **TRANSIENT RETAIL MERCHANTS**
Mining operations, strip and underground — protection from, 82-4-222, 82-4-227, 82-4-231, 82-4-251
Mobile homes, See **MOBILE HOMES, HOUSETRAILERS, AND TRAILER COURTS**
Modular homes or buildings, See **Factory-built buildings**
Motor carriers, moving by, 69-12-302, 69-12-331
Moving buildings, 69-4-601 — 69-4-604, 69-12-302, 69-12-331
Municipal and county building codes, 50-60-101, See also **Building codes**
  adoption, 7-5-108, 7-5-4202, 7-15-4121, 50-60-301, 50-60-302
  appeal, 50-60-303
  authorization, 50-60-301
  certification, 50-60-302
  code enforcement program, 50-60-101, 50-60-302
  commerce, department of — duties, 50-60-103

BUILDINGS AND BUILDING REGULATIONS (Continued)
Municipal and county building codes (Continued)

- compliance required, 50-60-106
- crematory facilities, compliance, 37-19-703
- dairy product manufacturing plants, conformance, 81-22-403
- disabilities, persons with — parking spaces, 50-60-213
- electrical wiring codes, 7-5-108, 7-5-4202, 7-15-4121, 81-22-403
- enforcement, 50-60-101, 50-60-106, 50-60-302
- fees, 50-60-302
- home inspection and inspector provisions, exclusion, 30-14-1003
- housing authorities, subject to, 7-15-4455
- housing development, lower income — rehabilitation, conformance, 90-6-103
- local building department, duties, 50-60-101
- municipal authority, 50-60-106
- plumbing codes, 7-5-108, 7-5-4202, 7-15-4121, 50-60-506, 81-22-403, See also **Plumbing installations**
- school building plans and specifications, approval, 20-6-621, 20-6-622, 20-6-624
- single-family dwellings, model construction plans, 50-60-106, 50-60-301
- variances, 50-60-106
- violations, 50-60-106, 50-60-109, 50-60-302

Municipal commission-manager government, powers, 7-3-4313, 7-3-4464
Municipal or county jurisdictional area, 50-60-101, 50-60-106, 50-60-205, 50-60-302, 50-60-303
Museums, See **MUSEUMS**
National building codes, adoption by reference, 50-60-203
Parking commission facilities, 7-14-4627, 7-14-4631
Permits, licenses, certificates, and other documents

- commerce, department of — duties, 50-60-206
- construction permit, 50-60-106, 50-60-108, 50-61-112, 50-60-118
- county authority, 50-60-211
- disabilities, persons with — accessibility requirements, effect, 50-60-211, 50-60-212
- local building department, duties, 50-60-101, 50-60-106
- municipal authority, 50-60-106, 50-60-118, 50-60-211
- municipal jurisdictional area, fees, 50-60-101
- plumbing installations, 50-60-203, 50-60-505 — 50-60-509, 50-60-513

Personal representative's authority, 72-3-613
Pesticide application, notice, 80-8-107
Plumbing installations

- administration of provisions, 50-60-508
- dairy product manufacturing plants, conformance, 81-22-403
- emergency work, 50-60-509
- enforcement of provisions, 50-60-508
- exceptions to requirements, 50-60-503, 50-60-504, 50-60-506, 50-60-509, 50-60-515
- inspections, 50-60-506, 50-60-510, 50-60-511
- local government codes, 7-5-108, 7-5-4201, 7-15-4121
- medical gas piping installations, 37-69-403, 50-60-203
- permits
  - application for and issuance, 50-60-507
  - exceptions, 50-60-506
  - failure to obtain, 50-60-509
  - fees, 50-60-507 — 50-60-509
  - medical gas piping installations, 50-60-203
  - required, 50-60-505
  - revocation or suspension, 50-60-513
- professional license, request for proof of, 37-69-319, 50-60-510
- purpose of provisions, 50-60-501
- restraining orders, 50-60-514

BUILDINGS AND BUILDING REGULATIONS (Continued)
Plumbing installations (Continued)

  rules, 50-60-504
  stoppage of work, 50-60-512
  unlicensed plumbers, hiring — no penalties, 50-60-502
  violations, 37-69-320, 50-60-505, 50-60-513 — 50-60-515
Polling places, public buildings as, 13-3-105
Prebuilt homes or buildings, See **Factory-built buildings**
Primary function area, 50-60-101, 50-60-211, 50-60-214
Public Health and Human Services, Department of
  advisory capacity, 50-1-202
  building and equipment standards, hearings, 50-60-204
Public safety, director of — authority, 7-3-4464
Radon control, Title 75, chapter 3, part 6
Research and farm animal facilities protection, Title 81, chapter 30, part 1
Residential energy efficiency
  applicability of provisions, 50-60-102
  builder self-certification, 50-60-102, 50-60-802
  energy labeling sticker, 50-60-803
  enforcement, 50-60-102, 50-60-802
  policy, 50-60-203, 50-60-801
Safety information, disclosure prohibited, 2-6-102
Sanitation, 50-2-116, 75-5-305, See also **Plumbing installations**
  public health and human services, department of — advisory capacity, 50-1-202
  state building code, 50-60-203
  toilets, temporary — at construction site, 50-77-105, 50-77-107
Scaffolds and scaffolding, 39-9-102, 41-2-106, 50-77-101, 50-77-103, 50-77-107
Schools, See **SCHOOLS, Sites and facilities**
Search warrants, execution of service, 46-5-228, 87-1-506
Security information, disclosure prohibited, 2-6-102
Sewage, See **WATER QUALITY**; **WATER SUPPLY, PUBLIC**
Single-family dwellings, model construction plans, 50-60-103, 50-60-106, 50-60-118, 50-60-301
Smoke detectors for dwellings, notice requirement upon sale of dwelling, 70-20-113
Soil survey and mapping program, 76-11-201, 76-11-202
State building code, 50-60-101, 50-60-203, See also **Building codes**
  adoption, amendment, or repeal, 50-60-203, 50-60-204
  appeal, 50-60-303
  applicability of provisions, 50-60-102
  commerce, department of — duties, 50-60-103, 50-60-202
  compliance required, 50-60-106
  disabilities, persons with — parking spaces, 50-60-213
  effective date of certain rules, 50-60-204
  elevators, compliance, 50-60-101, 50-60-701, 50-60-702
  enforcement, 50-60-102, 50-60-106, 50-60-205
  exemptions, 50-60-102
  filing with secretary of state, 50-53-103, 50-60-204
  hearings, 50-60-204
  home inspection and inspector provisions, exclusion, 30-14-1003
  housing development, lower income — rehabilitation, conformance, 90-6-103
  limitations, 50-60-102
  municipal authority, 50-60-106
  municipal or county jurisdictional area, applicability when, 50-60-205, 50-60-302
  promulgation, 50-60-202
  purpose, 50-60-201
  recreational vehicles, compliance with construction standards — enforcement not applicable under, 50-60-402

BUILDINGS AND BUILDING REGULATIONS (Continued)
State building code (Continued)

  residential energy efficiency, applicability, 50-60-102, See **Residential energy efficiency**
  school district buildings, compliance, 20-6-621
  swimming pools and buildings, applicability of provisions, 50-53-103
  variances, 50-60-106, 50-60-206
  violations, 50-60-106, 50-60-109
State building inspectors, 50-60-211
State lands, easements for public uses, 77-2-101, See also **STATE LANDS, Easements**
Stoves, low emission wood or biomass combustion device — tax incentives, Title 15, chapter 32, parts 1 and 2
Subdivisions, Title 76, chapter 3, See **SUBDIVISIONS**
Trust property, power of trustee, 72-34-319
University system, See **UNIVERSITY SYSTEM, Facilities**
Urban renewal, Title 7, chapter 15, parts 42 and 43, See **URBAN RENEWAL**
Utility lines
  moving buildings, interference when, 69-4-601 — 69-4-604
  underground, in new service areas, 69-4-102
Violations, 50-60-110
  construction site safeguards, 50-77-107
  electrical installation provisions, 50-60-607
  injunction, 50-60-109, 50-60-302, 50-60-514
  municipal and county building codes, 50-60-106, 50-60-109, 50-60-302
  plumbing installation provisions, 50-60-505, 50-60-513 — 50-60-515
  state building code, 50-60-106, 50-60-109
Weapons
  carrying in, local government regulations, 45-8-351
  concealed, carrying in, 45-8-328
Weighing and measuring devices, presumptive evidence of use, 30-12-506
Wiring, See **Electrical installations**
Zoning, Title 76, chapter 2, See **ZONING**

BURDENS OF PROOF
  See **EVIDENCE**; See also specific subject area

BURGLAR ALARMS, Title 37, chapter 60
  See **PRIVATE INVESTIGATORS AND SECURITY PATROL OFFICERS**

BURGLARY, 45-6-204
  See also **CRIMES, Robbery**; **Theft**; **Criminal trespass**
Aggravated burglary, 45-6-204
  home arrest, ineligibility, 46-18-1001, 46-18-1004
County detention center work program, inmate ineligibility, 7-32-2227
"Crime of violence" defined, 45-8-302
"Enter or remain unlawfully" defined, 45-6-201
Highway patrol officers, jurisdiction, 44-1-1001
Homicide, deliberate — commission when, 45-5-102
Insurance against loss or damage by, 33-1-206, 33-1-211, See generally **INSURANCE, CASUALTY**; **SURETYSHIP AND SURETIES, Surety insurance**
Investigation, Title 37, chapter 60
Minors charged as adults in district court, 41-5-206, 41-5-341, 46-18-201
Owner's immunity from damage caused by use of property unlawfully taken, 27-1-709
Possession of burglary tools, 45-6-205
Street gang activity, pattern of, 45-8-405

BURIALS
Burial Preservation Board, Title 22, chapter 3, part 8, See **ANTIQUITIES, Human skeletal remains and burial site protection**

BURIALS (Continued)

Generally, See **CEMETERIES**
Morticians, funeral directors, or crematory facilities — licensing, Title 37, chapter 19

BUSES
  See also **CARRIERS, Passenger carriers**; **MOTOR CARRIERS**; **SCHOOL TRANSPORTATION**
Axles, maximum load limitation not applicable, 61-10-107
Blindness or low vision, passengers with, See **BLINDNESS OR LOW VISION, PERSONS WITH**
Brake requirements, 61-9-310 — 61-9-312
Bus stops, establishment, 61-8-354
Child safety restraint systems, exception, 61-9-421
Defined, 61-1-115, 61-3-528
Depots
  alcoholic beverage restrictions, 16-3-305
  fire protection and safety regulations, 50-61-103
  insurance
    ticket agents, 33-17-212
    vending machines, licensing, 33-17-221
Discriminatory practices, See **DISCRIMINATION**, generally
Driver's license requirements, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Drivers' licenses**, commercial driver's license
Fee in lieu of tax, 15-8-202, 15-50-207, 61-3-101, 61-3-506, 61-3-509, 61-3-528, 61-3-529
  fleet vehicles, 61-3-736 — 61-3-738
  school district funding, consideration in computation, 20-9-141, 20-9-331, 20-9-333, 20-9-360, 20-9-501, 20-10-144, 20-10-146, 61-3-509
Fenders, splash aprons, or flaps — requirements, 61-9-407, 61-9-515
Gross vehicle weight fees, 61-10-201, 61-10-209, 61-10-232, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Gross vehicle weight**
Hours of work for drivers and attendants, 39-4-102
Length, 61-10-104
Lighting equipment, 61-9-205, 61-9-208 — 61-9-211
Municipal services, 7-14-4401 — 7-14-4405
  land for, annexation restricted when, 7-2-4503, 7-2-4608
  motor carrier laws, exemption from, 69-12-102
  revenue for, 7-14-4404
Railroad grade crossings, stopping at, 61-8-349
Reflectors, 61-9-205, 61-9-208 — 61-9-211
Registration, 61-3-101
  fleet vehicles, 61-3-736 — 61-3-738
  staggered, exception, 61-3-313
Smoking prohibited when, 50-40-103 — 50-40-105
Tax exemption, 15-6-201
Warning devices, 61-9-311, 61-9-411, 61-9-412
Weight fees, 61-10-201
Width, 61-10-102
Windshields and windows, safety glazing material, 61-9-408

BUSINESS CORPORATION ACT, Title 35, chapter 1
  See **CORPORATIONS**, generally

BUSINESS IMPROVEMENT DISTRICTS
Administration, 7-12-1131
Appointing authority
  board of trustees
    appointment of members, 7-12-1121

BUSINESS IMPROVEMENT DISTRICTS (Continued)
Appointing authority (Continued)
  board of trustees (Continued)
    chairman, designation, 7-12-1122
    removal of member, 7-12-1123
  defined, 7-12-1103
Assessments
  collection, 7-12-1132
  expansion of district, 7-12-1133
  levy, notice and resolution, 7-12-1132
  options and methods, 7-12-1133
  water user entities, nonprofit — exemption, 7-12-1151
Bankruptcy provisions, 7-7-131 — 7-7-134
Board of trustees
  administration of district, 7-12-1131
  appointment of members, 7-12-1121
  assessment options, recommendations, 7-12-1133
  budget and work plan, submission, 7-12-1132, 7-12-1143
  chairman, 7-12-1122
  defined, 7-12-1103
  liability insurance, 7-12-1143
  number of members, 7-12-1121
  organization, 7-12-1122
  parking commission, designation as, 7-14-4609, 7-14-4610
  powers, 7-12-1131
  removal of member, 7-12-1123
  term of office, 7-12-1121
  vacancies, 7-12-1121
  work plan and budget, submission, 7-12-1132, 7-12-1143
Boundaries, 7-12-1111, 7-12-1112
Bridges, 7-12-1131
Budget and work plan, 7-12-1132, 7-12-1143
Business Improvement District Act, Title 7, chapter 12, part 11
Citation of Business Improvement District Act, 7-12-1101
Cleaning personnel, 7-12-1131
Contracts, 7-12-1131
Creation or expansion
  petition for, 7-12-1111
  protests, 7-12-1112 — 7-12-1115
  resolution for, 7-12-1115, 7-12-1141
  resolution of intention, 7-12-1112
Debts of district, 7-12-1144
Definitions, 7-12-1102
Duration, 7-12-1141
Establishment, See **Creation or expansion**
Expansion, **Creation or expansion**
Governing body
  assessment
    levy, 7-12-1132
    options, 7-12-1133
  board of trustees
    appointment of members, approval, 7-12-1121
    assessment options, recommendations, 7-12-1133
    contracts with, 7-12-1131
    removal of member, consent, 7-12-1123
    work plan and budget, submission, 7-12-1132
  creation or expansion
    order for, 7-12-1115

BUSINESS IMPROVEMENT DISTRICTS (Continued)
Governing body (Continued)
- creation or expansion (Continued)
  - resolution for, 7-12-1115, 7-12-1141
  - resolution of intention, 7-12-1112
- defined, 7-12-1103
- hearings, 7-12-1114, 7-12-1132
- liability insurance, 7-12-1143
- protests
  - delivery to, 7-12-1113
  - hearings, 7-12-1114
- services, public — decrease or discrimination not permitted, 7-12-1142
- work plan and budget, approval and hearings, 7-12-1132, 7-12-1143

Hearings, 7-12-1114, 7-12-1132
Insurance, liability, 7-12-1143
Landscaping, 7-12-1131
Liability insurance, 7-12-1143
Maintenance, 7-12-1131
Malls, 7-12-1131
Management, 7-12-1131
Notices
- assessment, levy, 7-12-1132
- resolution of intention, passage, 7-12-1112
- work plan and budget, submission, 7-12-1132

Obligations of district, 7-12-1144
Owners
- board of trustees, appointment to, 7-12-1121
- defined, 7-12-1103
- notice of resolution of intention, to, 7-12-1112
- petition for establishment or expansion, 7-12-1111
- protests, 7-12-1113, 7-12-1114

Parking facilities, 7-12-1131
Personnel, 7-12-1131
Petition for establishment or expansion, 7-12-1111
Police, 7-12-1131
Private investment, 7-12-1131
Proceedings, sufficient protest to bar, 7-12-1114
Promotional activities, 7-12-1131
Protests
- creation or expansion, against, 7-12-1112 — 7-12-1115
- overruled or denied, 7-12-1115
- withdrawal, 7-12-1114
- writing required, 7-12-1113, 7-12-1114

Purpose of provisions, 7-12-1102
Resolutions
- assessment, for levy, 7-12-1132
- board of trustees, to reduce membership, 7-12-1121
- creation or expansion, 7-12-1115
  - of intention, 7-12-1112

Services, public — decrease or discrimination not permitted, 7-12-1142
Short title, 7-12-1101
Streets and alleys, 7-12-1131
Sue and be sued, power of board, 7-12-1131
Water user entities, nonprofit — exemption from assessments, 7-12-1151
Work plan and budget, 7-12-1132, 7-12-1143
Zoning regulations, compliance, 7-12-1111

BUSINESS INCUBATORS
Agricultural, 90-9-202
Small business, 90-8-201
Tax exemption, Title 15, chapter 24, part 18

BUSINESS RECORDS AS EVIDENCE ACT, UNIFORM, Title 26, chapter 10, M.R.Ev., Rule 803

BUTCHERS AND MEAT PEDDLERS, Title 81, chapter 9, part 1
  See **MEAT AND MEAT PRODUCTS, Establishments, official**

BUTTER AND BUTTER FACTORIES
  See **DAIRIES AND DAIRY PRODUCTS**

C

CAFES
  See **FOOD ESTABLISHMENTS**

CALCUTTA POOLS, Title 23, chapter 5, part 2
  See **GAMBLING**

CAMPAIGN PRACTICES, Title 13, chapters 35 and 37
Code of Fair Campaign Practices, Title 13, chapter 35, part 3
Commissioner, Title 13, chapter 37, part 1, See **ELECTIONS, Political practices, commissioner of**

CAMPERS
  See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**

CAMPING AND CAMPGROUNDS
Actions
  investigation and enforcement costs and expenses, recovery, 50-52-108
  penalties, for imposition, 50-52-107
Administration of provisions, funding, 50-52-210
Campfires, 50-63-102, 50-63-103, 76-13-121, 76-13-123
Concealed weapons, carrying — exemption from criminal provisions, 45-8-317
Conservation easements, prohibitions or limitations, 76-6-203
Construction and operation of campground, 50-52-102
Counties, land acquisition for, 7-16-2105, 7-16-2106
Definitions, 50-52-101
Discriminatory practices, See **DISCRIMINATION, Public accommodations**
Enforcement of provisions, 23-1-121, 50-52-102, 50-52-107, 50-52-108, 50-52-302
Environmental control easements, prohibitions or limitations, 76-7-203
Fish, Wildlife, and Parks Commission — rules, 23-2-408, 23-2-410, 87-1-303
Fish, Wildlife, and Parks — Department of, authority, 23-1-102
Inspections and investigations, 50-52-102, 50-52-103, 50-52-108, 50-52-205, 50-52-301 — 50-52-303
Land Commissioners, Board of — title to land for, acceptance, 23-1-103
Landowner
  liability to gratuitous permittee, 70-16-301, 70-16-302
  permission required when, 23-2-302
Licensing of campgrounds, 50-52-102
  application, 50-52-201
  cancellation, 50-52-205 — 50-52-207, 50-52-211
  denial, 50-52-207 — 50-52-209, 50-52-211

CAMPING AND CAMPGROUNDS (Continued)
Licensing of campgrounds (Continued)

- expiration, 50-52-102, 50-52-203
- fees, 50-52-202, 50-52-203
- list of licensees to department of public health and human services, 50-52-204
- renewal, 50-52-202, 50-52-211
- required, 50-52-103
- validation, 50-2-118, 50-52-201, 50-52-208, 50-52-209

Littering, forfeiture of camping permit, 87-2-112
Lodging facility use tax, Title 15, chapter 65, part 1
Motorist information signs, Title 60, chapter 5, part 5
Off-highway vehicles, registration exemption when, 23-2-802
Outfitters and guides, Title 37, chapter 47
Outfitters' camps, 37-47-101
Park rangers, powers and duties, 23-1-121
Primitive parks, camping fees, 23-1-118
Recreational vehicles, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
Resort tax, 7-6-1501 — 7-6-1509
Rivers and streams

- motorized camping, limitations when, 23-1-128
- recreational use, Title 23, chapter 2, parts 3 and 4, See **RIVERS AND STREAMS, Recreational use; Smith River management**

Rules, 50-52-102 — 50-52-104, 50-52-106, 50-52-107, 50-52-205, 50-52-209, 50-52-210, 50-52-301, 50-52-302
Smith River waterway, user fees, 23-2-408, 23-2-409
State or local government, campgrounds owned by — compliance with rules, 50-52-103
State lands, recreational use restrictions, 77-1-804
State parks, overnight camping fees, 23-1-105
Swimming pools or swimming areas operated in conjunction with, license fee, 50-53-203
Timeshare sales, Title 37, chapter 53
Violations, 50-52-105

- cancellation of license upon, 50-52-205, 50-52-206
- civil penalties, 50-52-107
- correction, plan of — effect, 50-52-206
- injunction, 50-52-106, 50-52-107
- investigation costs and expenses, recovery, 50-52-108
- prosecution, 50-52-104

Waste disposal sites

- ground water monitoring requirements, 75-10-203, 75-10-204, 75-10-207
- hazardous or deleterious substance, release — liability, 75-10-701, 75-10-715

Work camps or youth camps, 50-52-101, 50-52-102, 50-53-203

CANADA
Air quality control, cooperation, See **AIR QUALITY**
Disaster and emergency services

- coordination and cooperation, 10-3-105
- intergovernmental arrangements, 10-3-105, 10-3-202, 10-3-204

Denturists from, licensing, 37-29-303
Flathead Basin Commission, appointments to, 2-15-213
Forage, noxious weed seed free requirements, 7-22-2126; Title 80, chapter 7, part 9, See **WEEDS AND WEED CONTROL**
Hunting licenses, minors — safety and education instruction requirement, 87-2-105, See also **FISH AND WILDLIFE**
Insurance, disability — individual policy provisions, 33-22-225, 33-22-226, 33-22-227
Insurers

- deposits, securities eligible for, 33-2-603

CANADA (Continued)
Insurers (Continued)

- investments, 33-12-102, 33-12-202, 33-12-203, 33-12-302, 33-12-303
- trusteed assets, applicability of provisions, 33-2-215, See also **INSURERS REGULATION GENERALLY, Foreign or alien insurers**

Motor vehicles
- financial responsibility, 61-6-102, 61-6-103, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
- fleet vehicles, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Fleet vehicle registration**
- transporters, driveaway or towaway, 61-4-301

Old Forts Trail, 60-1-207
Physicians
- from, licensing, 37-3-306, 37-3-307, 49-3-204
- school immunization provisions, exception statements, 20-5-405

Psychologists from, licensing, 37-17-304, 37-17-310
"Public agency", defined as, 7-1-4121
School districts
- out-of-district attendance agreements, 20-5-320 — 20-5-324
- reciprocal attendance agreements, 20-5-314, 20-5-323

School records, reciprocal transfer agreements, 20-1-213
Securities, registration and federal covered securities — exemption, 30-10-104
Special fuels use tax information, forwarding to — when, 15-70-324
Transportation, Department of — agreements
- emergency maintenance services, 60-2-213
- fees or taxes, collection, 60-2-311

Unemployment insurance, applicable definitions
- employment, 39-51-203
- exhaustee, 39-51-2501
- state, 39-51-201

Uniform Transboundary Pollution Reciprocal Access Act, Title 75, chapter 16, part 1, See **POLLUTION**
Water quality control, See **WATER QUALITY**, generally
Workers' compensation, reciprocal agreements, 39-71-426 — 39-71-428

CANALS, DITCHES, AND FLUMES
Beavers, removal allowed when, 87-3-501
Cities and towns
- financing, See **CITY FINANCE, Bond issues**; **Indebtedness**; **SPECIAL IMPROVEMENT DISTRICTS**
- regulation, 7-3-4441, 7-31-4103

City-county consolidated government, authority of director of public works, 7-3-1331
City or town councils, powers, 7-5-4106, 7-12-4102, 7-31-4103
Companies, nonprofit — exemption from special assessments, 7-12-1151, 7-12-2196, 7-12-4124, 7-12-4345, 7-12-4436, 7-12-4511, 7-12-4621
Conservation districts, within, See **CONSERVATION DISTRICTS**, generally
Construction
- financing, See generally **CITY FINANCE, Bond issues**; **Indebtedness**; **COUNTY FINANCE, General obligation bonds**; **IRRIGATION DISTRICTS, Bond issues**, revenue bonds; **RURAL SPECIAL IMPROVEMENT DISTRICTS**; **SPECIAL IMPROVEMENT DISTRICTS**
- public service, director of — authority, 7-3-4441

County roads, construction across, See **COUNTY ROADS AND BRIDGES, Ditches, dikes, flumes, or canals**
County water and/or sewer district projects, 7-13-2218, 7-13-2219
Drainage districts, Title 85, chapter 8

CANALS, DITCHES, AND FLUMES (Continued)

Easements
  interference with, 70-17-112
  right of, 70-17-101, 85-2-414
  state lands, right-of-way, Title 77, chapter 2, part 1, See **STATE LANDS, Easements**
Eminent domain, 7-5-4106, 70-30-102, See **EMINENT DOMAIN**
Fish screens and wheels, installation and maintenance, 87-1-222
Highways crossing, 60-4-110
Irrigation districts, Title 85, chapter 7
Irrigation ditches, See **IRRIGATION**
Laborers
  overtime compensation exclusions, 39-3-406
  unemployment insurance coverage, 39-51-205, See **UNEMPLOYMENT INSURANCE, Agricultural labor**
Maintenance and repairs
  public service, director of — authority, 7-3-4441
  secondary easements for, 70-17-112
  water commissioners, authority, 85-5-106, 85-5-202, 85-5-302
Muskrats, removal allowed when, 87-3-501
Noxious weed management, Title 80, chapter 7, part 7, See **WEEDS AND WEED CONTROL**
Nuisance
  obstruction as, 27-30-101
  open ditches as, 7-31-4203 — 7-31-4206
Open ditches
  abandonment, 7-31-4206
  closing and filling, procedures, 7-31-4205
  exemption, 7-31-4207
  interpretation of provisions, 7-31-4202
  investigation, 7-31-4204
  maintenance, 7-31-4206
  nuisance, declaration as, 7-31-4203 — 7-31-4206
  protective devices, 7-31-4206, 7-31-4207
  purpose of provisions, 7-31-4201
  remedial measures, 7-31-4204
  special improvement district for, 7-31-4207
Railroads, construction along, 69-14-532
Repairs, See **Maintenance and repairs**
Rights-of-way, Const., IX, 3
  actions by department of natural resources and conservation, authority, 85-1-213
  benton lake wildlife refuge, 87-1-707
  fire hazard reduction along, 76-13-401, 76-13-403, 76-13-407, 76-13-410, See also **FORESTS AND FORESTRY, Fire hazard reduction or management**
  irrigation projects, 85-1-208, 85-7-1909
  mines or mining claims, 82-2-202
  railroads, across, 85-2-414
  state lands, easements on, Title 77, chapter 2, part 1, See **STATE LANDS, Easements**
Rural special improvement districts to finance, Title 7, chapter 12, part 21, See **RURAL SPECIAL IMPROVEMENT DISTRICTS**
Special improvement districts to finance, Title 7, chapter 12, parts 41 and 42, See **SPECIAL IMPROVEMENT DISTRICTS**
State water projects, irrigation works — construction across, 85-1-208
Stream access law, Title 23, chapter 2, part 3, See **RIVERS AND STREAMS, Recreational use**
Subdivisions, survey requirements affecting, 76-3-406
Surplus water, ditches for, 85-2-416

CANALS, DITCHES, AND FLUMES (Continued)

Taxation, 15-6-206, 15-8-406, 15-23-301, 15-31-102, See also **TAXATION, PROPERTY, Utilities**
Water commissioners, powers and duties, See **WATER USE, Water commissioners**
Water works, 85-1-102
Weed management, Title 80, chapter 7, part 7, See **WEEDS AND WEED CONTROL**

CANDIDATES
See **ELECTIONS**

CANOLA SEED, Title 80, chapter 4, parts 4 — 7
  See also **AGRICULTURAL COMMODITIES**
Oil processing facility machinery and equipment, tax on
  classification and rate, 15-6-136
  exemption, 15-6-220

CANVASSERS, BOARDS OF, 2-15-412, 13-15-401, 13-15-404, 13-15-502, 13-15-505
  See **ELECTIONS, Canvassing of votes**

CAPITAL COMPANIES
Administration of provisions, 90-8-106
Banks, investments by, 32-1-422
Certified Montana capital company, certification, 90-8-104, 90-8-201, 90-8-204, 90-8-205
Certified Montana small business investment capital company, certification, 90-8-104, 90-8-201, 90-8-204, 90-8-205
Citation of Montana Capital Company Act, 90-8-101
Debentures, issuance and sale, 90-8-102, 90-8-305
  in-state investment in, 17-6-302, 17-6-311 — 17-6-313
Decertification, 90-8-321
Definitions, 17-6-302, 90-8-104
Examinations, 90-8-301, 90-8-313, 90-8-321
Fees, 90-8-106, 90-8-313
Investment committee, 90-8-303
Investments
  capital base, 90-8-104, 90-8-201, 90-8-203, 90-8-301, 90-8-312, 90-8-321
  conflict of interest, 90-8-303
  qualified, 90-8-104, 90-8-301, 90-8-305
  reports, 90-8-312
  restrictions, 90-8-302
  unqualified, no recapture and penalty, 90-8-203
Legislative review and oversight, 90-8-311
Liability of state, 90-8-204, 90-8-205
Penalties, 90-8-203, 90-8-301, 90-8-321
Policy of state, 90-8-102
Purpose of provisions, 90-8-103
Qualified Montana capital company, designation as, 90-8-104, 90-8-201, 90-8-202, 90-8-204, 90-8-205, 90-8-301
Qualified Montana small business investment capital company, designation as, 90-8-104, 90-8-201, 90-8-202, 90-8-204, 90-8-205, 90-8-301
Reports, 90-8-311, 90-8-312
Rules, 90-8-104, 90-8-105, 90-8-202
Securities law, applicability, 30-10-105, 90-8-304
Service of process, 30-10-105, 90-8-304
Tax credits, 90-8-102, 90-8-202 — 90-8-204, 90-8-301, 90-8-312
Venture capital companies, investment in, 17-6-201

CAPITOL AND OTHER STATE BUILDINGS
  See also **BUILDINGS AND BUILDING REGULATIONS**
Architects, See **ARCHITECTURE AND ARCHITECTS; PUBLIC CONTRACTS**

CAPITOL AND OTHER STATE BUILDINGS (Continued)

Architecture, policy of state, 18-2-111
Art for state buildings
- acquisition, provisions not exclusive, 22-2-408
- administration of provisions, 22-2-406
- artist, 22-2-403, 22-2-406, 22-2-407
- citation of percent-for-art act, 22-2-401
- definitions, 22-2-403
- display of art works, 2-17-804, 2-17-805, 2-17-807, 22-2-405, 22-2-406, 22-2-408
- financing, 15-35-108, 22-2-404
- inventories, 2-17-812
- maintenance, protection, and preservation, 2-17-805, 2-17-810, 15-35-108, 22-2-301, 22-2-404, 22-2-406
- ownership of works of art, 22-2-407
- purpose of provisions, 22-2-402
- screening committee, appointment and consultation, 22-2-406
- senate chambers and former supreme court chambers, preservation and maintenance, 2-17-810
- works of art, 22-2-403, 22-2-406, 22-2-407

Blind persons, operation of vending facilities, Title 18, chapter 5, parts 4 and 5
Bonds and bond issues, 18-2-105
- employment security commission buildings, for construction, Title 17, chapter 5, part 6
- energy conservation building program, Title 90, chapter 4, part 6
- general obligation, for capital projects, Title 17, chapter 5, part 8
- highway general obligation, Title 17, chapter 5, part 5
- long-range building program, Title 17, chapter 5, part 4

Capital projects, 17-2-301, 17-5-401, 17-5-801, See also **Long-range building program**
- appropriations, 17-7-206, 17-8-101, 17-8-105, 22-2-404
- expansion, authorization, 17-7-211
- funds, 17-2-102, 17-2-105, 17-5-401, 17-5-404, 17-5-506, 17-5-710, 17-5-801, 17-5-803, 17-5-804, 17-7-150, 17-7-205, 17-7-211, 17-8-105, 18-2-102, 18-2-107
- reappropriation, 17-7-212
- state and local charges for services, limit on fund balance — nonapplicability, 17-2-302

Capitol building land grant revenues, 18-2-107, 77-1-108, 77-1-109, 77-1-606, 77-3-436
Capitol complex master plan, 2-17-805
- advisory council, 2-17-802, 2-17-803
  - duties and responsibilities, 2-17-804
  - inventories, availability to, 2-17-812
  - policies, advice, 2-17-806
- citation of capitol complex master plan act, 2-17-801
- custodial care of capitol buildings and grounds, 2-17-811
- definitions, 2-17-802
- displays, 2-17-804, 2-17-805, 2-17-807
- highway patrol officers' memorial, 2-17-817
- naming buildings, 2-17-804, 2-17-807
- parking citations, 2-17-816
- policies, establishment, 2-17-806
- report to legislature, 2-17-825
- senate chambers and former supreme court chambers, 2-17-810

Capitol Restoration Commission, 5-17-201
- account, establishment and use of funds, 5-17-207
- activities and authority, 5-17-205
- compensation and expenses of members, 5-17-204
- composition and allocation, 5-17-202, 5-17-203
- incorporation, authority for, 5-17-206

CAPITOL AND OTHER STATE BUILDINGS (Continued)
Capitol Restoration Commission (Continued)

  legislative membership, 5-17-203
  meetings, 5-17-202
Coal trust fund, allocation of revenue, 15-35-108
Communications systems, 2-17-302
Concealed weapons, carrying in, 45-8-328
Constitutional conventions to be held at, 13-26-106
Construction and construction contracts, 2-17-805, 18-2-107, See also **PUBLIC CONTRACTS, Construction of buildings; Contractors**
Copying facilities, 2-17-302
Correctional facilities, See **CORRECTIONAL FACILITIES**
Cultural and aesthetic projects, Title 22, chapter 2, part 3, See **ARTS AND CULTURE**
Custodial care, 2-17-811
Damage to, 2-17-105, 10-3-311
Definitions, 2-17-802, 17-5-401, 17-7-201, 18-2-101, 18-2-401
Desecration of capitol, criminal offense, 45-6-104
Displays — busts, statues, memorials, monuments, or art, 2-17-804, 2-17-805, 2-17-807, 2-17-812
Emergencies or disasters
  repairs or alterations, 10-3-311, 18-2-102
  seat of government, relocation, 10-3-607; Const., III, 2
Eminent domain, public uses, 70-30-102
Energy
  conservation program, Title 90, chapter 4, part 6
  efficiency analyses, grants for, 90-2-141
Environmental Quality Council, vacancy on — posting of notice required when, 5-16-104
Examiners, Board of — meetings held where, 2-15-1007
Executive branch officers, office and residence at, 2-16-111, 20-3-102; Const., VI, 1
Explosive material in, threat of, 50-3-102
Fire prevention and safety inspections, 2-17-112, 50-3-102
Fire protection, 2-17-112
Governor-elect, office space for, 2-15-221
Governor's executive residence and original mansion, 2-17-804, 2-17-806, 2-17-812
Grounds — landscaping, maintenance, or displays, 2-17-804, 2-17-805, 2-17-811, 2-17-812
Helena, seat of government in, 10-3-607; Const., III, 2
Heritage properties
  consideration for use, 2-17-107
  preservation and development, 22-3-1001 — 22-3-1004
Highway patrol officers' memorial, 2-17-817
Historic sites and buildings, Title 22, chapter 3, part 6, See also **ANTIQUITIES**
Indian monument and tribal flag circle
  advisory committee, composition and duties, 22-2-602
  design, competition for, 22-2-601, 22-2-602
Inspections, 2-17-112, 50-3-102, 18-2-105
Institutions, See **INSTITUTIONS**
Insurance
  deductible plan, establishment, 2-17-104
  proceeds from indemnification, use, 2-17-105
Interior decoration of capitol, 2-17-804
Inventories, 2-17-108, 2-17-812, 18-2-105
Laborers, hours of labor, 39-4-107
Land purchased for, 2-17-805, 18-2-105
Leases, See **PUBLIC CONTRACTS, Lease of buildings**
Legislature
  chambers and committee rooms, 2-17-101, 2-17-108, 2-17-805, 2-17-810, 5-17-205
  sessions, convening, 5-2-103

CAPITOL AND OTHER STATE BUILDINGS (Continued)

Long-Range Building Committee, legislative council as, 2-17-805
Long-range building program, 17-5-401
  art for state buildings, 22-2-404, 22-2-406, See also **Art for state buildings**
  bonds for, Title 17, chapter 5, part 4
  budget
    amendment, 17-7-211
    budget comparisons, 17-7-150, 17-7-151
    capital construction budget, 17-7-203
    recommendations, inclusion, 17-7-111, 17-7-204
  coal severance taxes, allocation, 15-35-108, 17-7-205
  definitions, 17-5-401, 17-7-201
  energy cost savings and projected debt service, transfer of difference between, 90-4-614
  expenditure procedures, exception, 17-8-102
  financing, 15-34-115, 17-7-203 — 17-7-205; Title 17, chapter 5, part 4
  leases with option to purchase, Title 18, chapter 3, part 1
  legislative council, recommendations, 2-17-805
  long-range building program account, 15-34-115, 15-35-108, 16-11-119, 17-7-205, 17-7-206
  preparation, 17-7-202, 18-2-111
  reappropriation of capital project, 17-7-212
  submission to
    department of administration, 17-7-202
    legislature, 17-7-203
Mail services and equipment, 2-17-301, 2-17-302
Maintenance and repair, 2-17-804 — 2-17-806, 2-17-811, 2-17-817, 10-3-311, 17-7-206, 17-7-302, 18-2-102, See also **PUBLIC CONTRACTS, Construction of buildings**
Medal of Valor award ceremony, location, 1-1-515
Naming buildings, 2-17-804, 2-17-807
Office space, 2-15-121, 2-15-221, 2-17-101, 2-17-107, 2-17-108, 2-17-805, 2-17-810, 5-8-102
Parking
  disabilities, persons with — spaces for, 49-4-302
  facilities, 2-17-805
  violations, citations, 2-17-816
Pearl Harbor Memorial, 5-17-302
Pesticide application, notice, 80-8-107
Press room, 2-17-103
Purchase, Title 18, chapter 3, part 1, See **PUBLIC CONTRACTS, Lease of buildings**
Reapportionment Commission, legislative redistricting plan — public hearing required, 5-1-108
Relocation, emergency, 10-3-607; Const., III, 2
Remodeling and renovation, 2-17-805, 2-17-810, 2-17-811, 17-7-302
Rental, Title 18, chapter 3, part 1, See **PUBLIC CONTRACTS, Lease of buildings**
Replacement of buildings, 2-17-105, See also **Capital projects**; **Long-range building program**
Retrofitting for energy purposes, loans for, 90-2-141
Revenue, Department of — authority, 16-1-302
Safety codes, compliance, 18-2-108
Seat of government, 10-3-107; Const., III, 2
Security guards, capitol — issuance of parking violation citations, 2-17-816
Security work, 2-17-811
Smoke-free, designation and designated smoking areas, 50-40-107, 50-40-202 — 50-40-206
Smoking areas, designation, 50-40-202, 50-40-204, 50-40-206
"State land" defined, 77-1-101
Supreme court
  chambers, former — preservation, 2-17-810
  terms held where, 3-2-303

CAPITOL AND OTHER STATE BUILDINGS (Continued)

Telephone facilities, 2-17-301
Traffic management, 2-17-805
Transportation, Department of
    aeronautics, authority, 67-2-301
    headquarters building and complex, Title 17, chapter 5, part 5
University system, See **UNIVERSITY SYSTEM**
Vacancies on councils, boards, commissions, or committees — posting of notices, 2-15-201, 5-16-104
Vending facilities, Title 18, chapter 5, parts 4 and 5
Veterans' and Pioneers' Memorial Building, Title 22, chapter 3, part 3, See also **HISTORICAL SOCIETY**
Warehouses, 2-17-102, 2-17-201
    state liquor warehouse, 16-1-106, 16-1-303, 16-1-304, 16-2-101, 16-3-106

CARD GAMES, Title 23, chapter 5, part 3
    See **GAMBLING**

CARDIOPULMONARY RESUSCITATION
AEDs (automated external defibrillators)
    definitions, 50-6-501
    exemptions from provisions, 50-6-506
    liability, limitations, 50-6-505
    medicine, practice of — applicability of licensing provisions, 37-3-103
    rules, 50-6-502 — 50-6-505
    use, program and requirements for, 50-6-502
    violations — cessation order, hearing, and injunction, 50-6-504
Denturists, training and identification, 37-29-303, 37-29-306, 37-29-401
Do Not Resuscitate, 50-10-101 — 50-10-107
Midwives, direct-entry — certification required, 37-27-201
Swimming pools, lifeguard not required when, 50-53-107

CARNIVALS
Amusement games, Title 23, chapter 6, part 1
Amusement rides, 27-1-741 — 27-1-745
Hours of work for employees, 39-4-112
Motor vehicle gross vehicle weight fees, exemption when, 61-10-211

CARRIERS
Accidents
    free transportation when, 69-11-208
    time schedules, effect on, 69-11-103, 69-11-202
Actions
    confiscation of fuel, recovery of penalty and damages, 69-11-108
    freight carriers
        fines, recovery, 69-11-412
        inland carriers, liability for loss
            claims for damage, 69-11-425, 69-11-427
            right of action, 69-11-421
    passenger carriers, collection of penalty for failure to start at scheduled time, 69-11-202
Air carriers, See **Passenger carriers**; **AERONAUTICS**
Alcoholic beverages, See **ALCOHOLIC BEVERAGES**
Bees, importation in combless packages, 80-6-203
Bills of lading, 69-11-105, 69-11-408, 69-11-421, 69-11-427, 69-11-429, See also **DOCUMENTS OF TITLE**
Blind persons as passengers, 49-4-211, See **BLINDNESS OR LOW VISION, PERSONS WITH**, generally

CARRIERS (Continued)

Buses, See **Passenger carriers**; **BUSES**; **MOTOR CARRIERS**; **SCHOOL TRANSPORTATION, Buses**
Cigarette shipments, report requirements, 16-11-104
Coal, confiscation — unlawful when, 69-11-108
Compensation, 69-11-104
  freight carriers, additional not allowed when, 69-11-409
  messengers employed by message carriers, 69-11-301
Coniferous trees, transportation, 76-13-601
Contract of carriage, 69-11-101, 69-11-105
Cosmetics, inspection of vehicle when introducing in commerce, 50-31-106
Damages
  breach of obligation, effect, 69-11-121
  confiscation of coal or fuel, for, 69-11-108
  message carriers, refused or delayed messages, 69-11-303
Deaf persons as passengers, 49-4-211, See **DEAF PERSONS**, generally
Definitions, 69-11-101, 69-11-207, 69-11-401, 69-11-422, 69-11-423
Documents of title, Title 30, chapter 7
Driver's license requirements, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Drivers' licenses**, commercial driver's license
Driving under the influence of alcohol or drugs, forfeiture of vehicle, 61-8-733
Drugs
  forfeiture of vehicle when, 44-12-102
  inspection of vehicle when introducing in commerce, 50-31-106
  precursors to dangerous drugs, report of loss or theft, 50-32-404
  registration of manufacturers, distributors, or dispensers — exemption from requirements, 50-32-302
Equipment on, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**, generally
Explosives, See **EXPLOSIONS AND EXPLOSIVES, Transportation**; **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Explosives or flammable liquids, vehicles carrying**
Fines for violations, 69-11-108, 69-11-207, 69-11-412
Fish or wildlife
  endangered or nongame, transporting or receiving for shipment unlawful when, 87-5-106, 87-5-107
  free or reduced rates for transporting fish, 69-11-109
  sale or shipment, unlawful when, 87-3-115
  shippers, package labeling, 87-3-114
Food, inspection of vehicle when introducing in commerce, 50-31-106
Free transportation when, 69-11-109, 69-11-207, 69-11-208
Freight carriers, See also **MOTOR CARRIERS**; **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Gross vehicle weight fees**; **Size, weight, and load**
  bills of lading, 69-11-408, 69-11-421, 69-11-427, 69-11-429
  breach of obligation, 69-11-121
  care, duty of, 69-11-106, 69-11-107, 69-11-411, 69-11-428
  city regulations and licensing, 7-21-4205
  definitions, 69-11-401, 69-11-422, 69-11-423
  delays, 69-11-428
  free or reduced rates, 69-11-109
  freight, 69-11-401
    acceptance, 69-11-403
    delivery, 69-11-404
      time or place changed, freightage adjustment, 69-11-409
    natural increase, no charge, 69-11-407
  freightage, 69-11-401
    apportionment by contract, 69-11-408

CARRIERS (Continued)
Freight carriers (Continued)
  freightage (Continued)
    delivery time or place changed, adjustment for, 69-11-409
    lien for, 69-11-410, 69-11-411
    natural increase of freight, no charge, 69-11-407
    payment, 69-11-406
    perishable property, sale for, 69-11-411
  gratuitous carriers, 69-11-106
  inland carriers, liability for loss or damage, 69-11-421, 69-11-422
    between carriers, 69-11-427
    claims for damage, 69-11-424 — 69-11-426
    delivering carrier, 69-11-423
    examination of shipment, 69-11-424
  joint rates, division, 69-11-412
  lessor, stoppage of delivery in transit or otherwise, 30-2A-526
  liability, 69-11-405, 69-11-421, 69-11-422, 69-11-427 — 69-11-429
  perishable property, 69-11-411
  rates or tariffs, 69-11-109, 69-11-412, 69-11-421, 69-11-422
  relationship to consignor and consignee, 69-11-402
  valuable cargo, 69-11-429
Fuel, confiscation — unlawful when, 69-11-108
Gratuitous carriers, 69-11-106
Gross vehicle weight fees, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
Hazardous substances, inspection of vehicles and records when receiving or holding in commerce, 50-30-108
Insurance
  blanket disability, 33-22-601 — 33-22-604
  ticket agents, license to solicit and sell, 33-17-212
  vending machines, 33-17-221
Interstate or international, See **MOTOR CARRIERS**; **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Gross vehicle weight fees**; **Size, weight, and load**
Liability, 69-11-105
  confiscation of fuel, damages, 69-11-108
  freight carriers, 69-11-405, 69-11-421, 69-11-422, 69-11-427 — 69-11-429
  passenger carriers, 69-11-204
Lien of, 30-7-307, 30-7-308, 30-7-403
  baggage, on — when, 69-11-206
  freightage, for, 69-11-410, 69-11-411
Livestock, See **Freight carriers**; **LIVESTOCK, Transporting and transporters**; **MOTOR CARRIERS**; **RAILROADS**
Loads, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Size, weight, and load**
Local government powers, 7-1-111
Medical examination as condition of employment, unlawful for employer to require employee to pay cost, 39-2-301
Message carriers, 69-11-301
  breach of obligation, 69-11-121
  care, duty of, 69-11-107
  damages for refused or delayed messages, 69-11-303
  loss of valuable letters, 69-11-304
  order of transmission of messages, 69-11-302
Motor carriers, Title 69, chapter 12, See **MOTOR CARRIERS**; See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Gross vehicle weight fees**; **Size, weight, and load**
Negligence, 69-11-105, 69-11-421, 70-9-405
Obligations of carriers, 69-11-105, 69-11-121

CARRIERS (Continued)

Passenger carriers, 69-11-201, See also **MOTOR CARRIERS**
  alcoholic beverages, 16-1-402, 16-1-403, 16-4-302, 16-4-501, See also **ALCOHOLIC BEVERAGES, Carriers**
  baggage, 69-11-204, 69-11-206, 69-11-422
  baggage agents, 69-11-208
  blanket disability insurance, 33-22-601 — 33-22-604
  breach of obligation, 69-11-121
  care, duty of, 69-11-106, 69-11-107, 69-11-201
  child safety restraint systems, exception to provisions, 61-9-421
  city regulation and licensing, 7-21-4205
  deaf and blind, Montana school for the — students' transportation expenses, 20-8-121
  destructive device, possession — offense of, 45-8-334, 45-8-337
  ejection of passengers, 69-11-209
  fares, payment, 69-11-205, 69-11-206, 69-11-209
  free or reduced rates, 69-11-109, 69-11-207, 69-11-208
  gratuitous carriers, 69-11-106
  overtime compensation exclusions, 39-3-406
  tickets, 69-11-105, 69-11-109, 69-11-207, 69-11-208
  time schedules, 69-11-102, 69-11-103, 69-11-202
  transport of passengers, 69-11-203
Pipeline carriers, Title 69, chapter 13
Potatoes, seed, 80-5-403, 80-5-404
Preferential treatment, restrictions, 69-11-102
Property carriers, See **Freight carriers**
Railroads, Title 69, chapter 14
Regulation, 69-1-102
School buses, See **SCHOOL TRANSPORTATION, Buses**
Securities, registration and federal covered securities — exemption, 30-10-104
Size, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Size, weight, and load**
Storage of property, See **DOCUMENTS OF TITLE, Warehouse receipts, special provisions; PROPERTY, PERSONAL, Bailment**
Supervision, 69-1-102
Tramways excluded as, 23-2-703
Unclaimed property, Title 70, chapter 9, part 4
Violations, 69-11-108, 69-11-207, 69-11-412, 69-11-425
  county of offense unknown, venue, 46-3-114
Weight, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Size, weight, and load**

CATTLE AND CATTLE GROWERS
  See generally **LIVESTOCK; MEAT AND MEAT PRODUCTS; TAXATION, PROPERTY, Livestock**

CAVE CONSERVATION ACT, Title 23, chapter 2, part 9
  See **PARKS AND RECREATION**

CAVIAR
Paddlefish roe as, donation and sale, 87-3-111, 87-4-601

CEMENT
Concrete plants, 76-1-113, 76-2-209, 82-4-403
"Fixture" defined, 70-15-103
Hours of work for employees, 39-4-109
Seismic operations for geophysical exploration, use in plugging shot holes, 82-1-104
Taxation, cement and gypsum producers, Title 15, chapter 59, part 1, See **TAXATION, GENERAL PROVISIONS**

CEMENT (Continued)

Weight and measure provisions, applicability, 30-12-301

CEMETERIES
  See also **ANTIQUITIES, Human skeletal remains and burial site protection**
Burial, See **Interment**
Cemetery associations, Title 35, chapter 20
Cemetery districts, Title 7, chapter 35, part 21
Cities and towns, 7-35-4101
  joint conduct with counties, 7-35-101
  jurisdiction and control, 7-35-4107, 7-35-4108
  land for, 7-2-4503, 7-35-102, 7-35-4101, 7-35-4108
  layout of cemeteries, 7-35-4105
  ownership, 7-35-4106
  perpetually maintained cemeteries, nonapplicability, 37-19-803
  register, 7-35-4109
  title to grounds, vesting, 7-35-4102, 7-35-4106
  what constitutes a cemetery, 7-35-4103
City council, election of trustees, 7-3-4254
City-county consolidated government, authority of director of public works, 7-3-1331
Columbariums, 37-19-101
Companies, 37-19-101, See **Perpetually maintained cemeteries**
Counties, 7-35-2201
  interment restrictions, 7-35-2202
  joint conduct with cities and towns, 7-35-101
  jurisdiction and control, 7-35-4107, 7-35-4108
  land for, 7-8-102, 7-35-102, 7-35-2201
  perpetually maintained cemeteries, nonapplicability, 37-19-803
Cremated remains, 37-19-101, See also **Perpetually maintained cemeteries**; **MORTICIANS, FUNERAL DIRECTORS, AND CREMATORY FACILITIES**
  scattering, 37-19-706
Crematory facilities, 37-19-702, See **MORTICIANS, FUNERAL DIRECTORS, AND CREMATORY FACILITIES**
Dedication of land, presumption, 26-1-602
Definitions, 37-19-101
Desecration, criminal offense, 45-6-104
Disinterment, 7-35-4102, 7-35-4107, 46-4-103, 50-15-407
Eminent domain, 7-35-2201, 7-35-2202
Execution, exemptions, 25-13-608, 25-13-613
For-profit cemeteries, See **Perpetually maintained cemeteries**
Inscriptions, hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
Interment, 37-19-101
  county taking over cemetery, effect on restrictions, 7-35-2202
  indigents, 40-6-301, 53-3-116
  lots or grave spaces, 37-19-101, 37-19-814, 37-19-822, 37-19-824
  permits for burial, 7-35-4107, 50-15-114, 50-15-406, 50-21-102
  plots, exemption from execution when, 25-13-608
  register, 7-35-4109
Mausoleum-columbarium authority, nonapplicability of provisions, 35-21-802, 35-21-803
Mausoleums, 37-19-101, 37-19-814, 37-19-815, 37-19-824
Mining operations, strip and underground — protection from, 82-4-222, 82-4-227
Motor vehicles, gross vehicle weight fee exemption, 61-10-214
Perpetually maintained cemeteries
  administration of provisions, 37-19-807
  audits, 37-19-807, 37-19-808, 37-19-822
  board of funeral service, representative of cemetery company as member, 2-15-1853

CEMETERIES (Continued)
Perpetually maintained cemeteries (Continued)

- citation of perpetually maintained cemeteries act, 37-19-801
- definitions, 37-19-101
- disciplinary actions, 37-19-808
- enforcement of provisions, 37-19-807, 37-19-831
- examinations, 37-19-807, 37-19-808
- exceptions, 37-19-803
- injunction, 37-19-831
- inspection, 37-19-808
- permits, 37-19-807, 37-19-814
  - amendment, 37-19-807, 37-19-815
  - preexisting cemeteries, 37-19-825
  - transfer of ownership, 37-19-816
- perpetual care and maintenance fund, 37-19-807, 37-19-814, 37-19-815, 37-19-822, 37-19-823
- preexisting cemeteries, 37-19-825
- purpose of provisions, 37-19-802
- records, 37-19-807, 37-19-814, 37-19-823
- rules, 37-19-807, 37-19-814
- sales contracts and deeds, 37-19-823
  - conveyance, 37-19-814, 37-19-824
- transfer of ownership, 37-19-816
- violations, 37-19-831

Prearranged funeral plan, sale of lots in conjunction with, 37-19-827
Privately owned cemeteries, See **Perpetually maintained cemeteries**
Property, authority for acceptance, 7-8-103, 37-19-822
Signs, location, 75-15-113
State lands, easements on, See **STATE LANDS, Easements**
Subdivision exemptions, Title 76, chapter 3, part 3, See **SUBDIVISIONS**
Taxation, exemption, 15-6-201, 15-31-102; Const., VIII, 5
Veterans, state cemeteries, 10-2-601 — 10-2-603, 61-3-332

CEMETERY ASSOCIATIONS
Actions, power of association, 35-20-104
Annual reports, 35-20-207, 35-20-307, 35-20-315
Bylaws, 7-35-2202, 35-20-202, 35-20-205
County cemeteries, interment restrictions — effect, 7-35-2202
Crematoriums, 35-20-214
Execution, exemption, 35-20-217
Formation, 35-20-101
Incorporation, document of, 35-20-103

- election, time for holding, 35-20-204, 35-20-206
- filing, effect, 35-20-104

Interment records, 35-20-209 — 35-20-211
Legal advisor, 35-20-207
Liability, 35-20-103
Local government approval, 35-20-201
Lots

- inalienability, 35-20-216
- sale, 35-20-213, 35-20-214, 35-20-216, 35-20-302, 35-20-310, 35-20-312

Name, 35-20-101, 35-20-103, 35-20-213
Officers, 35-20-208, 35-20-213
Permanent care and improvement fund, 35-20-301

- annual accounting, 35-20-307
- annual report, 35-20-315
- income, disposition, 35-20-311, 35-20-312, 35-20-314
- investment, 35-20-313

CEMETERY ASSOCIATIONS (Continued)
Permanent care and improvement fund (Continued)

        principal, reservation, 35-20-311
        title to, vests in court when, 35-20-307
        transfers of association money, 35-20-310
        trustees of fund
            annual accounting, 35-20-307
            annual report, 35-20-315
            appointment, election, and qualification, 35-20-302, 35-20-305 — 35-20-308
            bond requirements, 35-20-304
            compensation, 35-20-314
            income from fund, disposition, 35-20-311
            investment of fund, 35-20-313
            powers, 35-20-302
            records, 35-20-308, 35-20-309
            removal, 35-20-303 — 35-20-307
            secretary, 35-20-309
            term of office, 35-20-303
            transfer of funds, authority, 35-20-310
            vacancies, 35-20-302, 35-20-305 — 35-20-307
Powers generally, 35-20-104
Property
    acquisition and maintenance, 35-20-212, 35-20-214, 35-20-215, 35-20-301, 35-20-312
    eminent domain, 35-20-104
    gifted property, 35-20-215
    management, 35-20-208
Purposes, 35-20-101
Secretary
    annual report kept by, 35-20-315
    appointment, 35-20-208
    duties generally, 35-20-209
    first meeting, duties, 35-20-101 — 35-20-103
    interment records, 35-20-209 — 35-20-211
    lots
        release by heirs, filing, 35-20-216
        sale, conveyance — signature, 35-20-213
    permanent care and improvement fund trustees
        appointment, instruments filed with, 35-20-308
        secretary for, 35-20-309
Streets and roads, construction and maintenance, 35-20-212, 35-20-214, 35-20-217, 35-20-312
Taxation, exemption, 35-20-217
Trustees of association
    annual report, 35-20-207, 35-20-315
    associates, eligibility, 35-20-203
    bylaws, adoption, 35-20-202
    classification, 35-20-102, 35-20-103
    compensation of fund trustees, approval, 35-20-314
    election
        annual, 35-20-102, 35-20-103, 35-20-204, 35-20-206
            notice, 35-20-205, 35-20-206
        associates, voting, 35-20-203, 35-20-204
        first meeting, 35-20-101, 35-20-102
    incorporation, document of — inclusion, 35-20-103
    investment of fund, approval, 35-20-313
    management of affairs and property, 35-20-208
    officers, appointment, 35-20-208
    property layouts by, 35-20-212

CEMETERY ASSOCIATIONS (Continued)
Trustees of association (Continued)

  qualifications, 35-20-205
  sale of lots, 35-20-213
  streets and roads, construction — consent, 35-20-217
  transfer of funds, authority, 35-20-310
  vacancies, filling, 35-20-205
Vacancies in membership, 35-20-203
Water, gratuitous, 35-20-215

CEMETERY DISTRICTS
Annexation of territory, 7-35-2114 — 7-35-2116
Audits, Title 2, chapter 7, part 5
Boundaries, 7-35-2101, 7-35-2102, 7-35-2104
  alteration, 7-35-2114 — 7-35-2116, See also **Annexation of territory**
Budget, 7-35-2121, 7-35-2125
Burial lots
  perpetual care lots, 7-35-2146, 7-35-2148
  purchasers, notice of transfer of funds, 7-35-2149
  sale or lease, 7-35-2109, 7-35-2132
Creation
  election, 7-35-2104, 7-35-2106, 7-35-2107
  petition, 7-35-2101 — 7-35-2104
Expenditures, 7-35-2121, 7-35-2125
Financial reports, Title 2, chapter 7, part 5
Funds
  compliance with state laws, 7-35-2124
  general fund, 7-35-2137
  permanent care and improvement, See **Permanent care and improvement fund**
  public cemetery fund, 7-35-2123
Gifts and grants, 7-35-2109
Hearings
  annexation of territory, 7-35-2115
  creation of district, 7-35-2101, 7-35-2103, 7-35-2104
  withdrawal of land, 7-35-2111 — 7-35-2113
Leases, 7-35-2109
Liabilities, 7-35-2125
Maintenance of cemeteries, 7-35-2109, See also **Permanent care and improvement fund**, generally
Organization, 7-35-2107
Permanent care and improvement fund
  administration, 7-35-2146
  establishment and maintenance, 7-35-2131
  financial management, 7-35-2147
  income, 7-35-2147, 7-35-2148
  investment of principal, 7-35-2147
  owners of lots
    applications by, 7-35-2142
    payments from, 7-35-2132
    perpetual care lots, money for care, 7-35-2146, 7-35-2148
    report, annual — availability, 7-35-2150
  principal of fund, 7-35-2147, 7-35-2148
  report, annual, 7-35-2150
  transfers to, 7-35-2146, 7-35-2149
  trustees
    accounts and reports thereof, 7-35-2142
    appointment, 7-35-2132 — 7-35-2134, 7-35-2136, 7-35-2142 — 7-35-2144

CEMETERY DISTRICTS (Continued)
Permanent care and improvement fund (Continued)
    trustees (Continued)
        bank as trustee, 7-35-2134
        bond requirements, 7-35-2139 — 7-35-2141
        compensation, 7-35-2137
        death or disability, 7-35-2136, 7-35-2142, 7-35-2145
        deposit of money or securities, 7-35-2141
        funds, transfers or vesting, 7-35-2144, 7-35-2146
        income from fund, duties, 7-35-2147, 7-35-2148
        investment of fund, 7-35-2147
        powers and duties, vesting, 7-35-2145
        proceedings, record, 7-35-2138
        reconstitution, 7-35-2145
        removal from office, 7-35-2135, 7-35-2136, 7-35-2140, 7-35-2142, 7-35-2145
        report, annual, 7-35-2150
        resignation, 7-35-2136, 7-35-2142, 7-35-2145
        secretary, 7-35-2138
        term of office, 7-35-2135
        vacancies, 7-35-2133, 7-35-2145
    unexpended money, appropriation to, 7-35-2146
Perpetual care lots, 7-35-2146, 7-35-2148, See also **Burial lots**
Powers, 7-35-2109
Property, 7-35-2109
Protests
    annexation of territory, 7-35-2115
    creation of district, 7-35-2103
    withdrawal of land, 7-35-2113
Receipts, itemized accounts, 7-35-2121
Rules for management of cemeteries, 7-35-2110
Secretary, 7-35-2138, 7-35-2143, 7-35-2150
Tax levy, 7-35-2122
    annexed lands, 7-35-2116
    compliance with state laws, 7-35-2124
    proceeds, disbursement, 7-35-2123
Territory, 7-35-2105
Transition, 7-1-202
Treasurer, 7-35-2147, 7-35-2148
Trustees
    account of receipts and expenditures, 7-35-2121
    applications to court, right to make, 7-35-2142
    appointment, 7-35-2108
    budget and accompanying report, 7-35-2121
    burial lots, duties, 7-35-2146, 7-35-2148
    permanent care and improvement fund
        investment of principal, approval, 7-35-2147
        transfers to, 7-35-2146
        trustees, See also **Permanent care and improvement fund**
            appointment, 7-35-2132, 7-35-2133, 7-35-2142
            bank as trustee, nomination, 7-35-2134
            compensation determination, 7-35-2137
            investments by, approval, 7-35-2147
            report, annual, 7-35-2150
            transfers to, 7-35-2146
    rules, 7-35-2110
    tax levy, certification of amount, 7-35-2122
    unexpended money, appropriation, 7-35-2146
Unexpended money, 7-35-2146

CEMETERY DISTRICTS (Continued)

Warrants, 7-35-2125
Withdrawal of land, 7-35-2111 — 7-35-2113

CENSUS
Alcoholic beverages
  beer tax revenue allocations, basis for, 16-1-406
  chemical dependency, distribution of beer or liquor license tax revenue — for, 53-24-206
  quota system of licensing, basis for, 16-4-204, 16-4-502
  table wine tax allocations, basis for, 16-1-411
Capitol, basis for emergency relocation, 10-3-607
Chemical dependency funds, basis for distribution, 53-24-206
Cities and towns
  classification
    advance in, 7-1-4114, 7-1-4115
    basis, 7-1-4113
    reduction, 7-1-4118
  conducted by, 7-1-4124
  councilmen, salaries — effect on, 7-3-4255
  interlocal cooperation, "principal city" defined, 7-11-203
  "population" defined, 7-1-4121
  proposed municipalities, 7-2-4102, 7-2-4104
  "resort area" and "resort community" defined, 7-6-1501
  town meeting form of government, determination for, 7-3-601
City or town councils, power to take, 7-5-4107
Community college district trustees, election, 20-15-204
County attorney's salary, basis for population increments regarding, 7-4-2503
County auditor, basis for creation of office, 7-6-2401
County commissioner districts, basis for, 7-4-2102
County coroner, basis for appointment of stenographer, 7-4-2903
Gasoline and vehicle fuels taxes, basis for distribution, 15-70-101
Highway funds, apportionment, 60-3-206, 60-3-211
Municipal court, basis for establishment, 3-6-101
Nongame and endangered species, of, 87-5-102
Outdoor advertising provisions, "urban area" defined, 75-15-103
Reapportionment Commission, selection and duties, 5-1-101, 5-1-109, 5-1-111; Const., V, 14
School census, ANB calculations, 20-9-313
School districts, minority voting and population patterns, 20-3-336
State capitol, basis for emergency relocation, 10-3-607
State Census and Economic Information Center, 90-1-109

CERCLA, Title 75, chapter 10, part 6
  See **HAZARDOUS WASTES**

CERTIORARI, WRIT OF
  See also **WRITS**
Application for, affidavit, and notice, 27-25-201
Contempt judgments subject to, 3-1-523, 3-2-212, 27-25-102
Contents, 27-25-202
Crime victims compensation, proof of conviction of person whose acts give rise to claim, 53-9-127
Direction to whom, 27-25-205
Granted when and by whom, 27-25-102
Hearing, 27-25-301, 27-25-304
Judgment, 27-25-304, 27-25-305
Jurisdiction in
  district court, 3-5-302, 3-5-311, 27-25-102; Const., VII, 4

CERTIORARI, WRIT OF (Continued)
Jurisdiction in (Continued)

supreme court, 3-2-202, 3-2-212, 27-25-102; Const., VII, 2
Mineral industry employee wages, orders or injunctions subject to, 39-3-516
Name, 27-25-101
Oil industry employee wages, orders or injunctions subject to, 39-3-516
Return, 27-25-205, 27-25-301, 27-25-302
Review, writ of — denominated as, 27-25-101
Rules of procedure, application, 27-25-103
Scope of review, 27-25-303
Service, 27-25-204
Stay of proceedings, directions, 27-25-203
Supreme court, original proceedings in, Title 25, chapter 21, M.R.App.P., Rule 17, See **SUPREME COURT, Original proceedings in; Writs**
Zoning boards of adjustment, to
  county, 76-2-227
  municipal, 76-2-327

CESSPOOLS OR SEPTIC TANKS
  See **WASTE DISPOSAL**

CHAMPERTY, 37-61-408 — 37-61-411

CHARGE ACCOUNTS
  See **CREDIT TRANSACTIONS, Credit cards; Retail installment sales**

CHARITIES
Agricultural property, tax exemption when, 15-6-201
Amusement games, Title 23, chapter 6, part 1
Benevolent associations, See **BENEVOLENT ASSOCIATIONS**
Bingo games, live — tax and permit fee exemption when, 23-5-406
Buffalo or bison, wild — donations of meat, 81-2-120
Calcutta pools, proceeds contributed to, 23-5-221
Carnival games, Title 23, chapter 6, part 1
Casino nights, proceeds, 23-5-710
Conservators, gifts by, 72-5-428
Corporate contributions to, 35-1-115
Counseling activities or services, applicability of provisions
  chemical dependency counseling, 37-35-201
  professional counseling, 37-23-201
Credit unions, contributions to, 32-3-401
Debt adjustment by, 31-3-203
Discrimination provisions, nonapplicability when, 49-2-101
Drug distribution, wholesale — exceptions to licensing provisions, 37-7-602
Fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
Food, donated
  dairy products, 81-23-303
  game animals, 87-2-509
  liability of persons donating for free distribution, 27-1-716
  meat from wild animals, when, 87-1-226, 87-1-506, 87-1-512, 87-1-513
Fraternal benefit societies, applicable provisions, 33-7-109, 33-7-126, 33-7-410, 33-7-522
Funds
  management, 72-30-102, See **TRUSTS, Institutional funds**
  state appropriation prohibited, Const., V, 11
Gambling, "nonprofit organization" or "public gambling" defined, 23-5-112, See also specific game in this heading
Guardianship proceedings, evaluation of incapacitated person's condition, 72-5-315

CHARITIES (Continued)

Hospitals, charitable, 18-4-401, 50-61-103
Insurance, blanket disability, 33-22-601 — 33-22-604
Insurance purchased for individuals, insurable interest, 33-15-201
Keno games, live — tax and permit fee exemption when, 23-5-406
Limited liability companies, donations, 35-8-107
Living trusts, license to offer or sell — exemption, 30-10-904
Mausoleum-columbarium authority endowment care fund and payments or contributions to, 35-21-848
Mentally ill persons, "friend of respondent" defined, 53-21-102
Motor vehicles
  gross vehicle weight fee exemption, 61-10-214
  special fuel user's courtesy vehicle permit to nonresidents, 15-70-302
Municipal commission governments, department of public safety and charity, 7-3-4253
Municipal commission-manager governments, duties of director of public welfare, 7-3-4463
Nonprofit corporations
  assets of mutual benefit corporation trust, derivative proceedings, 35-2-1302
  contributions, 35-2-118
Overtime compensation exclusions, 39-3-406
Perpetuities allowed, 72-2-1005; Const., XIII, 6
Personal representative, authority, 72-3-613
Pinochle tournaments, 23-5-319
Power of attorney, statutory — authority, 72-31-233
Psychologists, limitations on use of title, 37-17-104
Public assistance recipients, county responsibility for medical or institutional care to, 53-2-610
Public employees' retirement, designated beneficiaries, 19-2-801
Purchase of supplies, price discrimination provisions — nonapplicability, 30-14-902
Raffles, 23-5-413
  minors, participation, 23-5-158
Religious corporations sole, contributions, 35-3-205
Securities, registration and federal covered securities — exemption, 30-10-104
Slot machines, antique — prohibitions, 23-5-153
Social workers, limitations on use of title, 37-22-305
Sports pool and sports tab game values, retention of portion when, 23-5-503
State appropriation prohibited, Const., V, 11
Taxation
  deductions, 15-30-136, 15-31-114
  exemption, 15-6-201, 15-6-203, 15-31-102, 72-16-312, 72-16-607; Const., VIII, 5
  qualified endowment contributions, credit, 15-1-230, 15-30-165 — 15-30-167, 15-31-161, 15-31-162
Telemarketers' registration and bonding requirements, exemption, 30-14-1405
Transportation of passengers or property, free or reduced rates when, 69-11-109, 69-11-208
Trusts
  charitable, See **TRUSTS**
  institutional funds, management, 72-30-102, See **TRUSTS, Institutional funds**
  taxation, 15-30-135, 72-34-202, 72-34-203, 72-35-301
Unemployment insurance coverage, 39-51-203, 39-51-204, 39-51-2108, See also **UNEMPLOYMENT INSURANCE**, generally
Union dues and fees, payment in lieu of — nonassociation with labor organization on religious grounds, 39-31-204
Water judge or water master, office held in — effect, 3-7-401

CHARTER FORM OF GOVERNMENT, Const., XI, 5; XI, 6
  See also **LOCAL GOVERNMENT, Alteration of existing form**; **Alternative forms**
Adoption, 7-3-102, 7-3-154; Const., XI, 5

CHARTER FORM OF GOVERNMENT (Continued)

Charter, 7-1-4121, 7-3-703
  abandonment, Const., XI, 5
  adoption, 7-3-154; Const., XI, 5
  alteration of existing form of government, petition to draft, 7-3-141
    judicial review, 7-3-154
  amendment, 7-3-103, 7-3-709; Const., XI, 5
  commission, provision for, 7-3-704
  consolidation plan, inclusion, 7-3-1102
  effective date, 7-3-103, 7-3-156, 7-3-706
  election for, See **Elections**; See also generally **LOCAL GOVERNMENT**, **Alteration of existing form**
  functions, allocation, 7-3-705
  provisions
    general, 7-3-707
    limitations, 7-3-708
    statutory, superior to, 7-3-701; Const., XI, 5
  required, 7-3-703
  revision, Const., XI, 5
  study commissions, drafting, 7-3-185, 7-3-1102
"Chief executive" defined, 7-1-4121, 7-5-101
Commission-chairman form of government, self-government powers, 7-3-502, See **COMMISSION-CHAIRMAN FORM OF GOVERNMENT**
Commission-executive form of government, self-government powers, 7-3-202, See **COMMISSION-EXECUTIVE FORM OF GOVERNMENT**
Commission-manager form of government, self-government powers, 7-3-302, See **COMMISSION-MANAGER FORM OF GOVERNMENT**
Commissions, 7-3-704, 7-3-705
Consolidated units of government
  authorization, 7-3-1101, 7-3-1102
  self-government, operation, 7-5-201
Councils, 7-3-704
County Commissioners, Board of — nonapplicability of salary and expense provisions, 7-4-2107, 7-4-2108
Departments, 7-3-705
Elections, See also **LOCAL GOVERNMENT**, **Alteration of existing form**
  charter
    amendment, 7-3-103
    approval, 7-3-154
    ballot requirements generally, 7-3-150
    limitations, 7-3-708
    procedures for, Const., XI, 5
    suboptions, 7-3-151
  legislative body, of, 7-3-704
  mandatory provisions, 7-1-114
  moratorium, 7-3-155
Employees, 7-1-114, 7-5-201
Energy alerts or emergencies, obligations during, 90-4-311
Establishment, 7-3-703
Functions, 7-1-102, 7-1-103, 7-3-705
General power government provisions, applicability, 7-1-101 — 7-1-103
Initiative for charter or amendment to charter, 7-3-103; Const., XI, 5
Legislative body, 7-1-104, 7-3-704, 7-3-705
Mandatory provisions, 7-1-114

CHARTER FORM OF GOVERNMENT, Const. (Continued)

Ordinances and resolutions
  charter, for amendment, 7-3-103
  officials and personnel, to establish, 7-3-705
  powers exercised by, 7-1-104
  state law, to supersede, 7-1-105
Petition for charter or amendment to charter, 7-3-103, 7-3-141; Const., XI, 5
Powers, 7-1-101, 7-3-702; Const., XI, 6
  charter, enumeration in, 7-3-703
  construction, 7-1-106
  ferries and wharves, establishment and maintenance, 7-14-2804
  legislative body, vested in, 7-1-104
  licensing of businesses or occupations, 7-1-111, 7-21-2112
  prohibited powers, 7-1-111 — 7-1-113, 7-3-707
  self-government units, statutory limitations, 7-3-708
Prohibited powers, 7-1-111 — 7-1-113, 7-3-707
Services, 7-1-102, 7-1-103, 7-1-111
State law, applicability, 7-1-103, 7-1-105, 7-1-113, 7-3-708
Statutory provisions, charter provisions superior to, 7-3-701; Const., XI, 5
Structure and organization, 7-3-701, 7-3-707; Const., XI, 5
Transition of government, 7-3-158, 7-3-706, 7-3-707

CHECKS
  See **BANK DEPOSITS AND COLLECTIONS; NEGOTIABLE INSTRUMENTS**

CHEESE AND CHEESE FACTORIES
  See **DAIRIES AND DAIRY PRODUCTS**

CHEMICAL DEPENDENCY
Administration of provisions, 53-24-201, 53-24-206
Administrative procedure, applicability, 53-24-105, 53-24-208
AIDS test results, drug user's contacts — notification, 50-16-529, 50-16-1009
Aircraft, operation while under the influence of alcohol or drugs, 53-24-106, 67-1-204, 67-1-211
Alcoholic beverages
  alcoholism as illness, 53-24-102
  criminal prosecution, limitations, 53-24-102, 53-24-106, 53-24-107
  definitions, 53-24-103
  detention or arrest for, 53-24-107, 53-24-303
  intoxicated persons, 53-24-103
    arrest of, 53-24-107, 53-24-303
    pedestrians, walking on highways prohibited, 61-8-508
    selling or providing to unlawful, 16-3-301, 16-6-304, 27-1-710
  minors, liability for damages involving sale or provision to, 16-6-305
  policy of state, 53-24-102
  services, fees, 53-24-108
  treatment and rehabilitation, See **Treatment and rehabilitation**; **Treatment facilities**
Bequests for treatment, rehabilitation, or prevention, 53-24-108
Boating, waterskiing, or surfboarding under the influence of alcohol or drugs, 23-2-523, 23-2-535, 53-24-106
Child parenting determination, effect on, 40-4-212
Children, See **Family members**; **Minors**
City court jurisdiction, 41-5-203
Commitment proceedings
  counsel, right to, 53-24-302, 53-24-305
  discharge or release, 53-24-301, 53-24-302
  duration, 53-24-302
  emergency, 53-24-303

CHEMICAL DEPENDENCY (Continued)
Commitment proceedings (Continued)

- habeas corpus, 53-24-302
- involuntary, 53-24-302
- minors, 53-24-301, 53-24-302, See also **Minors**
- physician's certificate, 53-24-302
- protective custody, 53-24-107, 53-24-303
- transfers between facilities, 53-24-301, 53-24-303
- voluntary, 53-24-209

Community residential facilities, 76-2-411, 76-2-412
Concealed weapon, permit to carry — ineligibility, 45-8-321
Confidentiality of proceedings and records, 41-1-403, 53-24-302, 53-24-306
Conservatorship, basis for, 72-5-101, 72-5-408, 72-5-409, See **ESTATES AND PROBATE, Conservators and conservatorship**
Contract security company license applicants, requirements, 37-60-303
Contracts for programs and services, 53-24-204
Cooperation between governmental entities, 53-24-202, 53-24-206
Counselors

- certification and certificates
    - applications, 37-35-103, 37-35-202, 37-35-203
    - definitions, 37-35-102
    - examinations, 37-35-103, 37-35-202
    - exceptions, 37-35-201
    - fees, 37-35-103, 37-35-202, 37-35-203, 37-35-303
    - purpose of provisions, 37-35-101
    - renewal, 37-35-103, 37-35-203
    - required, 37-35-201
    - requirements, 37-35-202
    - termination, 37-35-203
    - transition and transfer of certificates, 37-35-304
- driving under the influence offenders, requirements, 61-8-732
- health care facilities, applicability of provisions, 50-5-101
- insurance, disability — payment for services, 33-22-705
- offices, certificate of need requirements — exception, 50-5-301
- professional counseling, applicability of provisions, 37-23-201
- rules, 37-35-103, 37-35-202, 37-35-203, 37-35-301
- training programs, internships, and continuing education, 37-35-103, 37-35-201, 37-35-202
- unprofessional conduct, complaints, and sanctions, 37-35-103, 37-35-301
- utilization reviews, Title 33, chapter 32, See **INSURANCE, DISABILITY**
- violations and penalties, 37-35-203, 37-35-302, 37-35-303

County drinking and driving prevention programs, 61-2-106 — 61-2-108
County programs, 53-24-204, 53-24-206
Countywide plan for treatment and prevention, 53-24-211
Courts, jurisdiction, 41-5-203, 53-24-208, 53-24-302
Dentists, evaluations and rehabilitation, 37-4-311 — 37-4-314
Detention when, 53-24-107, 53-24-303
Detoxification services, 53-24-108
Disabilities, persons with — employment preference, mental impairment not to include dependency, 39-30-103
Discharge from treatment, 53-24-301, 53-24-302
Drug Abuse Resistance Education (D.A.R.E.) Program, 15-30-158; Title 44, chapter 2, part 7
Drugs, dangerous

- misdemeanor offenses, dangerous drug information course mandatory, 45-9-208, 45-10-108
- scheduling criteria, 50-32-201, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Dangerous drugs**

Education concerning, 15-30-158, 20-25-601 — 20-25-604, 50-32-105, 53-24-103, 53-24-204

CHEMICAL DEPENDENCY (Continued)

Emergency treatment, 53-24-207, 53-24-302, 53-24-303
Employment
  drug or alcohol testing, workforce, 39-2-205 — 39-2-211
  lawful product used during nonworking hours, discrimination prohibited and exceptions, 39-2-313, 39-2-903
Facilities, See **Treatment facilities**; See also **HEALTH CARE FACILITIES**
Family members, 53-24-103
  child abuse and neglect, treatment plans, 41-3-420
  commitment rights and responsibilities, Title 53, chapter 24, part 3
  liability for damages involving sale or provision of alcohol to minor, 16-6-305
  treatment programs, inclusion in, 53-24-207, 53-24-209, See also **Treatment and rehabilitation**
Funding of programs
  alcoholism programs, 41-3-1103, 53-24-108, 53-24-206
  applications by department of corrections and human services, 53-24-206
  countywide plan, 53-24-211
  donations, 53-24-108, 53-24-204
  federal funding, 53-24-104, 53-24-204, 53-24-206
  gifts or grants, 53-24-108, 53-24-204, 53-24-206
  matching funds not required, 53-24-108
  private funding, 53-24-104, 53-24-204
  state plan, 53-24-207
  tax revenue, 16-1-404, 16-1-406, 16-1-411, 53-24-108, 53-24-206, 53-24-211
  utilization, 53-24-207, 53-24-211
Guardians' rights and responsibilities, 53-24-301, 53-24-302, See also **Family members**
Halfway houses, 76-2-411, 76-2-412
HIV-related test results, drug user's contacts — notification, 50-16-529, 50-16-1009
Hospitals, 50-5-301, 53-24-108, 53-24-207
Injunction of treatment facility violations, 53-24-208
Instruction concerning, 50-32-105, 53-24-103, See also **UNIVERSITY SYSTEM, Drug and alcohol abuse instruction**
Insurance
  children's health insurance program, coverage for services, 53-4-1005
  disability insurance, coverage for care and treatment services, 33-22-701 — 33-22-705
  disability insurers, liability concerning insured, 33-22-231
  health maintenance organizations, 33-31-102, 33-31-301
Intoxication, 53-24-103
  boiler operator engineers, 53-24-106
  consent ineffective when, 40-1-402
  county sheriff's deputies, grounds for termination of employment when, 7-32-2107
  criminal responsibility, 45-2-203, 46-18-222
  detention for, 53-24-107, 53-24-303
  highway patrol officers, disciplinary action — cause for, 44-1-612
  local government, authority limited, 7-32-4302, 53-24-106
  mental capacity, effect on, 45-2-203
  mental disorder, exclusion from definition, 53-21-102
  pedestrians, walking on highways prohibited, 61-8-508
Intravenous drug use, See **DISEASES, AIDS (acquired immunodeficiency syndrome)**
Involuntary commitment, See **Commitment proceedings**
Jurisdiction of courts, 41-5-203, 53-24-208, 53-24-302
Local government
  commitment — payment of examination, testimony costs, and attorney's fees, 53-24-302
  cooperation by, 53-24-202
  county programs, 53-24-204, 53-24-206
  countywide plan for treatment and prevention, 53-24-211

CHEMICAL DEPENDENCY (Continued)
Local government (Continued)

- intoxication, authority limited, 7-32-4302, 53-24-106

Marriage
- invalid, declared when, 40-1-402
- license, issuance prohibited, 40-1-210

Medicaid managed care program, different benefit packages, 53-6-704
Minors, See also **Family members**; **MINORS, Medical care**
- commitment, 53-24-301, 53-24-302
- consent for treatment, 41-1-402
- education, 53-24-103
- indigent, funds for, 41-3-1103
- information, release, 41-1-403
- liability for damages involving sale or provision of alcohol to, 16-6-305
- violations
  - jurisdiction of courts, 41-5-203
  - urinalysis ordered when, 41-5-1503
- voluntary commitment, 53-24-301
- "youth in need of supervision", defined, 41-5-103, See also **YOUTH COURT**

Motor vehicles
- drivers' licenses, ineligible persons, 61-5-105
- driving under the influence, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Driving under the influence of alcohol or drugs**

Next of kin, rights and responsibilities, See **Family members**
Parent-child legal relationship termination, criteria, 41-3-609
Parents, rights and responsibilities, See **Family members**
Partner or family member assault or stalking offenders, counseling requirement, 40-15-201
Payment for services, 53-1-409, 53-24-108
Physicians
- commitment of patients, certificates, 53-24-302
- dependency of physician, effect, 37-3-203, 37-3-323, 37-3-401

Prescriptions to drug addict or habitual user of drugs, reporting, 37-2-111
Prevention, 53-24-103
- countywide plan, 53-24-211
- programs, development, 53-24-204
- funding of programs, 53-24-104, 53-24-108

Private investigator or security guard license applicants, requirements, 37-60-303
Private proceedings, commitment, 53-24-302
Professional and occupational licensees, unprofessional conduct when, 37-1-316
Proprietary security organization license applicants, requirements, 37-60-303
Protective custody, 53-24-303
Purpose of provisions, 53-24-101
Records, 53-24-306
Relatives, rights and responsibilities, See **Family members**
Release from treatment facilities, 53-24-301, 53-24-302
Research, 50-32-105, 50-32-106, 53-24-306
Residential services, 41-3-1103, 53-24-301
Rights, 53-24-302, 53-24-305
Services and programs, development and maintenance, 53-1-601 — 53-1-603
Spouse, rights and responsibilities, See **Family members**
State Chemical Dependency Plan for services, 53-24-204, 53-24-207
State employees, alternative pay and classification plan — demonstration projects for development, 2-18-303
Support services, provision for released patients, 53-24-301
Teacher instruction, 20-25-601 — 20-25-604

CHEMICAL DEPENDENCY (Continued)

Treatment and rehabilitation, 53-24-103
  commitment, See **Commitment proceedings**
  community-based information course, 45-5-624
  community residential facilities, 76-2-411, 76-2-412
  comprehensive program, 53-24-207
  countywide plan, 53-24-211
  dangerous drugs
    felony offenses, sentencing alternatives, 45-9-202
    misdemeanor offenses, treatment required when, 45-9-208, 45-10-108
  discharge or release, 53-24-301, 53-24-302
  driving under the influence offenders, requirements, 45-5-624, 61-5-208, 61-8-410, 61-8-714, 61-8-731, 61-8-732, 61-11-101
  educational courses provided by state programs, 53-24-204
  emergency treatment, 53-24-207, 53-24-302, 53-24-303
  facilities, See **Treatment facilities**
  funding of programs, See **Funding of programs**
  halfway houses, 76-2-411, 76-2-412
  hospitals, inpatient treatment, 50-5-301
  individualized plan, 53-24-209
  inpatient or outpatient treatment, 53-24-207, 53-24-209, 53-24-301
  minors, consent for, 41-1-402
  nurses, programs for, 37-8-202
  order for, 40-4-121
  outpatient treatment, 53-24-207, 53-24-209, 53-24-301
  payment, 45-5-624, 53-1-409, 53-24-108
  physicians, impaired — program for, 37-3-203
  policy of state regarding alcoholism, 53-24-102
  state plan, 53-24-204, 53-24-207
  transfers between facilities, 53-24-301, 53-24-303
  transitional care, 53-24-209
  transportation to facilities, 53-24-301, 53-24-303
  visitation rights, 53-24-305
Treatment facilities, 50-5-101, 53-24-103, See also **HEALTH CARE FACILITIES**
  approval by department, 53-24-103, 53-24-204, 53-24-208
  chief of facility, commitment by, 53-24-302
  commitment, See **Commitment proceedings**
  confidentiality of records, 53-24-306
  cost of care, liability, Title 53, chapter 1, part 4
  discharge or release, 53-24-301, 53-24-302
  funding, 53-24-108
  health facility authority bonds to finance, 90-7-104, See **HEALTH FACILITY AUTHORITY**
  inspections, 50-8-101, 50-8-102, 50-8-105, 53-24-208
  licensing, one-step licensing required, 50-8-101, 50-8-102
  list of approved facilities, 53-24-207, 53-24-208
  Montana chemical dependency treatment center, 53-21-603
  patients' rights, 53-24-305
  records, 53-24-306
  rehabilitation facilities, 53-24-103, 53-24-208
  standards, 53-24-208
  transfers between, 53-24-301, 53-24-303
  transportation to, 53-24-301, 53-24-303
  violations by, injunction for, 53-24-208
University system courses concerning, 20-25-601 — 20-25-604
Violations, 37-35-203, 37-35-302, 53-24-208

CHEMICAL DEPENDENCY (Continued)

Visitation rights, 53-24-305
Waterskiing or surfboarding while under the influence of alcohol or drugs, 23-2-523, 23-2-535, 53-24-106
Workers' compensation benefits, nonapplicability when, 39-71-407
Workforce drug and alcohol testing, 39-2-205 — 39-2-211
Youth court jurisdiction, 41-5-203, 41-5-1203, 45-5-624
"Youth in need of supervision", defined, 41-5-103, See also **YOUTH COURT**

CHILD ABUSE AND NEGLECT
Abandonment, 41-3-102
    preservation or reunification services not required, 41-3-403
    termination of parental rights, grounds for, 42-2-608
    termination of parent-child legal relationship, criteria, 41-3-604, 41-3-608, 41-3-609
    waiver of summons, 41-5-1404
Abortion
    parental notification requirements, judicial waiver, 50-20-212
    premature infant born alive resulting from, 50-20-108
Access to child and records, 41-3-202, 41-3-303
Adjudicatory hearings, 41-3-401, 41-3-404, 41-3-607
Adoption
    confidentiality, disclosures, 41-3-205
    consent requirements, 41-3-302, 41-3-401, 41-3-403
    parental rights, termination when, 42-2-602, 42-2-608
    parent-child legal relationship termination, effect, 41-3-403, 41-3-406, 41-3-611
    placement of child, 41-3-403
    preplacement evaluation, 42-3-203, 42-3-204
    putative father registration
        certified copy of form, availability, 42-2-224
        rebuttable presumption of paternity created, 42-2-209
    relinquishment and consent, revocation or set aside — effect, 42-2-418
Affidavit required when, 41-3-401 — 41-3-403, 41-3-608
Alcohol or substance abuse evaluations and counseling, 41-3-420
Appeals, 41-3-409, 41-3-612
"Baby Doe" provision, 41-3-102
Care facilities, Title 41, chapter 3, part 11, See **Youth in need of care**
Child-care agencies, 41-3-1102
Child protective teams, 41-3-108, 41-3-205
Children's services, multiagency, Title 52, chapter 2, parts 2 and 3
Children's trust fund, Title 41, chapter 3, part 7, See **Prevention program**
Child welfare services, See also **Protective services**
    administration, 52-2-111
    cooperation between agencies, 52-2-116
    custody of child, departmental, 52-2-115
    definitions, 52-2-101
    enforcement of laws, 52-2-113
    establishment and strengthening, 52-2-112
    guardianship of child, departmental, 52-2-115
    importation and exportation of children, 41-4-107, 52-2-114
    indian child welfare specialist, 52-2-117
    parental authority not abrogated, 52-2-102
    rehabilitation of child, 52-2-113
Civil actions, 40-6-233, 41-3-401
Confidentiality
    case records, 41-3-205, 52-2-203
    privilege suspended, 41-3-201, 41-3-204, 41-3-404, 46-16-212

CHILD ABUSE AND NEGLECT (Continued)

Counsel, appointment, 41-3-401, 41-3-607
Counseling, 41-3-403, 41-3-406, 41-3-408, 41-3-420
County interdisciplinary child information teams, 52-2-211
County welfare departments, case records — confidentiality, 41-3-205
Courts
  adjudicatory hearing, 41-3-401
  guardian ad litem, appointment or removal and replacement, 41-3-303, 41-3-401
  guardian — appointment, revocation, or resignation, 41-3-421
  jurisdiction, 40-4-211, 41-3-103, 41-3-106
  records, confidentiality and disclosure exceptions, 41-3-205, 41-3-303
  treatment plan, order for, 41-3-420
Criminal charges, 41-3-106, 41-3-401, 45-1-205, 45-5-621, 45-5-622, 45-5-625
Death of child, 41-3-206, 41-3-403, 41-3-609, 50-19-402
Definitions, 41-3-102, 52-2-101
Determination of abuse or neglect, 41-3-404, 41-3-602
Disclosure of records when, 41-3-205, 41-3-208
Dispositional hearings, 41-3-404, 41-3-406, 41-3-607
Emancipation, limited, 41-3-102
  criteria, 41-3-408
  obligations, disaffirmance, 41-1-306
  order for, 41-3-406, 41-3-408
  petition for, 41-3-403
  rights and responsibilities, 41-1-306, 41-3-408
Emergency
  placement of child, 41-3-301
  reports, response, 41-3-302
Endangering the welfare of children, 45-5-622
Evidence
  adjudicatory hearings, 41-3-404
  admissibility and preservation, 41-3-204
  guardian ad litem's report, information in, 41-3-303
  order for protection, probable cause for issuance — establishment, 41-3-403
  right of access to child for obtaining, 41-3-202
Family law mediation, Title 40, chapter 4, part 3
Family Policy Act, 41-7-101, 41-7-102
Fetal, infant, and child mortality review teams — duties, 50-19-402
Foster care, 41-3-102, 41-3-205, 41-3-401, 41-3-412, 41-3-604, 41-3-1102, 41-5-103, See also **Youth in need of care**
Grandparent-grandchild contact, petitions, 40-9-102
Guardian ad litem
  appointment and duties, 3-5-901, 41-3-303, 41-3-401, 41-3-607, 41-3-610
  child protective teams, member of, 41-3-108
  contributions for care, order, 41-3-403, 41-3-1126
  guardian, petitions for, 41-3-421
  parent-child legal relationship termination
    appointment and duties, 41-3-607
    report by, 41-3-610
  permanency plan hearing and report, 41-3-412
  protection, order for, 40-15-102
  records, disclosure to — when, 41-3-205
  removal and replacement, 41-3-303
Guardian — appointment, duties, revocation, or resignation, 41-3-401, 41-3-406, 41-3-412, 41-3-421, 41-3-607, 41-3-1103, See also **Parents, guardians, or persons responsible for**
Indian children, 41-3-108, 41-3-109, 41-3-421, 52-2-117
  welfare specialist, 52-2-117

CHILD ABUSE AND NEGLECT (Continued)

Interagency cooperation, 41-3-107, 52-2-111, 52-2-113, 52-2-116, 52-2-201 — 52-2-203
Interstate Compact on Juveniles, Title 41, chapter 6, See **MINORS**
Interstate placement, financial responsibility, 41-4-102, See **Placement of child**
Interviews, 41-3-202, 41-3-205, 41-3-303
Investigations, 41-3-202, 41-3-401, 50-16-603
  death of child, upon, 41-3-206
  financial ability of parents or guardians, 41-3-411
  guardian ad litem, by, 41-3-303, 41-3-610
  immunity from liability, 41-3-203
  orders for, 41-3-404
  records, disclosure for, 41-3-205
  rulemaking authority for, 41-3-208
  temporary investigative authority, 41-3-401 — 41-3-403
  youth in need of care, 52-1-103
Judgment, final disposition, 41-3-406
Jurisdiction of courts, 40-4-211, 41-3-103, 41-3-106
Jury trial, no right to — when, 41-3-607
Liability for failure to report, 41-3-207
Local Citizen Review Board, 41-3-403; Title 41, chapter 3, part 10, See **YOUTH COURT, Foster care**
Mediation, Title 40, chapter 4, part 3
Medical
  costs, responsibility, 41-3-411
  evaluations, 3-5-901, 41-3-403, 41-3-406, 41-3-609
  facilities, placement in, 41-3-403, 41-3-420
  prescription drugs, administration, 40-6-233
  treatment plans, 41-3-420, 41-3-609
"Medically indicated treatment, withholding of" defined, 41-3-102
Montana Children's Trust Fund Board, Title 41, chapter 3, part 7, See **Prevention program**
Nonsupport as, 45-5-621, 45-5-622
Parental contributions account, 41-5-112
Parent-child legal relationship termination
  adjudicatory hearing, 41-3-607
  affidavit, 41-3-608
  appeals, 41-3-612
    alternative dispute resolution/mediation, applicability, Title 25, chapter 21, M.R.App.P., Rule 54(a)
  child custody proceeding, inclusion, 40-7-103
  citation of parent-child legal relationship termination act of 1981, 41-3-601
  criteria for, 41-3-604, 41-3-608, 41-3-609
  decree, effect, 41-3-611
  definitions, 41-3-102
  dispositional hearing, 41-3-607
  expenses of proceedings, 3-5-901
  grounds for, 41-3-607
  guardian ad litem, 3-5-901, 41-3-607, 41-3-610
  guardian, appointment, 41-3-421
  hearings, 41-3-607 — 41-3-610
  involuntary, effect on preservation and reunification services, 41-3-403
  jury trial, no right to, 41-3-607
  notice, 41-3-608
  orders, 41-3-609, 41-3-610
    appeals from, 41-3-612
    effect, 41-3-611

CHILD ABUSE AND NEGLECT (Continued)
Parent-child legal relationship termination (Continued)

- petition for, 41-3-403, 41-3-406, 41-3-604, 41-3-607
- placement of child, 41-3-610, 41-3-611
- purpose of provisions, 41-3-602
- relinquishment of custody, 41-3-609
- review hearing, 41-3-610
- right to counsel, 41-3-607
- rules of civil procedure, 41-3-608
- service of process, 41-3-608
- transcript fees, 3-5-604, 3-5-901
- treatment plan, 41-3-102, 41-3-609

Parenting determination, effect on, 40-4-212, See also **Parents, guardians, or persons responsible for; CHILD CUSTODY**

Parents, guardians, or persons responsible for
- adjudicatory hearings, 41-3-404
- appointment of guardian, 41-3-421
- authority not abrogated, 52-2-102
- civil action against, 40-6-233, 41-3-401
- counseling, 41-3-403
- criminal charges against, 45-5-621, 45-5-622
- debt to state, 41-3-1126
- definitions applicable, 41-3-102
- evaluations, 41-3-403
- financial ability
  - investigation, 41-3-403, 41-3-411
  - order for contribution, 41-3-411, 41-3-1126
- judgment, final disposition, 41-3-406
- minor parent
  - guardian ad litem appointed for, 41-3-607
  - notice to parents or guardian of, 41-3-401
- notice of placement
  - emergency, 41-3-301
  - medical or protective facility, in, 41-3-403
- permanency plan hearng, 41-3-412
- petition and summons, service, 41-3-401
- policy of state, 41-3-101
- prescription drugs, administration, 40-6-233
- public health and human services, department of — as guardian, 52-2-115
- records, disclosure to — when, 41-3-205
- reports of abuse and neglect, contents, 41-3-201
- right to counsel, 41-3-607
- service of process or papers, 41-3-401, 41-3-608
- temporary investigative authority and protective services, statements, 41-3-402
- treatment plan, 41-3-102, 41-3-406, 41-3-420, 41-3-609
- x-rays to be taken, permission not required, 41-3-204

Payment for services, 41-3-1103, 41-3-1115, 41-3-1122, 52-2-112
- payor of last resort, 41-3-403, 41-3-406, 41-3-412

Photographs of injuries, 41-3-202, 41-3-204

Placement of child
- emergency, 41-3-301
- extended family, priority, 41-3-101, 52-2-102
- guardian ad litem, duties, 41-3-607, 41-3-610
- interstate, Title 41, chapter 4, part 1, See **MINORS, Interstate Compact on the Placement of Children**
- medical or protective facility, in, 41-3-403
- parent-child legal relationship termination, 41-3-607, 41-3-610, 41-3-611

CHILD ABUSE AND NEGLECT (Continued)
Placement of child (Continued)

- payment for support, 41-3-1122
- permanent, 41-3-403, 41-3-413, 41-3-609, 52-2-121
- public health and human services, department of — by, 41-3-301, 41-3-1122
- review, Title 41, chapter 3, part 10
- shelter care, in — criteria, 41-5-205
- temporary dispositional order for, 41-3-404

Policy of state, 41-3-101, 41-7-102
Preservation services, 41-3-403, 41-3-604
Prevention program

- administration, 41-3-701, 41-3-702, 41-3-704, 52-1-103
- children's trust fund
  - account, establishment and allocation, 15-30-155, 15-30-157, 41-3-702
  - board, allocation and appointments to, 2-15-2214
  - dissolution of marriage or legal separation fees, allocation, 25-1-201
  - endowment for children, 41-3-705
  - state prevention programs, interagency coordinating council for — presiding officer of board as member, 2-15-225
- funding, 15-30-121, 15-30-155 — 15-30-157, 25-1-201, 41-3-701, 41-3-702, 41-3-705
- gifts, contributions, and grants, 15-30-155, 41-3-703, 41-3-705

Proceedings to determine, 41-3-401 — 41-3-404, 41-3-406

- child custody proceedings, inclusion, 40-7-103
- expenses, 3-5-901
- guardian ad litem, appointment and duties, 3-5-901, 41-3-303, 41-3-401
- indian child welfare act, subject to, 41-3-109
- immunity from liability, participants, 41-3-203
- permanency plan hearing, 41-3-403, 41-3-406, 41-3-412
- transcript fees, 3-5-604

Prosecution of offenders, See **Criminal charges**
Protection, order of, 40-15-102, 40-15-204
Protective services, See also **Child welfare services**

- administration, 52-1-103
- child protective teams, coordinator, 41-3-108
- county agency, x-ray costs — payment, 41-3-204
- death of child, report to, 41-3-206
- emergency placement of child, 41-3-301
- guardian ad litem, appointment and duties, 41-3-303, 41-3-401
- multiagency, 52-2-202
- notice to parents, guardians, or persons responsible for, 41-3-301
- order for, 41-3-403
- policy of state, 41-3-101
- public health and human services, department of — provided by, 41-3-202, 41-3-301, 41-3-302, 52-1-101, 52-1-103, 52-2-101
- supervision, 52-1-103
- temporary, 41-3-401, 41-3-403
  - petition for, 41-3-402
- treatment plan, 41-3-102
- x-rays required, consultations and payment of costs, 41-3-204

Psychiatric diagnosis, treatment plans, 41-3-420
Psychological

- abuse, 41-3-102
- evaluations, 3-5-901, 41-3-403, 41-3-406
- records, 41-3-303
- treatment plans, 41-3-420

Putative father

- preservation or reunification services not required when, 41-3-403

CHILD ABUSE AND NEGLECT (Continued)
Putative father (Continued)

- registration
  - certified copy of form, availability, 42-2-224
  - rebuttable presumption of paternity created, 42-2-209

Records
- confidentiality and disclosure exceptions, 41-3-205, 41-3-208, 46-16-212
- destruction requirements, 41-3-202
- guardian ad litem, access to, 41-3-303

Rehabilitation of child, 52-2-113
Reports
- contents and how made, 41-3-201, 41-3-204
- death of child, upon, 41-3-206
- emancipated youth, by, 41-3-408
- emergency, response to, 41-3-302
- evidence, admissibility as, 41-3-204
- failure to make, penalty, 41-3-207
- guardian ad litem, by, 41-3-303, 41-3-610
- immunity from liability of persons reporting, 41-3-203
- investigatory, 41-3-202, 50-16-603
- parent-child legal relationship termination, status of child, 41-3-610
- permanency plan, regarding, 41-3-412
- records, handling, 41-3-202, 41-3-205
- refusal to make, 41-3-201
- rulemaking authority for, 41-3-208
- temporary investigative authority and protective services, petition for — to support, 41-3-402

Representation of child, 41-3-303, 41-3-607
Residential services, Title 41, chapter 3, part 11, See **Youth in need of care**
Respite care and providers, 41-3-1102, 41-3-1151, 41-3-1152
Reunification of child and parent or guardian, 41-3-401, 41-3-403, 41-3-412, 41-3-421, 41-3-604, 41-3-609
- review hearing, 41-3-413

Rights
- access to child and records, 41-3-202, 41-3-303
- counsel, to, 41-3-607
- emancipated youth, 41-3-408
- entry, of, 41-3-403
- parent-child legal relationship termination, following, 41-3-611

Ritual abuse of minor, 27-2-217, 41-3-102, 42-2-608, 45-1-205, 45-5-627, 46-18-111, 46-18-219
Runaways, return of, Title 41, chapter 6, See **MINORS, Interstate Compact on Juveniles**
Sexual abuse or exploitation, 27-2-216, 40-4-219, 41-3-102, 41-3-403, 42-2-608, 45-1-205, 45-5-620, 45-5-625
- sexual or violent offenders
  - DNA testing, 44-6-101 — 44-6-103, 44-6-106 — 44-6-108, 44-6-110
  - registration, 46-18-255, 46-23-501 — 46-23-511

Shelter care, 41-5-103, 41-5-1801, See **Youth in need of care**
Social workers, 41-3-102
- child protective teams, members of, 41-3-108
- emergency placement of child, 41-3-301
- investigations by, 41-3-202, 41-3-203
- reports
  - abuse and neglect, of, 41-3-201, 41-3-203
  - family services, department of — to, 41-3-202
- right of access to child and records, 41-3-202
- right of entry, 41-3-403

Substitute care, 41-3-1101, 41-3-1102, 41-5-103, See **Youth in need of care**

CHILD ABUSE AND NEGLECT (Continued)

Summons, abandonment as waiver, 41-5-1404
Support enforcement, Title 40, chapter 5, part 2, See **CHILD SUPPORT**, **Duty of support**
Temporary disposition, 41-3-401 — 41-3-404, 41-3-406, 41-3-421
Venue, determination, 41-3-103, 41-5-204
Violations
  emancipated youth, by — effect, 41-3-408
  endangering the welfare of children, 45-5-622
  nonsupport, 45-5-621, 45-5-622
  records, disclosure, 41-3-205
  report of abuse and neglect, failure to make, 41-3-207
  sexual abuse, 45-5-620, 45-5-625
    sexual offender DNA testing, 44-6-101 — 44-6-103, 44-6-106 — 44-6-108, 44-6-110
    sexual or violent offender registration, 46-18-255, 46-23-501 — 46-23-511
"Withholding of medically indicated treatment" defined, 41-3-102
X-rays required to be taken when, 41-3-204
Youth in need of care, 41-3-102, 41-5-103, See also **YOUTH COURT**
  abandonment, waiver of summons and notice requirements, 41-5-1404
  court jurisdiction, 41-5-203
    preliminary inquiry, 41-5-1201
    venue and transfer, 41-5-204
  guardian, appointment, 41-3-421
  hearings to determine, 41-3-404, 41-3-406
  long-term custody, petition for, 41-3-412
  parent-child legal relationship termination, 41-3-609
  payment for support, 41-3-1103, 41-3-1122
  placement, 41-3-1122, 41-5-341, 41-5-344, 41-5-1801
  public health and human services, department of — functions, 41-3-1103, 41-3-1104, 52-1-103
  respite care and providers, 41-3-1102, 41-3-1151, 41-3-1152
  services and facilities
    government contracts for, 41-3-1131, 41-3-1132
    licensing provisions, 41-3-1141 — 41-3-1143
    zoning regulations, 76-2-411, 76-2-412
  shelter care, 41-5-103, 41-5-1801
  substitute care, 41-3-1101, 41-3-1102, 41-5-103
  taking into custody, when, 41-5-321
  treatment plan, 41-3-420
Youth residential services, Title 41, chapter 3, part 11, See **YOUTH COURT**, **Youth residential services**

CHILD CARE ACT, Title 52, chapter 2, part 7
  See **DAY CARE**

CHILD CUSTODY
Abandonment, 40-4-211, 40-7-103, 40-7-204
  relinquishment of custody as evidence of, when, 40-6-235, 41-3-102
Abduction of child, 27-1-515
Abused, neglected, and dependent children, See **CHILD ABUSE AND NEGLECT**
Abuse of spouse or child, effect, 40-4-212, 40-4-219, 40-4-301
Adoption of children, See **ADOPTION**
Appellate alternative dispute resolution/mediation, Title 25, chapter 21, M.R.App.P., Rule 54; Rule 54 Appendix, Forms 1 — 6
Attorneys
  fees, 40-4-110, 40-4-205, 40-4-219, 40-7-109, 40-7-308, 40-7-312
  investigation of parenting arrangements, report concerning — copy to, 40-4-215
  representation of child when, 40-4-205, 40-4-214, 40-9-102

CHILD CUSTODY (Continued)

Best interest of child, consideration
  educational program on effects of dissolution of marriage, court-ordered attendance, 40-4-226
  grandparent-grandchild contact, 40-9-102
  investigation to determine, 40-4-215
  mediation proceedings, 40-4-302
  parenting determination, jurisdiction of court, 40-4-211
  parenting plan, 40-4-212, 40-4-213, 40-4-216, 40-4-219, 40-4-220, 40-4-227, 40-4-233
  visitation rights of third parties, 40-4-228
Birth certificates and records
  disclosure for, 50-15-122
  registration, 50-15-221
  unknown parentage, child of, 50-15-203
Chemical dependency or abuse by parents, effect, 40-4-212
Child-parent relationship, 40-4-211, 40-4-221, 40-4-227, 40-4-228
Contested proceedings, 40-4-215
Criminal conviction of parent, effect, 40-4-212, 40-4-219
Death of parent
  determination upon, 40-4-220
  parenting plan
    amendment, 40-4-219
    hearing, request for, 40-4-221
De facto parenting arrangement, 40-4-212, 40-4-219
Delegation of powers by parent or guardian, 72-5-103
Determination by court, 40-7-103
  binding force, 40-7-137
  definitions, 40-7-301
  enforcement, 40-7-103, 40-7-301, 40-7-315
    appeals, 40-7-314
    appearance of parties and/or child and limited immunity, 40-7-138, 40-7-308, 40-7-311
    child custody proceeding, exclusion, 40-7-103
    delivery of child, 40-7-308, 40-7-310
    duty to enforce, 40-7-303
    fees, costs, and expenses, 40-7-308, 40-7-310, 40-7-312, 40-7-317
    hearing and order, 40-7-310
    injunction when, 40-7-107
    modification proceedings, effect, 40-7-107, 40-7-307
    notice and opportunity to be heard, nonapplicability, 40-7-105
    petition and order, 40-7-308, 40-7-311
      service, 40-7-309
    recognition of orders, 40-7-313
    registered determination, 40-7-305, 40-7-306
    request for, 40-7-305
    stay of orders, 40-7-314
    temporary emergency jurisdiction, orders issued — effect, 40-7-204, 40-7-310, 40-7-314
    visitation, temporary order for, 40-7-304
    warrant to take physical custody of child, 40-7-103, 40-7-311
  establishment, 40-7-103
  final, 40-7-204
  foreign state, issued by, 40-7-136, 40-7-303, 40-7-313
  hearings, 40-7-305, 40-7-308, 40-7-310
  inconvenient forum, 40-7-108
  indian tribes, applicability, 40-7-103, 40-7-135
  information submitted by parties, 40-7-110

CHILD CUSTODY (Continued)
Determination by court (Continued)

- initial determination, 40-7-103
  - jurisdiction of court, 40-7-201, 40-7-202
- jurisdiction of court declined when, 40-7-108
- law enforcement, role, 40-7-308, 40-7-310, 40-7-311, 40-7-316, 40-7-317
- modification, 40-7-103, 40-7-202, 40-7-310
  - appearance of parties and limited immunity, 40-7-138
  - enforcement proceedings, effect, 40-7-107, 40-7-307
  - jurisdiction, 40-7-202, 40-7-203
  - registered determination, 40-7-306
  - stay of proceedings, 40-7-107
  - temporary emergency, 40-7-204
- notice requirements, 40-7-305, 40-7-308, 40-7-310
- prosecutor, role, 40-7-315 — 40-7-317
- registration, 40-7-305, 40-7-308, 40-7-310
  - appearance of parties and limited immunity, 40-7-138
  - enforcement, 40-7-305, 40-7-306
- return of child, order for — enforcement, 40-7-301, 40-7-302, 40-7-315
- simultaneous proceedings, 40-7-307
- visitation, See **Visitation**

Dissolution of marriage
- child custody proceeding, 40-7-103
  - jurisdiction of court, declined when, 40-7-108
- decree entered when, 40-4-104
- dismissal of proceedings, effect, 40-4-213
- educational program on effects, 40-4-226
- maintenance, custody as consideration for, 40-4-203
- parenting plan
  - final plan, submission to court, 40-4-234
  - proceedings, commencement when, 40-4-211
- property settlement, custodial provisions as determination for, 40-4-202

Domestic violence, See **Partner or family member assault situations**
Estates and probate, family allowance, 72-2-414
Evidence
- determination of child custody by court, enforcement hearings — testimony, 40-7-310
- investigation reports, 40-4-215
- jurisdiction of court
  - determination, information for, 40-7-108
  - documentary, transferred from another state — exclusion when, 40-7-119
  - hearings, evidentiary, 40-7-140
- parenting plan, actions or motions to amend — rebuttable presumptions, 40-4-212

Ex parte, temporary order for living arrangements, 40-4-220
Family Policy Act, 41-7-101, 41-7-102
Firearms, use by children under fourteen prohibited, 45-8-344
Foreign states
- appearance of parties and/or child, 40-7-112
- conduct of person invoking jurisdiction, effect, 40-7-109
- determination of child custody issued by, 40-7-136
  - enforcement, 40-7-136, 40-7-303, 40-7-313
  - initial determination, jurisdiction, 40-7-201
  - modification, jurisdiction, 40-7-203, 40-7-307
  - registration, enforcement, 40-7-305, 40-7-306
- inconvenient forum, 40-7-108
- notice and opportunity to be heard for persons in, 40-7-105, 40-7-106, 40-7-112
- rules of civil procedure, nonapplicability, 40-1-105, 40-4-103
- simultaneous proceedings, 40-7-107

CHILD CUSTODY (Continued)
Foreign states (Continued)

testimony of persons in, 40-7-119
Grandparent-grandchild contact, 40-9-101, 40-9-102
Guardian ad litem
appointment and duties, 40-4-205
educational program on effects of dissolution of marriage, costs to include services, 40-4-226
investigations by, 40-4-215
Guardians, See **GUARDIANS AND GUARDIANSHIP**
Interference unlawful
custodial interference, offense of, 45-5-304
parent-child contact, interference with, 45-5-631 — 45-5-633
parenting interference, 45-5-634
voter registration lists or mailing labels, addresses of victims removed from, 13-2-115, 13-2-122, 46-6-602
International application, 40-7-136
Interstate placement of children, Title 41, chapter 4, part 1, See **MINORS**, **Interstate Compact on the Placement of Children**
Invalidity of marriage, declaration of
decree, applicability when, 40-1-402
parenting plan, final — submission to court, 40-4-234
Investigation and report of parenting arrangements, 40-4-215
Jurisdiction of courts
adoption proceedings, nonapplicability, 40-7-134
affidavits, 40-7-110
appearance of parties and/or child and limited immunity, 40-7-112, 40-7-138, 40-7-140
citation of uniform child custody jurisdiction and enforcement act, 40-7-101
communication between courts, 40-7-107, 40-7-139, 40-7-204
conduct of person invoking jurisdiction, effect, 40-7-109
cooperation between courts, 40-7-119, 40-7-140
declined when, 40-4-211, 40-7-108, 40-7-109, 40-7-201, 40-7-202
definitions, 40-7-103, 40-7-139, 40-7-301
determination of child custody, See **Determination by court**
dismissal of proceedings, 40-7-107, 40-7-109
emergency medical care for child, nonapplicability, 40-7-134
exclusive and continuing, 40-7-202, 40-7-203
fees, costs, and expenses, 40-7-109, 40-7-112, 40-7-140
hearings, 40-7-105, 40-7-140
inconvenient forum, 40-7-108, 40-7-202
indian tribes, applicability, 40-7-103, 40-7-135
information submitted by parties, 40-7-107, 40-7-108, 40-7-110
initial determination of child custody, 40-7-201, 40-7-202
international application, 40-7-136
intervention as parties, 40-7-105
joinder of parties, 40-7-105
modification of determination of child custody, 40-7-202, 40-7-203
notice and opportunity to be heard, 40-7-105, 40-7-106, 40-7-112, 40-7-137, 40-7-305, 40-7-308, 40-7-310
parenting determination, 40-4-211
priority, 40-7-125
records, 40-7-139, 40-7-140
rules of civil procedure, nonapplicability, 40-1-105, 40-4-103
service of process, 40-7-138
simultaneous proceedings in other states, effect, 40-7-107
stay of proceedings, 40-7-107 — 40-7-110
submission to, 40-7-106, 40-7-137
temporary emergency, 40-7-204

CHILD CUSTODY (Continued)
Jurisdiction of courts (Continued)
- temporary order for maintenance or support or temporary injunction or restraining orders, 40-4-123
- testimony taken out-of-state, 40-7-119
- uniformity of provisions
- visitation, supervision, 40-4-218

Local Citizen Review Board pilot program, 41-3-1004, 41-3-1014
Mediation, 40-4-215, 40-4-219, 40-4-234; Title 40, chapter 4, part 3
Medical care, independent obligation, 40-5-808
Missing children information program, Title 44, chapter 2, part 5
Parental contact, See also **Visitation**
- best interest of child, 40-4-212
- child's wishes, interviews to ascertain, 40-4-214
- grandparent-grandchild contact, 40-9-101, 40-9-102
- guardian ad litem, appointment for and duties, 40-4-205
- interference with, 45-5-631 — 45-5-633
- mediation proceeding, 40-4-302
- refused or denied, effect, 40-4-219
- residence, change in, 40-4-217, 40-4-219
- separation agreement, provisions for, 40-4-201
- suspension when, 40-4-109

Parent-child legal relationship termination
- child custody determination, enforcement petition — information for, 40-7-308
- child custody proceedings
  - inclusion, 40-7-103
  - information submitted by parties, 40-7-110
- petition for, 41-3-607
- review following, 41-3-610

Parenting determination, jurisdiction of court, 40-4-211
Parenting in general, See this heading generally
Parenting plan
- affidavits, 40-4-213, 40-4-220
- amendment, 40-4-212, 40-4-219, 40-4-220, 40-4-233
  - contested, petition for and fee, 25-1-201, 40-4-215, 40-4-226
- best interest of child, consideration, 40-4-212, 40-4-213, 40-4-216, 40-4-219, 40-4-220, 40-4-227, 40-4-233
- commencement of proceedings, 40-4-211
- costs of proceedings, 40-4-216
- dismissal of proceedings, effect, 40-4-213
- dispute resolution provisions, 40-4-212, 40-4-219, 40-4-234
- dissolution of marriage
  - petition for, contents, 40-4-105
  - summary dissolution proceedings, 40-4-130
- educational program, court-sanctioned — on effects of dissolution of marriage, 40-4-226
- final plan, 40-4-213
  - criteria, 40-4-233, 40-4-234
  - purpose and objectives, 40-4-233
- hearings, 40-4-216
  - death of parent, request for, 40-4-221
- interference with parent-child contact, 45-5-631
- interim plan, 40-4-213, 40-4-220
- legal separation, petition for — contents, 40-4-105
- noncompliance, effect, 40-4-234
- records pertaining to child, access by parent, 40-4-225
- residence, notice of intent to change, 40-4-217
- review, 40-4-234

CHILD CUSTODY (Continued)
Parenting plan (Continued)

- sealing of records or plan, 40-4-216, 40-4-234
- separation agreement, in, 40-4-201
- third parties and natural parents, 40-4-228

Partner or family member assault situations
- child custody determination, enforcement petition — information for, 40-7-308
- jurisdiction of court, determination — information for, 40-7-108, 40-7-110
- parenting plan, effect of parent's conviction, 40-4-212, 40-4-219
- protection, order of, 40-15-301
- victim's rights, 13-2-115, 13-2-122, 40-15-103, 46-6-602

Paternity actions
- custody awarded through, 40-6-116, 40-6-118
- denial of interest in custody when, 42-2-422
- enforcement, modification, or revocation of judgment or order, 40-6-117, 40-6-118
- independent action, as, 40-5-236

Personal representative, custodial parent as — priority, 72-3-502
Placement of Children, Interstate Compact on, Title 41, chapter 4, part 1, See **MINORS**
Pleadings, 40-1-105, 40-4-103, 40-4-211, 40-7-103, 40-7-110, 40-9-101, 40-7-140
Privacy of hearings and records, 40-4-216
Public assistance provisions, 40-4-215, 53-2-610, 53-2-613, 53-4-248
Public employees' retirement benefits, application for and payment to minor beneficiary, 19-2-803, 19-3-1204
Records of proceedings
- interviews with child as part of, 40-4-214
- investigations, of, 40-4-215
- sealed when, 40-4-215, 40-4-216

Records pertaining to child, access by parent, 40-4-225
Relinquishment when, 40-6-235, 41-3-102, 41-3-609
Residence of child
- change by parent, 40-4-217, 40-4-219, 40-4-234
  - aggravated interference with parent-child contact, offense of — when, 45-5-632, 45-5-633
- child's wishes, interviews to ascertain, 40-4-214
- determination, 1-1-215
- parenting plan, designation in, 40-4-234
- parenting plan proceedings, commencement when, 40-4-211
- university system students, presumptions and rules as to, 20-25-503

Residential schedules, 40-4-217, 40-4-219, 40-4-234
Return of child, order for — enforcement, 40-7-301, 40-7-302, 40-7-315
Rights of parents and children, 40-4-227
Rights of parents, suspension when, 40-4-219
Rules of Civil Procedure, applicability, 40-1-105, 40-4-103, 40-4-219, 40-9-101
Separation agreement, provisions for, 40-4-201
Support delinquency, vacated interim parenting plan — effect, 40-4-213
Support orders
- case registry and payment information and records, disclosure, 40-5-923
- medical, enforcement, 40-5-804, 40-5-808
- payments, how made, 40-5-274
- review, jurisdiction, 40-5-272

Temporary order for maintenance or support or temporary injunction or restraining orders, jurisdiction, 40-4-123
Uniform Child Custody Jurisdiction Act, See **Jurisdiction of courts**
Unknown parentage, child of, 50-15-203
Visitation, See also **Parental contact**
- assault, partner and family member — notice of rights to victim, 40-15-103, 46-6-602
- child custody determination
  - inclusion, 40-7-103

CHILD CUSTODY (Continued)
Visitation (Continued)
    child custody determination (Continued)
        registration, 40-7-305
    child custody proceeding to include, 40-7-103
    enforcement, 40-7-304
    medical care, independent obligation, 40-5-808
    parent-child relationship judgments or orders, contents, 40-6-116
    parties to proceedings, information submitted by, 40-7-110
    paternity proceedings, independent action, 40-5-236
    public assistance, assignment of support rights — effect of visitation order, 53-2-613
    supervised when, 40-4-218
    support orders
        case registry and payment information, disclosure, 40-5-923
        income withholding
            delinquency, contesting — mistakes of fact, 40-5-412
            foreign orders, registration does not confer jurisdiction, 40-5-431
        payments not conditioned upon compliance with visitation, 40-5-162
        registration, jurisdiction not conferred by, 40-5-271
        review, jurisdiction not conferred by, 40-5-272
    third party and natural parents, 40-4-228
Volunteer firefighters' compensation, survivorship benefits, 19-17-405
Youth court, Title 41, chapter 5, See **YOUTH COURT**
Youth residential services, Title 41, chapter 3, part 11, See **CHILD ABUSE AND NEGLECT, Youth in need of care; YOUTH COURT, Youth residential services**

CHILD LABOR STANDARDS ACT, Title 41, chapter 2, part 1

CHILDREN, INTERSTATE COMPACT ON THE PLACEMENT OF, Title 41, chapter 4, part 1
    See **MINORS**, Interstate Compact on the Placement of

CHILDREN'S HEALTH INSURANCE PROGRAM ACT, Title 53, chapter 4, part 10

CHILDREN'S MULTIAGENCY SERVICES
    See also **CHILD ABUSE AND NEGLECT; MINORS; YOUTH COURT**
Cooperative agreements, 52-2-203
County interdisciplinary child information team, 52-2-211
Definitions, 52-2-202, 52-2-302
Funding, 52-2-304, 52-2-305
In-state providers
    limitation on out-of-state placements, 52-2-306
    quality services, placement plan to explain, 52-2-305
    requests for proposals from, 52-2-307
Least restrictive setting, 52-2-301, 52-2-302, 52-2-305
Local interagency staffing group, 52-2-203, 52-2-302
    approval of placement, 52-2-306
    committee to advise, 52-2-304
Managed care, 52-2-301, 52-2-302, 52-2-304
Multiagency service placement plan committee
    administration, 52-2-303
    duties, 52-2-304
    membership, 52-2-303
Out-of-state providers
    placement limited, 52-2-304, 52-2-305
    "provider" defined, 52-2-302
    use as last resort, 52-2-301
Purpose, 52-2-201

CHILDREN'S MULTIAGENCY SERVICES (Continued)

Placement plan
- development, committee assistance for, 52-2-304
- implementation, 52-2-305, 52-2-306, 52-2-308
- required, 52-2-305

Requests for proposals, 18-4-301, 52-2-302, 52-2-307
Rulemaking authority, 52-2-308
"Services" defined, 52-2-202, 52-2-302
State policy, 52-2-301

CHILDREN'S TRUST FUND AND TRUST FUND BOARD
- See **CHILD ABUSE AND NEGLECT, Prevention program**

CHILD SUPPORT
Abused and neglected children
- payments for, 40-6-233, 41-3-403, 41-3-411, 41-3-1122
- youth care facilities, payments to, 41-3-1122

Actions
- administrative, 40-5-231 — 40-5-237
- collection actions, 40-5-202, 40-5-222, 40-5-224, 40-5-226
- contest of order, proceedings, 40-5-188 — 40-5-190
- debt charged as uncollectible, effect, 40-5-255
- defenses asserted, 40-5-189, 40-5-190
- effect on other proceedings, 40-5-306
- fees collectible, 40-5-173, 40-5-210
- health benefit plan premium, nonpayment — authorization to cure, 40-5-811
- immunity, limited, 40-5-183
- medical support orders, establishment, 40-5-805
- minor, parent — by, 40-5-159
- nonparentage as defense, limitation, 40-5-174
- notice of intent to withhold income, 40-5-413
- paternity proceedings, 40-5-196
- payment, liability, 40-5-909
- special rules of evidence and procedure, 40-5-175
- support enforcement agency for, 40-5-164
- time limitations, 27-2-201, 27-2-211, 40-5-187, 40-5-190, 40-5-247, 40-5-254, 40-5-601

Administrative enforcement, Title 40, chapter 5, part 2, See **Enforcement**
Adoption
- administrative enforcement
  - "parent" defined, 40-5-201
  - public assistance, debt to state, 40-5-221
- arrearages, no cancellation, 42-2-402, 42-2-403, 42-2-412, 42-2-413, 42-2-617, 42-4-312, 42-5-202
- medical support, inclusion, 33-22-130, 40-5-817
- parental rights, termination when, 42-2-608
- paternity
  - acknowledgment and denial of interest in custody, effect, 42-2-422
  - denial, effect, 42-2-421
- putative father
  - establishment of substantial relationship, criteria, 42-2-610
  - registration
    - certified copy of form, availability, 42-2-224
    - rebuttable presumption of paternity created, 42-2-209
- records, access, 42-6-101
- relinquishment of child, effect, 42-2-402

Affidavits required when, 40-4-121, 40-4-122, 40-5-175, 40-5-224, 40-5-226, 40-5-233, 40-5-234, 40-5-273, 40-5-432, 53-4-248

CHILD SUPPORT (Continued)

Age of child, termination or extension of support, 40-4-208, 40-5-201
Allowance to parent from child's property when, 40-6-212
Appeals from support orders, 40-5-190
  alternative dispute resolution/mediation, Title 25, chapter 21, M.R.App.P., Rule 54; Rule 54 Appendix, Forms 1 — 6
Assignment
  damages, future — periodic payments, 25-9-405
  earnings, 40-4-207
    honoring and effect, 40-5-257
    income deduction, priority, 40-5-310, 40-5-315
    income withholding, 40-5-403, 40-5-423
    release of excess to obligor, 40-5-243
    registration, 40-5-271
    rights, protection limited when, 40-5-256
    review and modification, 40-4-204, 40-5-226, 40-5-235, 40-5-271 — 40-5-273
    set aside of orders, 40-5-233, 40-5-235
    time limitation, 40-5-255
  public health and human services, department of — to, 40-5-315, 40-5-403, 53-2-613
  support to follow child, payment, 40-5-247
  workers' compensation benefits, 39-71-743
Attorney
  administrative hearings, representation of parties, 40-5-273
  enforcement proceedings, counsel, 40-5-170, 40-5-183, 40-5-253
  fees, 40-4-110, 40-5-162, 40-5-173
    waiver, 40-4-205
  guardian ad litem, 40-5-205
  private counsel, 40-5-170
  public health and human services, department of — power of, when, 40-5-202
  representation of child when, 40-4-205
  scale of suggested minimum contributions furnished to, 40-5-214
  support enforcement agency, fiduciary relationship — duties, 40-5-164
Attorney general, enforcement duties, 40-5-166
Birth certificates and records, disclosure for, 50-15-122
Care facilities, payments to, 41-3-1122, 41-3-1126
Case registry and payment processing unit, 40-5-906
  abstracts required, 40-5-907
  definitions, 40-5-901
  employer reporting requirements, 40-5-922
  new hires, directory, 40-5-922
  payment
    centralized center, 40-5-909
    distribution, 40-5-910
    monitoring and enforcement, 40-5-911
  records
    certification, 40-5-921
    disclosure, 40-5-923
    financial, automated access, 40-5-924
  registration procedures, 40-5-908
Child custody determination, exclusion, 40-7-103
Child's property used for, when, 40-6-212
Civil procedure, rules of — applicability, 40-5-210, 40-5-226
Clerk of the district court, duties
  certified payment records, admissible as evidence when, 40-5-601
  distraint, warrants for, 15-1-704, 40-5-248, 40-5-255, 72-16-432
  income deductions, administration, 40-5-308, 40-5-312, 40-5-315

CHILD SUPPORT (Continued)
Clerk of the district court, duties (Continued)

- notice concerning, 40-5-205
- orders, filing, 40-5-227
- payments and handling fees, 40-4-206, 40-5-412
- public assistance, assigned interest — payment procedure, 53-2-613
- support debt charged off as uncollectible, effect, 40-5-255

Confidentiality, 40-5-171, 40-5-172, 40-5-273
Consumer reporting agencies, information available to, 40-5-206, 40-5-261, 40-5-262, 53-2-504
Contempt

- administrative orders, enforcement, 40-5-226, 40-5-227
- medical support order, payor obligations, 40-5-208, 40-5-226, 40-5-813
- nonsupport, for, 40-5-275, 40-5-601, See also **Nonsupport**
- orders, enforcement, 40-5-162, 40-5-206

Counties, payments — youth care facilities, 41-3-1122
County attorney

- defined as prosecuting attorney, 40-5-103
- duties generally, 40-5-166
- extradition, duties respecting, 40-5-154
- records, availability, 40-5-206
- scale of suggested minimum contributions furnished to, 40-5-214
- support enforcement agency, as, 40-5-164

Court jurisdiction, See **Jurisdiction**
Crime victims compensation benefits, assignment for, 53-9-129
Criminal charges

- nonsupport, for, 45-5-621, 45-5-622
- rendition, grounds and conditions for, 40-5-153, 40-5-154

Criteria for ordering, 40-4-204
Custodial agencies, payments to, 41-3-1122, 41-3-1126
Day care, expenses defined as, 40-5-601
Death of parent

- provisions if marriage had been dissolved, 40-4-208
- remedy for lack of provisions, 40-6-213

Debts owed, 40-5-201

- assignment, 53-2-613
- authority to collect, 17-4-105
- based upon support order, 40-5-222
- collection by department of public health and human services, 40-5-202
- information regarding, availability, 40-5-261, 40-5-262
- interest on, 40-5-248, 40-5-252
- interim parenting plan, vacation — collection, 40-5-213
- nonsupport
  - determination, 40-5-703
  - payment in full, termination of order to suspend when, 40-5-711
- payment schedule, 40-5-251
- restrictive endorsement ineffective, 53-2-110
- uncollectible, sale of, 40-5-255

Delinquent payments, 40-5-412 — 40-5-414, 41-3-411, See **Income deduction**; **Payments**
Dependent children, for, See **Enforcement**; See also **Abused, neglected, and dependent children**
Dissolution of marriage proceedings

- affidavits, 40-4-121, 40-4-122
- attorney to represent child when, 40-4-205
- criteria to determine, 40-4-204
- death of parent obligated for support, 40-4-208
- declaration of invalidity decree, applicability, 40-1-402

CHILD SUPPORT (Continued)
Dissolution of marriage proceedings (Continued)

- decree, dissolution
  - effect of support provisions on, 40-4-104
  - failure of other party to comply with provisions, effect, 40-4-109
  - petition, statement in, 40-4-105
- jurisdiction of district court, 40-4-210
- maintenance
  - effect of support provisions, 40-4-203
  - support order to include, 40-5-403, See **Income withholding**
- modification of provisions, 40-4-208, 40-5-273
- payments, See **Payments**
- petition for, contents, 40-4-105
- pleadings, 40-1-105, 40-4-103
- property settlement stipulations, 40-4-202
- rules of civil procedure, applicability, 40-1-105, 40-4-103
- separation agreement, effect, 40-2-303, 40-4-201
- spousal support, 40-5-103, 40-5-601
  - establishment, applicability, 40-5-158
  - jurisdiction, continuing exclusive, 40-5-149, 40-5-150
- summary dissolution proceedings, 40-4-130
- temporary orders or injunction, issuance, 40-4-121 — 40-4-125
- termination of obligation, 40-4-208
- wage assignments when, 40-4-207

District court, See **Jurisdiction**; **Tribunals**
Dueling, death or injuries inflicted in — support as damages, 27-1-223, 27-1-301
Duty of support, 40-5-103, See also **Debts owed**; **Payments**

- assignment of earnings, 40-4-207, See **Assignment**
- bank accounts, service of notice or documents upon, 40-5-244
- collection, 40-5-202, 40-5-222, 40-5-224 — 40-5-226, 40-5-247
- central unit for information and administration, 40-5-206
- created by, 40-5-222
- health insurance claim, when, 40-5-601
- increase or decrease, effect, 40-5-417
- limitations, 40-5-221, 40-5-254, 40-5-256
- minimum contributions, suggested scale, 40-5-214, 40-5-225
- partial payment, 40-5-247, 40-5-248
- payment schedule, setting, 40-5-251, 40-5-412

Education, obligation of support for

- criteria for determining amount of support, 40-4-202, 40-4-204, 40-5-226
- expenses chargeable upon property, 40-2-106, 40-2-210
- "harm to a child's health or welfare" defined, 41-3-102
- "necessary articles" defined, 40-2-210
- out-of-district attendance agreements, tuition calculation — nonapplicability of provisions, 20-5-323
- parental obligations generally, 40-6-211
  - enforcement, 40-6-233
- property of child used for, when, 40-6-212
- property settlement provisions for, 40-4-202

Endangering the welfare of children by nonsupport, 45-5-622
Enforcement

- administrative hearings, 40-5-226, 40-5-231 — 40-5-233, 40-5-236, 40-5-261, 40-5-273
- appeals, 40-5-190
- applicability, 40-4-125, 40-5-158
- child support enforcement services, 40-5-203
- citation of uniform interstate family support act, 40-5-101
- civil liability, 40-5-242

CHILD SUPPORT (Continued)
Enforcement (Continued)

- contempt, 40-5-162, 40-5-226, 40-5-601
- cooperation, 40-5-204, 40-5-206
- consumer reporting agencies, information available to
  - disputed accuracy, 31-3-141, 31-3-151, 40-5-261, 40-5-262
  - procedures and rules, 40-5-261
  - requests, 40-5-206
- contested case, 40-5-226, 40-5-248
- contesting, hearing and procedure, 40-5-188 — 40-5-190
- contribution by parent or guardian for youth's care, when, 41-3-411, 41-5-1512
- cooperative agreements as cooperating contractor, 40-5-264
- counsel, right to, 40-5-170, 40-5-183, 40-5-253
- debt or obligation owed, See **Debts owed**
- definitions, 40-5-103, 40-5-201
- distraint, warrant for — issuance, 40-5-222, 40-5-226, 40-5-227, 40-5-242, 40-5-247
- employee debtor rights protected, 40-5-256
- employment, order to seek, 40-5-275
- fees, 40-5-162, 40-5-173, 40-5-210
- final decision and order, 40-5-226
- financial statement, required when, 40-5-213, 40-5-273
- guidelines for support amounts, 40-5-201, 40-5-209, 40-5-214, 40-5-226, 40-5-273
- health insurance coverage, orders and enforcement, 33-22-140, 40-4-208, 40-5-272, 40-5-273
- hearings
  - administrative, 40-5-224, 40-5-226, 40-5-231 — 40-5-233, 40-5-236, 40-5-261, 40-5-273
  - costs, payment order when, 40-5-173
  - obligor, appearance requirements, 40-5-162, 40-5-208
  - support debt or liability, collection, 40-5-222, 40-5-225, 40-5-226
- income deduction or income withholding, See **Income deduction**; **Income withholding**
- interstate withholding, 40-5-431 — 40-5-433
- interstate referrals and enforcement services, 40-5-201, 40-5-202, 40-5-263
- judicial review, 40-5-226, 40-5-253, 40-5-261, 40-5-273
- jurisdiction
  - lost when, 40-5-149
  - nonresident, over, 40-4-210, 40-5-145
- licenses, suspension or denial, Title 40, chapter 5, part 7, See **Nonsupport**
- location or identification of obligor or property, 40-5-204, 40-5-263
- medical support reform, 40-5-824, 40-5-825
- minors, interstate placement — applicability to, 41-4-102, 41-4-105
- modification of order, See **Modification**
- nonsupport, suspension of professional license for, Title 40, chapter 5, part 7, See **Nonsupport**
- obligor or obligee, 40-5-201, 40-5-403
  - bond furnished by, when, 40-5-224
  - notices to, 40-5-205, 40-5-208, 40-5-222, 40-5-225, 40-5-261
  - obligor's employer, notice to, 40-5-188
- orders, 40-5-103, 40-5-201
  - administrative enforcement, 40-5-180
  - appeals, 40-5-185, 40-5-186
  - confirmation and enforcement, 40-5-185, 40-5-186
  - debt based upon, 40-5-222
  - establishment, petition, 40-5-179
  - modified in another state, 40-5-149, 40-5-195
  - multiple, 40-5-152
  - not ordered, statement of reasons, 40-4-204
  - out-of-state, 40-5-157
  - pleadings and accompanying documents, 40-5-171

CHILD SUPPORT (Continued)
Enforcement (Continued)
  orders (Continued)
    recognition, 40-5-151
    registration, 40-5-184 — 40-5-186, 40-5-188, 40-5-190, 40-5-234, See also **Registration**
    registration by obligee, 40-5-184, 40-5-315, 40-5-411
    registry, 40-5-263, 40-5-272
    review and modification, 40-5-272
    simultaneous proceedings for, 40-5-148
    temporary, 40-5-149, 40-5-179
  parental obligations, 40-6-233, 40-6-211
  paternity actions, enforcement of orders, 40-6-117
  petition for support order, copies to responding state, 40-5-161, 40-5-263
  proceedings, stayed when, 40-5-188, 40-5-225
  public health and human services, department of — powers and duties, 40-5-202, 40-5-207
  registration of support orders, 40-5-184 — 40-5-186, 40-5-234, 40-5-271, See also **Registration**
  review and modification of support orders, 40-4-208, 40-5-209, 40-5-226, 40-5-272, 40-5-273, 40-6-118
  rules of civil procedure, applicability, 40-4-210, 40-5-226
  rules of evidence and procedure, special, 40-5-175
  seek-work orders, 40-5-275
  subrogation, 40-5-202
  support enforcement division special revenue fund, deposits, 40-5-210, 40-5-226
  support enforcement agency, 40-5-103, 40-5-164
    nonsupport, duties, 40-5-701, 40-5-703, 40-5-704, 40-5-710
    payments, receipt and disbursement, 40-5-178
    petition, copies to, 40-5-161
    pleadings and accompanying documents, 40-5-171, 40-5-180
    register, maintenance, 40-5-165
    services, neglect or refusal to provide — attorney general duties when, 40-5-166
    support order, petition to establish when, 40-5-179
  support liability, 40-5-224
  support lien, notice of, 40-5-242, 40-5-247, 40-5-248
  time for bringing action, limitations, 40-5-187, 40-5-190, 40-5-247, 40-5-254, 40-5-601
  temporary support obligation, 40-5-204, 40-5-208, 40-5-225
  tribunals, See also **Jurisdiction**
    jurisdiction, continuing, 40-5-150
    responding, duties and powers, 40-5-162
  uniformity of interpretation, 40-5-197
  venue, 40-5-226, 40-5-231
Estates, from, See **ESTATES AND PROBATE**, **Child**; **Exempt property and allowances**
Execution
  exemptions, applicability, 25-13-608, 40-5-165, 40-5-185, 40-5-202, 40-5-247, 40-5-403, 40-5-601
  time for, 25-13-101
  tribunal, responding — duty, 40-5-162
  veterans' and social security benefits, exemption not applicable when, 25-13-608
  writ
    administrative orders, effect, 40-5-227
    distraint, warrant for — effect, 40-5-247
    income withholding, priority, 40-5-423
    judgment, for enforcement, 25-13-101
    proceedings supplementary to and in aid of, 40-5-202
Extradition for nonsupport, 40-5-154
Families achieving independence in Montana (FAIM) project, Title 53, chapter 4, parts 2, 6, and 7, See **PUBLIC ASSISTANCE**
Family law mediation, Title 40, chapter 4, part 3, See **FAMILY LAW MEDIATION**

CHILD SUPPORT (Continued)

Family Policy Act, 41-7-101, 41-7-102
Foster care, See **Youth care facilities**
Fraud
  information and records, disclosure — determination, 40-5-923
  registered order, contesting validity when, 40-5-271
Good faith support by third person, 40-6-215
Governor, extradition powers, 40-5-154
Guarantee or security to secure, 40-4-204, 40-4-209, 40-5-315
Guardians, See **GUARDIANS AND GUARDIANSHIP**
Guidelines, uniform, 39-71-743, 40-4-204, 40-4-208, 40-5-201, 40-5-209, 40-5-214, 40-5-226, 40-6-116
Health benefit plans, See **Medical support**
Health insurance coverage, See also **Medical support**
  availability, criteria for review, 40-5-272, 40-5-273, 40-5-443
  claim, submission as obligation when, 40-5-601
  income withholding, 40-5-415
  medical support obligation, 40-4-208
  notice of intent to purchase, 40-5-823
  obligor's access, 40-5-226
  payor to provide information, 40-5-443
Home state, 40-5-103, 40-5-148, 40-5-151, See also **Jurisdiction**
Income deduction
  alternative arrangement, 40-5-304, 40-5-315
  amount, 40-5-309
  citation of child support income deduction act of 1981, 40-5-301
  delinquency, 40-5-304
    denial and hearing, 40-5-307
    discharge, 40-5-306
    notice, 40-5-305
  employers
    duties, 40-5-312
    failure to comply, liability, 40-5-314
  exception, 40-4-204, 40-5-315, 40-5-226, 40-6-116
  hearings, request, 40-5-305
  immediate order for, 40-5-315
  liability, employer's failure to comply, 40-5-314
  notice, 40-5-305, 40-5-307, 40-5-308, 40-5-315
  obligor rights, protection, 40-5-313
  order for, 40-5-305, 40-5-308, 40-5-315
  paternity actions, 40-6-116
  petition for, who may initiate, 40-5-303
  priority, 40-5-310
  purpose of provisions, 40-5-302
  remedy not exclusive, 40-5-311
  termination, 40-5-315
Income tax refunds, offset of support debt owed, 17-4-105
Income withholding
  administrative enforcement, 40-5-180, 40-5-226
  affidavit, 40-5-432
  alternative arrangement, 40-5-411 — 40-5-414, 41-3-411, 41-5-1304
  amount to be withheld, 40-5-403
    deduction, 40-5-421
    determination and reduction, 40-5-402, 40-5-416
  applicability of provisions, 40-5-158, 40-5-402
  application, 40-5-431, 40-5-432

CHILD SUPPORT (Continued)
Income withholding (Continued)

- citation of child support enforcement act, 40-5-401
- clearinghouse for interstate cases, 40-5-263
- commencement of procedures, 40-5-411, 40-5-412, 40-5-414, 40-5-432
- consumer reporting agencies, release of information to, 40-5-261
- contest of initiation, 40-5-412 — 40-5-414
- definitions, 40-5-403
- delinquency, 40-5-412 — 40-5-414
- determination and reduction, 40-5-416, 40-5-417
- effective when, 40-5-414
- employers
  - civil liability, not subject to, 40-5-157
  - discrimination prohibited and penalty, 40-5-422
- employment information, 40-4-204, 40-5-226, 40-5-421, 40-5-433, 40-6-116
- exception, 40-4-204, 40-5-226, 40-5-402, 40-5-411, 40-6-116, 41-3-411
- fines, 40-5-422
- health insurance coverage, enforcement, 40-5-208, 40-5-415
- hearings, 40-5-412 — 40-5-414, 40-5-432
- immediate, 40-5-411
- income deduction, superseding, 40-5-315
- "income" defined, 40-5-103, 40-5-403
- "income-withholding" defined, 40-5-103
- intent to withhold income, notice, 40-5-413, 40-5-414, 40-5-432
- jurisdiction, initiation in other, 40-5-434
- obligee and obligor, 40-5-203, 40-5-403
- order for, 40-4-204, 40-5-411, 40-5-412, 40-5-414, 40-5-415, 40-5-421, 40-5-432, 40-6-116, 41-3-411
  - foreign orders, 40-5-431
  - interstate orders, 40-5-431 — 40-5-433
  - liability for noncompliance, 40-5-424, 40-5-443
  - modification, 40-5-411, 40-5-413, 40-5-415, 40-5-417, 41-3-411
  - termination, 40-5-402, 40-5-411, 40-5-417
- out-of-state withholding, 40-5-157, 40-5-434
- paternity actions, 40-6-116
- payment records, 40-5-418, 40-5-432
- payments to be made to department, notice, 40-5-412
- payors, 40-5-403
  - duties, 40-5-415, 40-5-421
  - fee withheld by, 40-5-416
  - liability and exemption, 40-5-443
- priority, 40-5-423
- purpose of provisions, 40-5-402
- registration
  - interstate orders, 40-5-431
  - notice, 40-5-188
- remedies, 40-5-404
- retirement benefits, 19-2-909, 19-18-612, 19-19-504, 19-20-306, 19-21-212
- rights of obligor, 40-5-413, 40-5-422, 40-5-432
- rulemaking authority, 40-5-405
- stay of delinquency, 40-5-414
- venue of hearings, 40-5-414
- violation of obligor's rights, 40-5-422
- youth care, court ordered contributions, 41-5-1525

Indians, jurisdiction
- cooperative agreements, 40-5-264
- obligation, enforcement remedies, 40-5-404

CHILD SUPPORT (Continued)

Indigent parents, waiver of fees when, 40-4-205, See also **Parents**
Information and processing unit, 40-5-906, See **Case registry and payment processing unit**
Injunction, temporary — issuance, 40-4-121 — 40-4-125
Insurance coverage, health, See **Health insurance coverage**
Interstate cases
  jurisdiction of district court, 40-4-210
  placement of children, financial responsibility, 41-4-102, 41-4-105
  registration, central clearinghouse, 40-5-263, 40-5-431
  referrals and enforcement services, 40-5-201, 40-5-202, 40-5-263
  rendition, 40-5-153, 40-5-154, 40-5-175
  withholding, 40-5-432
Interstate Family Support Act, Uniform, 40-5-202, 40-5-263; Title 40, chapter 5, part 1, See **Enforcement**
Judicial review, nonsupport — determination subject to, 40-5-703
Judgments
  administrative enforcement
    lump-sum judgment, charging off debts as uncollectible when, 40-5-255
    orders, docketing, 40-5-227
    support debt, support obligation, or support order, 40-5-201, 40-5-202, 40-5-207, 40-5-210
      contempt when, 40-5-226
  distraint, warrant for — filing, effect, 40-5-247
  execution, time for, 25-13-101, See **EXECUTION**
  future damages, periodic payment — assignment, 25-9-405
  income withholding provisions, exempt income, 40-4-204, 40-5-403
  interstate family support, determination of parentage or support order, 40-5-103, 40-5-162, 40-5-175, 40-5-176
  interim parenting plan, upon vacation, 40-4-213
  lien, extent, 25-9-301 — 25-9-303
  medical support orders, 40-5-804, 40-5-822, 40-5-824
    nonpayment of health benefit plan premium, advance of cost of necessary premiums, 40-5-811
    reimbursement payments from insurance or liability for medical costs and expenses as judgments, 40-5-822
  nonsupport, license suspension for — support debt, support obligation, or support order, 40-5-701
  obligation established or modified by judgment, 40-4-204
  property disposition, reopening of judgment, 40-4-208
  public assistance, assignment of support rights, 53-2-613
  statutes of limitation, 27-2-201, 27-2-211
Jurisdiction
  applicability of law, 40-5-146
  assertion, 40-5-158
  bases, 40-5-145, 40-5-146
  continuing, exclusive, 40-5-149 — 40-5-150
  costs and fees, 40-4-206
  discovery order, response compelled, 40-5-177
  district court
    fees, order for — when, 40-5-210
    nondelinquency, determination, 40-5-303
    nonresidents, 40-4-210
    nonsupport, petition filed with, 40-5-601
    parentage, determination proceedings, 40-5-196, 40-5-231, 40-5-236, 40-5-272
    support lien, perfection, 40-5-248
    tribunal, as, 40-5-103, 40-5-143, 40-5-161, 40-5-162

CHILD SUPPORT (Continued)
Jurisdiction (Continued)

- enforcement, See **Enforcement**
- home state, 40-5-103, 40-5-148, 40-5-151
- income withholding, 40-5-431, 40-5-434
- initiating tribunal, 40-5-103, 40-5-161
- modification, 40-5-145, 40-5-149, 40-5-150, See also **Modification**
- nonresidents, 40-4-210, 40-5-145, 40-5-146, 40-5-157
- nonsupport
  - licensing authority, not applicable, 40-5-704
  - contempt provision for, 40-5-601
- orders establishing obligation, 40-4-204
- participation in other proceedings, effect on, 40-5-183
- paternity proceedings, 40-5-196, 40-5-231, 40-5-236, 40-5-272
- personal, 40-5-231
- procedure when exercising, 40-5-146
- public health and human services, department of — duties and powers, 40-5-202
- recognition of orders, 40-5-149 — 40-5-152, 40-5-195
- register, maintenance, 40-5-165
- responding tribunal, 40-5-103, 40-5-166
- review of support orders, application, 40-5-272
- simultaneous proceedings, 40-5-148
- support enforcement agency, duties, 40-5-164
- tribunals, 40-5-103, 40-5-143, 40-5-162, See also **Tribunals**

Law, state
- applicability, 40-5-158, 40-5-160
- choice, 40-5-146, 40-5-187, 40-5-196
- communications between tribunals concerning, 40-5-176
- interpretation, uniformity, 40-5-197

Licenses, professional — suspension for nonsupport, Title 40, chapter 5, part 7, See **Nonsupport**

Liens
- administrative orders, enforcement, 40-5-227
- collection action, during pendency of, 40-5-224
- directory required, 40-5-906
- distraint, warrant for — enforcement, 40-5-242, 40-5-247, 40-5-248
- IV-D agency, issuance, 40-5-263
- lottery winnings, on, 23-7-312
- release, when, 40-5-224, 40-5-255
- self-sufficiency trusts, exemption, 40-5-242, 40-5-248, 53-2-612, 53-6-143

Majority, age of — support for person after attaining, 40-6-218

Mediation, Title 40, chapter 4, part 3

Medical support, order enforcement, 40-5-206, 40-5-208, 40-5-225
- adoption, coverage requirements, 33-22-130, 40-5-817
- citation of medical support reform act, 40-5-801
- claims, payment, 40-5-815
- definitions, 40-5-804
- discrimination prohibited, 40-5-818
- dissolution of marriage, summary dissolution proceedings, 40-4-130
- expedited enforcement procedures, 40-5-824
- fines and penalties, 40-5-813, 40-5-821
- health benefit plans, 40-5-804
  - enrollment and participation, authorization, 40-5-810
  - obligations, 40-5-812
  - payor, obligation, 40-5-813
  - premium, authorization to cure nonpayment, 40-5-811
  - support order, effect on, 40-5-809

CHILD SUPPORT (Continued)
Medical support, order enforcement (Continued)
 health benefit plans (Continued)
  void, 40-5-820
 health coverage
  intent to purchase, notice, 40-5-823
  orders to address, 40-4-204
 infants or newborns, coverage requirements, 40-5-816
 information, obtaining, 40-5-814
 liability by indemnification, 40-5-822, 40-5-824
 medical assistance eligibility, effect, 40-5-819, 40-5-823
 medical support orders, 40-5-804
  contents, 40-5-806
  establishment, 40-5-805
  health benefit plans, effect on, 40-5-809, 40-5-812
  judgment or orders, 40-5-208, 40-5-226, 40-5-813, 40-6-116
  mandatory provisions, 40-5-807
  noncompliance, consequences, 40-5-822
 obligation, persistence and duration, 40-5-808
 parental duties and noncompliance, consequences, 40-5-822
 payor, obligation, 40-5-813
 penalty imposed by tribunal, 40-5-821
 purpose, 40-5-802
 rulemaking authority, 40-5-825
 scope, 40-5-803
 third-party custodian, 40-5-804, 40-5-806, 40-5-809 — 40-5-812, 40-5-815, 40-5-822, 40-5-824
Modification, See also **Enforcement**
 administrative review, 40-5-226, 40-5-273
 applicability, 40-5-158, 40-5-185
 child support order of another state, 40-4-210, 40-5-194
  registration, procedure and effect, 40-5-192, 40-5-193
  recognition, 40-5-195
 criteria, 40-4-208, 40-5-208, 40-5-209, 40-5-227
 health insurance, orders, 40-5-208
 income, regarding, 40-5-315, 40-5-411, 40-5-413, 40-5-415
 income withholding orders, 40-5-226, 40-5-431
 injunction, temporary, 40-4-121
 judgment or order, 40-5-226
 jurisdiction
  continuing, exclusive — lost when, 40-5-149
  licensing authority, not applicable when, 40-5-704
  nonresident, over, 40-4-210, 40-5-145
 medical support, 40-4-204, 40-5-208, 40-5-807
 nonresident parent, jurisdiction, 40-4-210
 not allowed when, 40-5-186
 pleadings and accompanying documents, 40-5-171
 public health and human services, department of — petition for, 40-5-202
 rules of evidence and procedure, special, 40-5-175
 responding tribunal, duties and powers, 40-5-162
 review, application for, 40-5-272
 "support enforcement agency" defined, 40-5-103
 tribunal with continuing jurisdiction, request for, 40-5-150
Mortgage to secure, 40-4-209
Motor vehicles, commercial vehicle operator's license applicants — social security number required, 61-5-107
Necessaries, procurement for children
 contracts for, 28-2-202, 28-2-204, 41-1-305
 parental liability, 40-2-205 — 40-2-207, 40-2-209, 40-2-210

CHILD SUPPORT (Continued)
Necessaries, procurement for children (Continued)

  third person to supply, parental liability, 40-6-215, 40-6-216
Neglected children, See **Abused, neglected, and dependent children**
Nonresident, jurisdiction, 40-4-210, 40-5-145, 40-5-146, 40-5-157
Nonsupport, See also **Enforcement**
  contempt for, 40-5-275, 40-5-601
  criminal charges for, 40-5-275, 45-5-621, 45-5-622
  extradition for, 40-5-154
  fees, 40-5-712
  professional license — suspension, denial, and nonrenewal, 40-5-704
    definitions, 40-5-701
    fine, 40-5-704
    hearing and order, 40-5-703, 40-5-710
    licensing authority
      fees, 40-5-712
      jurisdiction superseded when, 40-5-704
      rulemaking authority, 40-5-713
    nondisciplinary suspension, 40-5-709
    notice of intent, 40-5-702
    stay of suspension, 40-5-704, 40-5-710
    termination of order for, 40-5-710, 40-5-711
  rulemaking authority, 40-5-713
Parentage
  applicability of law, 40-5-158
  definitions, 40-5-103
  determination, 40-5-158, 40-5-162, 40-5-171, 40-5-196
  jurisdiction over nonresident, 40-5-145, 40-5-146
  nonparentage as defense, limitation, 40-5-174
  petition to establish support, 40-5-179
  testing for, copies of bills as evidence, 40-5-175
Parents
  abuse of parental authority, duty of support enforced when, 40-6-233
  allowance to, from child's property when, 40-6-212
  contribution, order for, 41-3-411, 41-5-1512
  death of
    obligations when marriage had been dissolved, 40-4-208
    remedy for lack of provisions, 40-6-213
  education, obligations regarding, See **Education**
  generally, 40-2-205 — 40-2-210, 40-6-211 — 40-6-218, 41-1-404, 41-1-406
  indigent, waiver of fees when, 40-4-205
  investigation of financial ability for contribution, 41-3-411
  majority, age of — support for person after attaining, 40-6-218
  medical support responsibilities, 40-5-822, See also **Medical support**
  minors as, actions by, 40-5-159
  necessaries, procurement for children, See **Necessaries**
  nonliability when, 40-4-204, 40-6-216
  nonresident, jurisdiction, 40-4-210
  nonsupport, See **Nonsupport**
  property of child used when, 40-6-212
  reciprocal duties of parent and child, 40-6-214
  stepparent, liability for stepchildren, 40-6-217
  youth care facilities, payments for children placed in, 41-3-1126
Partner or family member assault situations, victim's rights, 13-2-115, 13-2-122, 40-15-103, 46-6-602
Paternity, See also **PARENT AND CHILD, Paternity proceedings**
  acknowledgment of paternity, voluntary, 40-5-232, 40-5-235

CHILD SUPPORT (Continued)
Paternity (Continued)

- action joined with support action, 40-6-109
- administrative record, 40-5-236
- affidavits, 40-5-233, 40-5-234
- "alleged father" defined, 40-5-201
- birth certificate, substitute, 40-5-235
- blood test, 40-5-201
  - compulsory, 40-5-232, 40-5-233
  - evidence, 40-5-234, 40-5-236
  - failure to appear, 40-5-226
  - objections to, 40-5-237
  - order for, 40-5-233, 40-5-237
  - presumption of paternity, 40-5-234
- confidentiality, 40-5-238
- cooperation by obligee, 40-5-204
- costs, awarding, 40-5-210
- denial of paternity, 40-5-232, 40-5-233, 40-5-236
- determination, notice of, 40-5-232, 40-5-236
- district court proceedings, 40-5-234, 40-5-236, 40-5-237
- establishment of paternity, 40-5-201, 40-5-204, 40-5-226, 40-5-231 — 40-5-237
- failure to appear at hearing or for blood test, 40-5-226, 40-5-233
- hearings, 40-5-231 — 40-5-233, 40-5-236, 40-5-237
- interstate cases, 40-5-263
- judgment or order for, 40-6-116
- jurisdiction, 40-5-231, 40-5-272
- payments, See **Payments**
- presumption, 40-5-233, 40-5-234
- referral to district court, 40-5-234, 40-5-236
- temporary, 40-4-204, 40-4-121 — 40-4-125
- tests, objection, 40-5-237
- venue, 40-5-231

Payments
- assignment or attachment, 39-71-743, See also **Assignment**
- centralized center, 40-5-909
- choice of law, 40-5-187
- clerk of the district court, payable to and handling fee, 40-4-206
- consolidation and distribution among obligees, 40-5-415
- cooperation by obligee, 40-5-204
- credit for, 40-5-181
- criteria to determine, 40-4-202, 40-4-204
- death of parent owing support, provisions for, 40-4-208
- delinquent, 40-5-412 — 40-5-414
  - income
    - deduction for, 40-5-304 — 40-5-307, See **Income deduction**
    - withholding for, See **Income withholding**
  - security or guarantee to secure, 40-4-209
- distribution provisions, 40-5-204, 40-6-117, 40-5-274, 40-5-910, 40-5-911
- fees, 40-4-206, 40-5-210
- how made, 40-4-204, 40-5-274
- income deduction, See **Income deduction**
- income withholding, See **Income withholding**
- interest on debt, 40-5-252
- interstate, transmittal, 40-5-433
- medical claims, 40-5-815
- nonsupport, suspension of professional license for
  - full payment, termination of order, 40-5-710, 40-5-711

CHILD SUPPORT (Continued)
Payments (Continued)
  nonsupport, suspension of professional license for... (Continued)
    payment plan, 40-5-702, 40-5-710
    records, admissible as evidence when, 40-5-601
  not ordered, statement of reasons, 40-4-204
  paternity actions, See **Paternity**
  partial, 40-5-247, 40-5-248
  power of attorney, 40-5-202
  public health and human services, department of — power concerning, 40-5-202
  receipt and disbursement, 40-5-178
  records, 40-5-418, 40-5-432
  restrictive endorsement on checks, ineffective, 53-2-110
  schedule of, 40-5-251
  security for, when, 40-4-209, 40-5-315, 40-5-411
  "support" defined, 40-5-601
  suspension when, 40-4-109
  terminated when, 40-4-208
  tribunal, responding — duties, 40-5-162
Power of attorney to Department of Public Health and Human Services, 40-5-202
Premarital agreements, right of child to support, 40-2-605
Prisoner
  money received by, garnishment, 46-18-237
  when parent is, work release program, 46-18-702, 46-18-703
Professional and occupational licenses
  applicants, social security number required, 37-1-307
  suspension for nonsupport, Title 40, chapter 5, part 7, See **Nonsupport**
Property
  child, of — used when, 40-6-212
  custodial, delivery or payment — effect, 72-26-703
  distraint, warrant for, 40-5-222, 40-5-242, 40-5-247, 40-5-248
  execution, exemption
    claim for, 40-5-202
    without limitation and exception, 25-13-608
  lien and release, 40-5-224, 40-5-242, 40-5-247, 40-5-248, 40-5-255, 40-5-263
  location of obligor's, information concerning, 40-5-165, 40-5-206
  modification of disposition order, 40-4-208
  seizure and sale, subject to — when, 40-5-222, 40-5-247, 40-5-601
  set aside for support, 40-4-202
  state information agency, records maintenance, 40-5-165
Public assistance
  assigned support rights, procedures, 40-5-273, 53-2-613
  debt to state, limitations, 40-5-221
  effect, Title 53, chapter 4, See also **PUBLIC ASSISTANCE**
  families achieving independence in Montana (FAIM) project, job supplement program — inclusion, 53-2-904, 53-4-603
  fee awards, collection procedure, 40-5-210
  financial responsibility of obligor, 40-5-225
  health benefit plan, obligations, 40-5-812
  medical support, effect of receipt, 40-5-805
  reimbursement, 40-5-202, 40-5-204
  services provided as result of, 40-5-202, 40-5-203
  support debt not to exceed, 40-5-221
  support liability, finding and notice, 40-5-224
Putative father registration
  certified copy of form, availability, 42-2-224
  rebuttable presumption of paternity created, 42-2-209
Putative spouse, rights respecting, 40-1-404

CHILD SUPPORT (Continued)

Reciprocal duties of parent and child, 40-6-214
Recognition, 40-5-151
  modification of order in another state, when, 40-5-149, 40-5-195
  multiple orders, 40-5-152
Registration
  administrative enforcement, 40-5-180
  applicability, 40-5-158
  central clearinghouse, for, 40-5-263
  confirmation, 40-5-191
  contest of validity, hearing and procedure, 40-5-188 — 40-5-190
  effect, 40-5-186
  enforcement, 40-5-184, 40-5-185, See also **Enforcement**
  interstate income withholding order, applicability, 40-5-431
  modified order of other state
    effect, 40-5-193
    procedure, 40-5-192, 40-5-194
    recognition, 40-5-195
  multiple orders, 40-5-152
  notice, 40-5-188
  paternity presumption, 40-5-234
  procedures, 40-5-908
  "registering tribunal" defined, 40-5-103
  registry, maintenance, 40-5-272, 40-5-248, 40-5-907
  support lien, when, 40-5-248
Reimbursement
  parent or relative, to — required when, 40-6-216
  public assistance, to, 40-5-202, 40-5-204, See **Public assistance**
Remedies
  abuse of child by parent, duty of support enforced when, 40-6-233
  administrative, 40-5-158, 40-5-226, 40-5-253
  applicability, 40-5-158
  contesting validity of registration or enforcement of order, for, 40-5-189, 40-5-190
  cumulative, 40-5-144
  death of parent, remedy for lack of provisions, 40-6-213
  delinquent payments, income deduction for, 40-5-311
  dueling, death or injuries inflicted in, 27-1-223, 27-1-301
  fees, collected through, 40-5-210
  income withholding provisions, 40-5-404, See also **Income withholding**
  medical support order, payor obligation — violation, 40-5-813, 40-5-821
  support orders, 40-5-184 — 40-5-186
  tribunals, granting, 40-5-162
Rendition
  conditions of, 40-5-154
  grounds for, 40-5-153
  special rules of evidence and procedure, 40-5-175
Residential services, payments for children placed in, 41-3-1122
Retirement benefits
  alternate payee, family law order for, 19-2-907, 19-20-305
  withholding, 19-2-909, 19-18-612, 19-19-504, 19-20-306, 19-21-212
Seek-work orders, 40-5-275
Separation, provisions and effect, 40-2-303, 40-4-201, 40-4-204
Social security benefits
  case registry, See **Case registry and payment processing unit**
  execution exemption not applicable when, 25-13-608
  medical support reform, effect of receipt, 40-5-819, 40-5-823

CHILD SUPPORT (Continued)
Social security benefits (Continued)

  state information agency to obtain information, 40-5-165
  use of number, 23-7-312, 37-1-307, 40-5-443, 40-1-105, 40-1-107, 40-4-204, 40-4-206
Standards, 40-4-204, 40-5-226
State, 40-5-103, See also **Jurisdiction**
  debt to, limitations, 40-5-221, See also **Duty of support**
  duties of officials, 40-5-166
  initiating or responding, 40-5-103, 40-5-196, 40-5-263, See **Enforcement**, generally
  information agency, 40-5-161, 40-5-165
  interstate placement of children, financial responsibility, 41-4-102, 41-4-105
  law, application, 40-5-146, 40-5-160, 40-5-187
Stepparents, liability for stepchildren, 40-6-217
Subpoena, 40-5-233, 40-5-273
Subrogation, 40-5-202
Substitute care, payments for children placed in, 41-3-1122, 41-3-1126, 41-5-1512
Support, 40-5-103, 40-5-201, 40-5-403, 40-5-601, 41-5-1522
Support enforcement agency, 40-5-103, 40-5-164, See **Enforcement**
Temporary support when, 40-4-121 — 40-4-125, 40-5-204, 40-4-208, 40-5-225
Termination of payments when, 40-4-208
Tribunals, 40-5-103, 40-5-143, 40-5-162, 40-5-804
  applicability of law, 40-5-158, 40-5-160
  communications between, 40-5-176
  consent between, 40-5-149
  costs and fees, payment ordered by, 40-5-173
  discovery, assistance between, 40-5-177
  district court, as, 40-5-143, 40-5-161, 40-5-162
  inappropriate, 40-5-163
  information, nondisclosure order when, 40-5-172
  initiating, 40-5-147, 40-5-161
  jurisdiction, See **Jurisdiction**
  limited immunity of petitioner, 40-5-183
  medical support orders, See **Medical support**
  notice of registration, 40-5-188
  parentage, proceeding to determine, 40-5-196
  payments
    credit for, 40-5-181
    receipt and disbursement, 40-5-178
  public health and human services, department of — as, 40-5-143, 40-5-158, 40-5-161, 40-5-162, 40-5-164
  register, 40-5-165
  responding, 40-5-147, 40-5-162
    central clearinghouse for information, 40-5-263
    costs and fees, assessment, 40-5-173
    physical presence of petitioner not required, 40-5-175
  simultaneous proceedings, 40-5-148
  special rules of evidence and procedure, 40-5-175
  support orders issued by another state, registration, 40-5-184
Unemployment insurance interception, 39-51-3106
Uniform guidelines, 39-71-743, 40-4-204, 40-4-208, 40-5-201, 40-5-209, 40-5-214, 40-5-226, 40-6-116
Uniform Interstate Family Support Act, 40-5-202, 40-5-263; Title 40, chapter 5, part 1
Veterans' benefits, execution exemption not applicable when, 25-13-608
Wages
  assignments for, when, 40-4-207, 40-5-310, 40-5-315, See also **Assignment**
  deduction from, See **Income deduction**
  withholding, See **Income withholding**

CHILD SUPPORT (Continued)

Welfare, Title 52, chapter 2; Title 53, chapter 4, See **Public assistance**; See also **PUBLIC ASSISTANCE, Child support**
Workers' compensation benefits — assignment, garnishment, or attachment when, 39-71-743, 40-5-242
Youth care facilities, payments to, 41-3-1122, 41-3-1126
  debt to state, as — limitations, 40-5-221, 41-3-1126

CHIROPRACTIC AND CHIROPRACTORS
  See also **PROFESSIONAL AND OCCUPATIONAL LICENSING AND REGULATION**
Acupuncture, practice of — requirements, 37-13-104
Administration of provisions, 37-12-201
Board of Chiropractors, 2-15-1847, 37-12-101; Title 37, chapter 12, part 2
  licensing duties, Title 37, chapter 12, part 3
Child abuse and neglect, reporting, 41-3-201, 41-3-203 — 41-3-207
Complaints, 37-12-322
Construction of provisions, limitations, 37-12-102
Definitions, 37-12-101
Developmental disabilities, persons with — report of abuse, neglect, or exploitation required, 52-3-811, See **DEVELOPMENTAL DISABILITIES, PERSONS WITH, Abuse, neglect, or exploitation**
Disabilities, persons with — parking permits, certification, 49-4-301, 49-4-303, 49-4-305
Disciplinary
  actions, 37-12-323
  standards, 37-12-201
Drugs — prescribing, administering, or dispensing prohibited, 37-12-101, 37-12-104
Duties of practitioners, 37-12-103
Elderly persons — report of abuse, neglect, or exploitation required, 52-3-811, See **AGING AND AGED PERSONS, Abuse, neglect, or exploitation**
Enforcement of provisions, 37-12-201
Exemptions from provisions, 37-12-102
Health care information, See **HEALTH CARE INFORMATION**; **INSURANCE, Information and privacy protection**
Health maintenance organization providers, Title 33, chapter 31, See **HEALTH MAINTENANCE ORGANIZATIONS, Providers**
Health service corporations, Title 33, chapter 30, See **HEALTH SERVICE CORPORATIONS**
Incompetence, 37-12-322
Insurance
  disability, insured's choice of practitioner, 33-22-111
  information and privacy protection, Title 33, chapter 19, See **INSURERS REGULATION GENERALLY, Information and privacy protection**
  professional liability
    cancellation of policy or increase of premium rates, 33-23-301, 33-23-302
    insurers, information required of, 33-23-311
Interns and preceptors, registration, 37-12-201
Investigations, 37-12-322
Licenses and licensing
  applications, 37-12-201, 37-12-302, 37-12-304
  discrimination in issuance prohibited, 49-3-204
  display, 37-12-201
  examinations, 37-12-201, 37-12-302, 37-12-304
  fees, 37-12-201, 37-12-302, 37-12-307 — 37-12-309, 37-12-323
  form, 37-12-201
  fraud or mistake, obtained by, 37-12-322, 37-12-324
  issuance, 37-12-201

CHIROPRACTIC AND CHIROPRACTORS (Continued)
Licenses and licensing (Continued)

  lack of, unlawful, 37-12-301
  local fee or tax prohibited, 37-12-309
  nonresidents, 37-12-302
  qualifications, 37-12-201, 37-12-302
  refusal, 37-12-323
  renewal, 37-12-307
  revocation or suspension, 37-12-201, 37-12-322, 37-12-323
Lien for services, Title 71, chapter 3, part 11
Malpractice, See **INSURANCE, CASUALTY, Professional liability**; **MALPRACTICE, CHIROPRACTIC**
Medicaid, Title 53, chapter 6, part 1, See **PUBLIC ASSISTANCE**
Medicine, practice of
  licensing provisions, applicability, 37-3-103
  prohibited, 37-12-104
Mental incompetence or commitment for mental disorder, effect, 37-12-322
Montana Chiropractic Association, chiropractic legal panel duties, 27-12-201, 27-12-304, 27-12-402, 27-12-404
Peer review, nonliability, 37-2-201, See also **HEALTH CARE INFORMATION**, **Hospital medical staff committees**
Physical therapy provisions, exemptions and restrictions, 37-11-102, 37-11-103
Physician assistants-certified utilization plans, applicability, 37-20-303
Practice of chiropractic, 37-12-101
  license, practice without — unlawful, 37-12-301
  limitations and rights, 37-12-102, 37-12-104
  physical therapists, restrictions, 37-11-103
Probation, 37-12-322, 37-12-323
Radiologic technology and radiologic technologists, applicability of provisions, 37-14-102, 37-14-301
Unprofessional conduct, 37-12-322
Utilization review of health care services, 33-22-125; Title 33, chapter 32, See also **INSURANCE, DISABILITY**
Violations, 37-12-324
  child abuse and neglect, failure to report, 41-3-207
  fines, 37-12-201, 37-12-324
  investigations, 37-12-322
  license, practicing without, 37-12-301
  prosecution, 37-12-324
Workers' compensation, See also **WORKERS' COMPENSATION**, **Physicians**
  impairment evaluators, certification as, 37-12-201, 39-71-711
  managed care and preferred providers, Title 39, chapter 71, part 11
X-rays, 37-12-104, 37-12-304, 37-14-102, 37-14-301, See also **RADIOLOGIC TECHNOLOGY AND RADIOLOGIC TECHNOLOGISTS**

CHRISTMAS
Holiday, 1-1-216, 20-1-305, 20-25-306
Trees or tree farms, 15-44-102, 76-13-102, 77-5-302

CHURCHES
  See also **CLERGY**; **RELIGION**
Alcoholic beverages, retail establishments — proximity, 16-3-306
Cemeteries, perpetually maintained — nonapplicability, 37-19-803
Corporations, See **RELIGIOUS CORPORATIONS SOLE**
Destructive device, possession — offense of 45-8-334, 45-8-337
Fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
Fireworks, sale — proximity restricted, 50-37-103

CHURCHES (Continued)

Healing by prayer or spiritual means, 50-5-104
Health Facility Authority funding prohibited, 90-7-104
Health inspections, 50-1-203
Mausoleum-columbarium authorities, exemption from provisions, 35-21-803
Mining operations, strip and underground — protection from, 82-4-227
Power of attorney, authority relating to contributions, 72-31-233
Purchase of supplies, price discrimination provisions — nonapplicability, 30-14-902
Right of seat in church, 70-17-101, 70-17-102
Rural, insurance for, 33-4-501, 33-4-511
Schools, See **PRIVATE SCHOOLS**, generally
Tax exemption, 15-6-201; Const., VIII, 5
Unemployment insurance coverage provisions, 39-51-203, 39-51-204, 39-51-2108, See also **UNEMPLOYMENT INSURANCE**, generally

CIGARETTES
Actions
  sales violations — to enjoin, restrain, or prevent, 16-10-402
  tax, penalty for unpaid, 16-11-143
  tobacco products other than cigarettes, tax — nonpayment by wholesalers, action to prohibit sales, 16-11-204
Administration of laws, 16-10-104, 16-11-103
Advertising, 16-10-102, 16-10-103, 16-10-203, 16-10-204, 16-10-301, 16-10-304, 16-11-158
Appeals, 16-11-150
Card game tables, live — permits at retail establishments, 23-5-306
Carriers' reports, 16-11-104
Citation of Montana Cigarette Sales Act, 16-10-101
Contracts illegal when, 16-10-302
Cost surveys, 16-10-303
Cost to retailer or wholesaler, 16-10-103, 16-10-203 — 16-10-205, 16-10-303
Definitions, 16-10-103, 16-10-306, 16-11-102, 16-11-155, 16-11-201, 16-11-302, 16-11-402
Enforcement, 16-10-104, 16-11-103, 16-11-124, 16-11-141 — 16-11-144, 16-11-158
Evidence
  cost
    retailer or wholesaler, to — determination, 16-10-204
    surveys, 16-10-303
  presumptions
    cost of doing business by retailer or wholesaler, 16-10-103
    insignia, lack of — violation of provisions, 16-11-113
    taxes, as direct tax on consumer, 16-11-112
  sales without license, proof of exception, 16-11-132
  tax inquiries or investigations, 16-11-103
  unlawful licenses, stamps, or insignia — seized articles as evidence, 16-11-141
Federal law, importation of products in violation of, 16-10-306
Fines, 16-10-306, 16-11-148, 16-11-205
Food, Drug, and Cosmetic Act — exclusion, 50-31-103
Forests, throwing lighted materials within, 50-63-102, 50-63-103, 76-13-124
Hearings, 16-10-403, 16-11-103, 16-11-144, 16-11-147, 16-11-149, 16-11-308
Importation unlawful when, 16-10-306
Indian reservations, tax provisions, 16-11-111, 16-11-113, 16-11-155, 16-11-158
Injunction, 16-10-402, 16-11-145, 16-11-204
Insignia, 16-10-306, 16-11-102, 16-11-113 — 16-11-118, 16-11-156, 16-11-158
  exception, 16-11-156
  forgery or counterfeiting, 16-11-134, 16-11-146
  possession of cigarettes without, 16-11-113, 16-11-157
  sale or use of cigarettes without, 16-11-133

CIGARETTES (Continued)
Insignia (Continued)

  transporting cigarettes without, 16-11-131, 16-11-157
Lawful product used during nonworking hours, discrimination prohibited and exceptions, 39-2-313, 39-2-903
Licenses for wholesalers, subjobbers, retailers, and vendors
  appeals, 16-11-150
  applications, 16-11-120
  as both wholesaler and retailer, licensure as, 16-10-110, 16-11-125
  bond or security requirements for wholesalers, 16-11-117
  discrimination in issuance prohibited, 49-3-204
  display, 16-11-123
  fees, 16-11-122, 16-11-124, 16-11-303
  hearings, 16-10-403, 16-11-144
  renewal, 16-11-122
  required, 16-11-120
  retail tobacco product sales license, 16-11-144, 16-11-302, 16-11-303, 16-11-308
  revocation or suspension, 16-10-403, 16-11-144, 16-11-148, 16-11-308
  sales without, 16-11-132, 16-11-144
  transferability, 16-11-122
Littering with lighted matches, cigarettes, and other burning material and dumping ashtray prohibited, 7-5-2112, 7-5-4113, 61-8-372
Minors, tobacco possession or consumption — criminal offense, 45-5-637, See also **Youth access to tobacco products control**
Nuisance, public — premises as, when, 16-11-145
Pharmacy, Board of — authority not applicable, 50-32-104
Policy of state, 16-10-102
Records of wholesalers, 16-11-118
Rules
  enforcement and administration, for, 16-10-104, 16-11-105
  licensees, noncompliance, 16-10-403, 16-11-144
  tax — administration, collection, and refund, 16-11-103, 16-11-110
  youth access to tobacco products control, 16-11-312
Sales price, 16-10-201, 16-10-203, 16-10-204, 16-10-301
Sales, unlawful practices
  civil penalty, 16-10-403
  cost, below — when, 16-10-201, 16-10-301, 16-10-304
  exceptions, 16-10-304, 16-11-132
  imported products manufactured for use outside united states, 16-10-306
  injunction or other relief, 16-10-402
  insignia, without, 16-11-133
  license revocation or suspension, following, 16-10-403, 16-11-144
  license, without — exceptions, 16-11-132
  tobacco product manufacturers, 16-11-403
  tobacco products other than cigarettes, 16-11-204, 16-11-205
  youth, to, 16-11-305
Search, seizure, forfeiture, and sale, 16-10-306, 16-11-131, 16-11-132, 16-11-141, 16-11-144, 16-11-147, 16-11-158
Smoking in public places, See **SMOKING AND SMOKERS**
Tax on
  collection, 16-11-103, 16-11-112, 16-11-119, 16-11-143
  consumer, on, 16-11-112
  disposition of revenue, 10-2-417, 16-11-119
  electronically filed returns, signature alternatives, 16-11-110
  investigations and hearings, 16-11-103
  legislative intent, 16-11-101
  rate of, 16-11-111

CIGARETTES (Continued)
Tax on (Continued)

  refund or credit, 16-11-103, 16-11-111
  tobacco products other than cigarettes, Title 16, chapter 11, part 2
  unpaid, penalty and interest, 16-11-143
Tobacco product manufacturers, claims against — reserve fund, 16-11-401 — 16-11-403
Tobacco products other than cigarettes
  definitions, 16-11-201
  discount to wholesalers, 16-11-206
  importation unlawful when, 16-10-306
  sales unlawful when, 16-11-204, 16-11-205
  tax on
    consumer, on, 16-11-202
    disposition of revenue, 16-11-206
    electronically filed returns, signature alternatives, 16-11-110
    rate, 16-11-202
    refunds, 16-11-206
    wholesalers, precollection and payment, 16-11-203 — 16-11-206
Unfair competition, 16-10-102, 16-10-301
Unlawful practices
  civil penalty, 16-11-157, 16-11-403
  contracts illegal when, 16-10-302
  distribution of tobacco products in other than sealed packages, 16-11-308
  forests, throwing lighted materials within, 50-63-102, 76-13-124
  importation of products manufactured for use outside united states or in violation of federal law, 16-10-306
  insignia
    forgery or counterfeiting, 16-11-134, 16-11-146
    sale or use without, 16-11-133
    transporting without, 16-11-131
  misdemeanor unless otherwise provided, 16-11-148
  possession when, 16-11-113
  sales, See **Sales, unlawful practices**
  tobacco product manufacturers, failure to place funds in escrow, 16-11-403
Vending machines, 16-11-102, 16-11-120, 16-11-121, 16-11-123, 16-11-303, 16-11-305, 16-11-306, 49-3-204
Youth access to tobacco products control
  citation of youth access to tobacco products control act, 16-11-301
  definitions, 16-11-302
  inspection of persons selling or distributing products, 16-11-309
  license for retail sale of tobacco products, 16-11-144, 16-11-302, 16-11-303, 16-11-308
  local regulations, 16-11-311
  possession of product, minor not liable when, 16-11-310
  rules, 16-11-312
  signs, posting, 16-11-304, 16-11-308
  sale or distribution of products, 16-11-305 — 16-11-307
  tobacco education fee, 16-11-308
  violations, penalties, 16-11-308, 16-11-309

CIRCUSES
Hours of work for employees, 39-4-112
Licensing, city, 7-21-4201, 49-3-204
“Roadside menagerie” defined, 87-4-801

CITIES AND TOWNS
  See also **LOCAL GOVERNMENT**
Abandonment
  land, See **Exclusion of land**

CITIES AND TOWNS (Continued)
Abandonment (Continued)

- street parking improvement districts, Title 7, chapter 12, part 45; Title 7, chapter 14, part 47, See **PARKING, Street parking**
- streets and alleys, See **STREETS AND ALLEYS, Abandonment or vacation**
- townsites, 7-5-2501 — 7-5-2504, 76-3-305

Actions involving, See also **CIVIL PROCEDURE, Governmental entities, actions involving; GOVERNMENTAL LIABILITY, Actions** entries
- annexation, actions of governing body
  - judicial review, 7-2-4741, 7-2-4742, 7-2-4751
  - lawfulness, presumption, 7-2-4743
- commission government, existing actions from former government, 7-3-4206
- declaratory judgments, 27-8-202, 27-8-301
- government, change in form — effect, 7-3-106, 7-3-152
- hearings, public, 7-1-4131
- immunity from suit when, 7-1-4125
- initiative and referendum to enact or repeal ordinances 7-5-135, 7-5-137
- legislative actions, status of those taken prior to reclassification, 7-1-4117
- notices generally, 7-1-4128
- ordinance violations, to restrain or enjoin, 7-1-4124
- service consolidation or transfer, effect of adoption, 7-11-309
- service of process on, Title 25, chapter 20, M.R.Civ.P., Rule 4D
- sue and be sued, power to, 7-1-4124, 7-3-4313

Additions to, See **Annexation** entries
Administrative rules and code, 7-1-4126; Const., XI, 4
Advertising, 7-3-4374
- contracts, bid requirements, 7-5-4302, 7-5-4303
- bonds, regarding, 7-7-4275, 7-7-4434, 7-7-4505
- signs, regulation, 7-21-4206
- streets and public grounds, regulation upon, 7-14-4102
- tax sales, 7-6-4414

Aging and aged persons, funds for recreational activities, 7-16-101
Agricultural purposes, land for — annexation restricted, 7-2-4503, 7-2-4608
Air pollution control programs, Title 7, chapter 31, part 1; Title 75, chapter 2, See **AIR QUALITY, Control programs**
Airports, See also **AIRPORTS AND LANDING FIELDS**
- construction and buildings, bonds issued for, See **CITY FINANCE, Revenue bonds**
- landing fields
  - acquisition, 7-14-4801
  - land used for, annexation restricted, 7-2-4503
- municipal airports, Title 67, chapter 10
- operation, ordinance and resolution for, 67-10-301

Alcoholic beverage provisions, See also **ALCOHOLIC BEVERAGES**
- business hours for retail establishments, 16-3-304
- licenses, restrictions on issuance prohibited, 16-3-309, 16-4-405, 49-3-204
- retail establishments, proximity to churches and schools — exception, 16-3-306
  - sales prohibited, when, 16-3-309

Aldermen, Title 7, chapter 4, part 44, See **CITY OR TOWN COUNCILS; MUNICIPAL COMMISSION GOVERNMENT, Councilmen**
Alleys, approach construction — assessments for costs, 7-14-4110, See also **STREETS AND ALLEYS**
Alternative forms of government, Title 7, chapter 3; Const., XI, 3, See also specific form
Ambulance services, 7-34-101 — 7-34-104, See also **EMERGENCY MEDICAL SERVICES, Transportation or treatment services**
Animals, See also **DOGS**
- adoption or sale, requirements, 7-23-4201 — 7-23-4203
- cruelty to, 7-23-4104

CITIES AND TOWNS (Continued)
Animals (Continued)

- impoundment when, 7-1-4124, 7-23-4101
- licensing of dogs, 7-23-4103
- running at large, 7-23-4101, 7-23-4102; Title 81, chapter 4, parts 2 and 4, See also **LIVESTOCK, Running at large**
- streets and public grounds, regulation upon, 7-14-4102

Annexation by petition
- applicability of provisions, 7-2-4609
- election, 7-2-4601, 7-2-4602
- land conclusively presumed to be annexed, when, 7-2-4621
- local government with self-government powers, mandatory provisions, 7-1-114
- notice, 7-2-4603
- petition, 7-2-4601
- power, restrictions, 7-2-4608
- resolution, 7-2-4601, 7-2-4606
  - filing, 7-2-4607
- services, provision, 7-2-4610

Annexation, generally, 7-2-4201
- applicability of provisions, 7-2-4204
- approval, 7-2-4201, 7-2-4203
- control, 7-2-4202
- interlocal cooperation commission, recommendation for, 7-11-229, 7-11-230
- land conclusively presumed to be annexed, when, 7-2-4210
- liabilities and indebtedness, apportionment, 7-2-102
- local government with self-government powers, mandatory provisions, 7-1-114
- map or plat, filing and approval, 7-2-4201, 7-2-4203
- records, transcripts, 7-2-101
- rural fire districts, 7-33-2127, 7-33-2129
- services, provision, 7-2-4205
- sewage and/or water system services, requirement for receiving, 7-13-4314
- taxes, collection, 7-2-103

Annexation of contiguous government land, 7-2-4402
- applicability of provisions, 7-2-4408
- contiguous land, what constitutes, 7-2-4401
- hearings, 7-2-4404 — 7-2-4406
- land conclusively presumed to be annexed, when, 7-2-4421
- local government with self-government powers, mandatory provisions, 7-1-114
- map, filing, 7-2-4407
- notice, 7-2-4405
- protests, 7-2-4405
- request for, 7-2-4403
- resolution
  - annexation, of, 7-2-4406
  - intent, of, 7-2-4404
- services, provision, 7-2-4409

Annexation of contiguous land, 7-2-4311
- applicability of provisions, 7-2-4304
- consolidation of proceedings when, 7-2-4325
- contiguous land, what constitutes, 7-2-4301
- contiguous municipalities, 7-2-4302, 7-3-4311, See also **MUNICIPAL COMMISSION-MANAGER GOVERNMENT, Multimunicipality organization**
- election, 7-2-4302
- land conclusively presumed to be annexed, when, 7-2-4331
- local government with self-government powers, mandatory provisions, 7-1-114
- notice, 7-2-4312, 7-2-4313
- power, restrictions, 7-2-4303

CITIES AND TOWNS (Continued)
Annexation of contiguous land (Continued)

- protests, 7-2-4313
- question of, hearing and vote, 7-2-4314
- resolution, 7-2-4312, 7-2-4314
- services, provision, 7-2-4305
- two or more tracts, 7-2-4325

Annexation of wholly surrounded land, 7-2-4501

- applicability of provisions, 7-2-4505
- contiguous lands, what constitutes, 7-2-4504
- land conclusively presumed to be annexed when, 7-2-4511
- local government with self-government powers, mandatory provisions, 7-1-114
- powers, restrictions, 7-2-4503
- protest, unavailability, 7-2-4502
- resolutions, 7-2-4501
- services, provision, 7-2-4506

Annexation with provision of services

- actions, 7-2-4742, 7-2-4743
- appeals, 7-2-4706, 7-2-4744 — 7-2-4746
- applicability of provisions, 7-2-4718
- boundaries, guidelines, 7-2-4735
- capital improvements
  - construction, expenditures for, 7-2-4717
  - vote required, 7-2-4733
- citation of planned community development act of 1973, 7-2-4701
- construction of provisions, 7-2-4718
- definitions, 7-2-4704
- effect, 7-2-4716
- effective date, 7-2-4713
  - appeals, effect on, 7-2-4745
  - ordinance, contained in, 7-2-4712
- expenditures, authorization, 7-2-4717
- extension of services
  - intent to provide, 7-2-4712
  - plans and report, 7-2-4731
    - amendment of report, 7-2-4711, 7-2-4742
    - availability, 7-2-4708, 7-2-4731
    - changes in plans, 7-2-4711
    - contents of plan, 7-2-4732, 7-2-4733
    - explanation, 7-2-4709
- findings, 7-2-4702
- garbage or solid waste service, existing — preservation, 7-2-4736
- governing body, by, 7-2-4705
- hearing, 7-2-4708, 7-2-4709
- judicial review
  - appeals, 7-2-4744
    - effective date, effect on, 7-2-4745
    - exclusivity, 7-2-4746
  - decision, 7-2-4742, 7-2-4744, 7-2-4752
  - right to, 7-2-4741, 7-2-4751
- land conclusively presumed to be annexed, when, 7-2-4761
- legislative findings, 7-2-4702
- local government with self-government powers, mandatory provisions, 7-1-114
- notice, 7-2-4708
- order for, 7-2-4714, 7-2-4752
- ordinance
  - adoption, 7-2-4711

CITIES AND TOWNS (Continued)
Annexation with provision of services (Continued)
  ordinance (Continued)
    appeals, effect on, 7-2-4745
    contents, 7-2-4712
    effect of, 7-2-4716
    remanded when, 7-2-4742
    stayed, when, 7-2-4744
  petition, 7-2-4705
    denial when, 7-2-4752
    duplicate, filing, 7-2-4751
    failure to act on, 7-2-4706
    judicial review, for, 7-2-4741
  policies regarding, 7-2-4703
  protest, 7-2-4710
  purpose of provisions, 7-2-4703
  resolution of intent, 7-2-4705, 7-2-4707
    failure to pass, 7-2-4751
  simultaneous proceedings for several areas, 7-2-4715
  standards for, 7-2-4734
  tax levies, 7-2-4716
Antiquities preservation, cooperation for, Title 22, chapter 3, See **ANTIQUITIES**
Assessments, See **CITY FINANCE, Taxation**; **SPECIAL IMPROVEMENT DISTRICTS**; **STREET LIGHTING DISTRICTS**; **STREET MAINTENANCE DISTRICTS**
  declaration of delinquency, 7-6-4423
  resolution or ordinance for, 7-3-4453, 7-14-4110
Assessor, 7-3-439, 7-4-4101 — 7-4-4103
Attorney, Title 7, chapter 4, part 46, See **CITY ATTORNEY**
Auctions
  purchases at, when, 7-5-4310
  regulatory authority, 7-21-4201, 30-11-516
Audits, Title 2, chapter 7, part 5
Authorities
  meetings to be public when, 7-1-4141
  public participation, 7-1-4142, 7-1-4143
  reports, 7-1-4146
Ballot issues, See **Initiative and referendum**; See also **BALLOT ISSUES**, generally
Band concerts, public, 7-16-4112, 7-16-4113
Bankruptcy, declaration of, 7-7-132, See also **LOCAL GOVERNMENT**
Baths, public, 7-16-4110, 7-16-4111
Bequests, acceptance, 7-1-4124, 7-3-4313, 7-8-103, 7-16-4109
Blindness or low vision, persons with — employment policy of state, 49-4-202
Boards, districts, or commissions — establishment and transition, 7-1-201 — 7-1-203
Bonds and bond issues, See **CITY FINANCE**; **SPECIAL IMPROVEMENT DISTRICTS, Bonds and warrants**; **URBAN RENEWAL**; **BONDS AND BOND ISSUES**
Boundaries, Const., XI, 3, See also specific district; **Annexation** entries
Bridges within, See **COUNTY ROADS AND BRIDGES, Bridges**; See also **BRIDGES**
Budget Law, Municipal, Title 7, chapter 6, part 42, See also **CITY FINANCE, Budget**
Buildings and building codes, 7-5-108, 7-5-4202, See **BUILDINGS AND BUILDING REGULATIONS, Municipal and county building codes**
Business
  conduct, 7-3-4221
  incubators, tax exemption, 15-24-1802
Businesses, regulation and licensing, 49-3-204; Title 7, chapter 21, part 42
Business improvement districts, Title 7, chapter 12, part 11, See **BUSINESS IMPROVEMENT DISTRICTS**
Bus service, 7-2-4503, 7-2-4608, 7-14-4401 — 7-14-4405, 69-12-102, See also **BUSES**

CITIES AND TOWNS (Continued)

Canals, ditches, and flumes, regulation, 7-3-4441, 7-31-4103, See also **CANALS, DITCHES, AND FLUMES**
Carriers
  regulation and licensing, 7-21-4205, 49-3-204
  tax on, imposition prohibited when, 61-10-215
Cemeteries, See **CEMETERIES**
Census
  city or town council, power to take, 7-5-4107
  classification of cities, See **Classification**
  conducted by, 7-1-4113, 7-1-4124
  "population" defined, 7-1-4121
  proposed municipality, of, 7-2-4102
  town meeting form of government, determination for, 7-3-601
Charges for services — limit on fund balance, exceptions, audits, reduction, and reports, 17-2-301 — 17-2-304
Charitable trusts, 72-33-502, See **TRUSTS**
Charter form of government, Title 7, chapter 3, part 7, See **CHARTER FORM OF GOVERNMENT**
Chief executive, 7-1-4121, 7-5-101, See also specific form of government
  administrative rules, adoption, 7-1-4126
  business improvement districts, appointing authority, 7-12-1103
  mayor as, 7-4-4114
  oaths, 7-1-4136, 7-1-4137
  ordinances and resolutions, veto procedures, 7-5-106, 7-5-122
  reports, 7-1-4145, 7-1-4146
  rights regarding petitions, protests, and voting, 7-1-4134
  succession of officials, emergency, 10-3-604 — 10-3-606
City assessor, 7-3-439, 7-4-4101 — 7-4-4103
City attorney, See also **CITY ATTORNEY**
  assistants, authorization for, 7-3-4461
  duties prescribed by, 7-4-4604
    neglect or violation, 7-4-4603
  prosecution of violations, 3-11-301
City auditor
  appointment or election, 7-3-442
  executive officer, as, 7-4-4114
  municipal commission form of government, 7-3-4252, 7-3-4254
City clerk, Title 7, chapter 4, part 45, See **CITY OR TOWN CLERK**
City clerk-treasurer, duties, 7-4-4101, 7-4-4102
City councils, See **CITY OR TOWN COUNCILS**; See also **MUNICIPAL COMMISSION GOVERNMENT, Council**
City-county buildings, 7-8-201 — 7-8-204, See also **BUILDINGS AND BUILDING REGULATIONS**
City-county consolidation, Title 7, chapter 3, parts 11 — 13, See **CITY-COUNTY CONSOLIDATION, OPTION ONE; CITY-COUNTY CONSOLIDATION, OPTION TWO**
City courts, See **CITY COURTS**
City jailer, 7-4-4101, See also **DETENTION CENTERS, Administrator**
City judges, See also **CITY COURTS, Judges**
  justice of the peace, designation as, 3-11-205
  number and qualifications, 7-3-1342, 7-3-4462
  office, determination of how to fill, 7-4-4102, 7-4-4103
  salary fixed by, 3-11-202, 3-11-205

CITIES AND TOWNS (Continued)

City manager, See **COMMISSION-MANAGER FORM OF GOVERNMENT; LOCAL GOVERNMENT, County manager form; MUNICIPAL COMMISSION-MANAGER GOVERNMENT**
City markets, See also **PUBLIC MARKETS**
  establishment and supervision, 7-21-4209
  public works, director of — authority, 7-3-1331
  transient retail merchants, nonapplicability of provisions, 7-21-2403
City marshal
  appointment, 7-4-4103, 7-32-301, 7-32-302
  election of, 7-2-4107
  executive officer of city or town, 7-4-4114
  residency requirements, 7-32-301, 7-32-302
City or town councils, See **CITY OR TOWN COUNCILS**
City physician, 7-3-4254
City planning commission, Title 76, chapter 2, part 3, See **ZONING**
City surveyor
  appointment or election, 7-3-437, 7-4-4101
  duties, 7-4-4110
City treasurer, duties prescribed by, 7-6-4402, 7-6-4407, 7-6-4413, See also **CITY TREASURER**
Civil defense, See **EMERGENCIES AND EMERGENCY POWERS**, generally
Civil service, See **MUNICIPAL COMMISSION GOVERNMENT; MUNICIPAL COMMISSION-MANAGER GOVERNMENT**
Claims, 7-6-4301, 7-6-4311, See also **CIVIL PROCEDURE, Governmental entities, actions involving; GOVERNMENTAL LIABILITY, Actions** entries
Classification, 7-1-4111; Const., XI, 3
  advance in, 7-1-4114
  basis, 7-1-4113
  city-county consolidated government, 7-3-1214
  disincorporation, See **Disincorporation**
  exceptions to system, 7-1-4112
  organization and incorporation, See **Organization and incorporation**
  reclassification, 7-1-4116, 7-1-4117
  reduction, 7-1-4118
Clean Air Act of Montana, Title 75, chapter 2, parts 1 — 4, See **AIR QUALITY**
Clerk, Title 7, chapter 4, part 45, See **CITY OR TOWN CLERK**
Clerk-treasurer, 7-4-4101, 7-4-4102, 7-4-4701
Coal
  impact areas, Title 90, chapter 6, part 2
  inspection, weighing, and measuring, 7-21-4203
Codes
  civil service code of rules, 7-3-4408
  ordinances, compilation, 7-5-107
  technical, 7-5-107, 7-5-108, 7-5-4202
Collective bargaining, 39-31-103, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
Commerce, Department of — duties
  disincorporation, 7-2-4906, 7-2-4911, 7-2-4912
  financial aid, stop payment order when, 7-1-4148
  state reports, 7-1-4145
  technical advice and assistance, 7-1-4147
Commission-chairman form of government, Title 7, chapter 3, part 5, See **COMMISSION-CHAIRMAN FORM OF GOVERNMENT**

CITIES AND TOWNS (Continued)

Commissioners
- commission-manager government, Title 7, chapter 3, parts 43 and 44, See **MUNICIPAL COMMISSION-MANAGER GOVERNMENT, Commission**
- library board of trustees, appointment, 22-1-308
- park, Title 7, chapter 16, part 42, See **PARKS AND RECREATION, Municipal Board of Park Commissioners**
- plan of government, establishment of number, 7-1-4121
- police officers, gifts to — approval for retention by officer, 19-19-304
- port authorities, Title 7, chapter 14, part 11, See **PORT AUTHORITIES**
- street, 7-3-4254, 7-4-4101, 7-4-4103, 7-4-4110

Commissions
- forms of government, Title 7, chapter 3, See specific form of commission government
- parking, Title 7, chapter 14, part 46, See **PARKING COMMISSIONS**
- police, Title 7, chapter 32, part 41, See **POLICE, Police Commission**
- quorum requirement, 10-3-606
- records, 7-4-4501, 7-4-4511
- recreational facilities, powers, 7-16-4104, 7-16-4105
- succession of officials, emergency, 10-3-604 — 10-3-606

Committees
- meetings to be public, 7-1-4141
- public participation, 7-1-4142, 7-1-4143

Commodities, regulation, Title 7, chapter 21, part 42

Communication facilities, underground conversion, See **UTILITIES, Underground conversion**

Community college service regions, 20-15-241, 20-15-314

Community Development Act of 1973, Planned, Title 7, chapter 2, part 47, See **Annexation with provision of services**

Community development programs, participation, 90-1-103, 90-8-201

Condemnation, See **Eminent domain**

Conservation easements, Title 76, chapter 6, part 2, See **LAND USE PLANNING**

Consolidation, Const., XI, 3; Title 7, chapter 3, parts 11 — 13, See **CITY-COUNTY CONSOLIDATION, OPTION ONE; CITY-COUNTY CONSOLIDATION, OPTION TWO**

Construction contracts, See **Contracts**

Contiguous government land, annexation, See **Annexation of contiguous government land**

Contiguous land, annexation, See **Annexation of contiguous land**

Continuity in government, emergency, 10-3-604 — 10-3-606, 10-3-608; Const., III, 2

Contractor registration provisions, nonapplicability, 39-9-211

Contracts, See also **CITY OR TOWN COUNCILS; PUBLIC CONTRACTS**
- alteration, 7-3-1324
- ambulance services, 7-34-101, 7-34-103
- bids
  - advertising requirements, 7-3-1323, 7-5-4302
    - exemptions, 7-5-4303
  - auction, purchases at — in lieu of, 7-5-4310
  - circumvention prohibited, 7-5-4305
  - exemptions from requirements, 7-5-4303
  - security, Title 18, chapter 1, part 2
  - services to be rendered, for, 7-5-4301
- breach, 3-11-103
- business improvement districts, 7-12-1131
- cash deposits required when, 7-6-4121
- certification, 7-3-1315
- city attorney, drawn by, 7-4-4604

CITIES AND TOWNS (Continued)
Contracts (Continued)

city-county buildings, 7-8-201, 7-8-202
city-county consolidated governments, Title 7, chapter 3, parts 12 and 13, See **CITY-COUNTY CONSOLIDATION, OPTION TWO**
city or town council, power to make and execute, 7-5-4301
commission-chairman form of government, execution, 7-3-503
commission-executive form of government, execution, 7-3-203
commission government, 7-3-4222, 7-3-4256
commission-manager form of government, execution, 7-3-304, See also **MUNICIPAL COMMISSION-MANAGER GOVERNMENT**
conflict of interest, 7-3-1257, 7-3-4256, 7-3-4367, 7-5-4109
construction contracts, 7-5-4302, 7-5-4305
county officials or employees, for work by, 7-3-4370
curbs and gutters, regarding, 7-14-4122
disincorporation, effect, 7-2-4915, 7-2-4916
division prohibited, 7-5-4305
dog pounds, for, 7-23-103
election required when, 7-5-4304
emergencies, 7-5-4303
exclusions from provisions, 7-5-4301
execution, 7-3-203, 7-3-304, 7-3-503, 7-3-606, 7-5-4301
good faith in payment, 7-2-4916
government, form of — effect of change in, 7-3-106, 7-3-152
highway construction, 60-2-112, 60-2-201
housing, private — rehabilitation assistance, 7-15-4103
industrial establishments, with, 7-7-4405
installment purchase contracts, 7-5-4306, 7-7-4101, 7-7-4104
interest on overdue accounts, 7-6-401 — 7-6-403
library services, 22-1-303, 22-1-309
modification or alteration, procedure, 7-5-4308
notices, publication, 7-1-4127, 7-5-4302
park commissioners, board of — by, 7-16-4212
parking commissions, 7-14-4621, 7-14-4658, 7-14-4664
police officers, for reimbursement of training expenses, 7-32-4139
port authorities, 7-14-1102, 7-14-1111, 7-14-1125
powers generally, 7-1-4124
printing, 7-5-4108, See also **PUBLIC CONTRACTS, Printing**
professional services, state, Title 18, chapter 8, part 2
property, sale or transfer, 7-8-4201
public baths, for, 7-16-4111
purchase contracts, 7-5-4302
purchases from government agencies, 7-5-4303
recording, 7-4-4501, 7-4-4511
repurchase agreements, 7-6-201, 7-6-206, 7-6-213
rural fire districts — equipment, facilities, and protection within, 7-33-2104, 7-33-2107, 7-33-2109
service consolidation or transfer, effect of adoption, 7-11-309
sidewalks, regarding, 7-14-4122
smoke abatement, Title 7, chapter 31, part 1, See **AIR QUALITY, Smoke abatement program**
special improvement districts, Title 7, chapter 12, parts 41 and 42, See **SPECIAL IMPROVEMENT DISTRICTS**
street lighting districts, Title 7, chapter 12, part 43, See **STREET LIGHTING DISTRICTS**
street maintenance services, for, 7-12-4404
streets, regarding, 7-14-4108

CITIES AND TOWNS (Continued)
Contracts (Continued)

television districts, with, 7-13-2510
town meeting form of government, execution, 7-3-606
urban renewal, Title 7, chapter 15, parts 42 and 43, See **URBAN RENEWAL**
void when, 7-3-1315
water supply systems, private — purchase, 7-13-4403
Convention facilities, bonds issued for, Title 7, chapter 7, part 44, See **CITY FINANCE, Revenue bonds**
Corporate
powers, 7-1-4101, See also **Powers**
seal, See **Seal, corporate**
Correctional facilities, private — approval, 53-30-607
Corrections facilities and programs, community, Title 53, chapter 30, part 3
Council-executive form of government, Title 7, chapter 3, part 2, See **COMMISSION-EXECUTIVE FORM OF GOVERNMENT**
Council-manager form of government, Title 7, chapter 3, parts 3, 43, and 44, See **COMMISSION-MANAGER FORM OF GOVERNMENT**; See also **MUNICIPAL COMMISSION-MANAGER GOVERNMENT**
Council-mayor form of government, Title 7, chapter 3, part 2, See **COMMISSION-EXECUTIVE FORM OF GOVERNMENT**
Councils or councilmen, See also **CITY OR TOWN COUNCILS; MUNICIPAL COMMISSION GOVERNMENT**
County buildings, use, 7-3-4370
County housing authorities, inclusion in area of operation, 7-15-2111
County manager or county official form of government, See **LOCAL GOVERNMENT**
County officials or employees, work by, 7-3-4370
County road equipment, use, 7-14-103
County seat, qualifications to be, 7-2-2103, See **COUNTIES, County seats**
County tax-deed land, donation, 7-8-2301
Courts, See **CITY COURTS; JUSTICES' COURTS; MUNICIPAL COURTS; YOUTH COURT**
Crimes or prohibited acts, See **Violations**
Cultural and aesthetic projects, See **ARTS AND CULTURE**
Curbs, construction, 7-14-4110, 7-14-4122, See also **STREETS AND ALLEYS**
Dairies and dairy products, inspections, 7-21-4202, 81-2-105
Dams and reservoirs, regulation prohibited when, 85-15-401
Dance houses, regulation, 7-21-4210
Day-care facilities, 7-16-2108, 7-16-4114, See also **DAY CARE**
Deaf persons
employment policy of state, 49-4-202
interpreters for, See **DEAF PERSONS, Interpreters in official proceedings**
Debts, See **CITY FINANCE**
Deer, unlawful to take within, 87-3-305
Definitions, 7-1-4121, 7-2-4704, 7-2-4801, 7-5-101, 7-5-108, 7-6-401, 7-6-1501; Const., XI, 1
Detention centers, See **DETENTION CENTERS**
Detention hospitals, 7-34-4101, See also **HEALTH CARE FACILITIES**
Development, See generally **PLANNING BOARDS; URBAN RENEWAL**
Developmental disabilities, services to persons with, 53-20-208, 53-20-304
Development corporation board of directors, representation on — when, 32-4-206
Development programs, 90-1-103, 90-8-201; Title 90, chapter 5, part 1
Devises, acceptance, 7-1-4124, 7-3-1203, 7-3-4313, 7-8-103, 7-8-104, 7-14-101, 7-16-4109
Disabilities, persons with
community home services for, 53-19-104
employment, policy of state, 49-4-202
employment preference, Title 39, chapter 30, See **LABOR AND EMPLOYMENT, Disabilities, persons with**

CITIES AND TOWNS (Continued)
Disabilities, persons with (Continued)

  special parking spaces, requirements, 49-4-302
  wheelchairs, self-propelled — use and regulation, 49-4-311, 49-4-312
Disasters, See **Emergencies**; See also **EMERGENCIES AND EMERGENCY POWERS**
Discriminatory practices, See **DISCRIMINATION**, generally
Disincorporation, Const., XI, 3
  assets
    statement regarding, 7-2-4911
    surplus, 7-2-4919
  automatic, 7-2-4901
  certificate, 7-3-145
  city court records, disposition, 7-2-4914
  costs and expenses, 7-2-4920
  election, 7-2-4902; Const., XI, 3
    general provisions, 7-2-4904
    insufficient vote, effect, 7-2-4905
    notice, 7-2-4903
    sufficient vote, effect, 7-2-4906
  financial condition, certification, 7-2-4911
  fire department relief associations, effect on, 19-18-107
  indebtedness
    effect on, 7-2-4915, 7-2-4917
    payment, 7-2-4916, 7-2-4918
    statement regarding, 7-2-4911
  insolvency, 7-2-4918
  interlocal cooperation commission, recommendation for, 7-11-229, 7-11-230
  legal rights, effect on, 7-2-4915
  local government with self-government powers, mandatory provisions, 7-1-114
  notice, 7-2-4903
  order for, 7-2-4901, 7-2-4906
  petition, 7-2-4902, 7-3-141, 7-3-145, See also **LOCAL GOVERNMENT**, **Alteration of existing form**
    denial, 7-2-4905
    granting, 7-2-4906
  plan, 7-3-145
  public property, release, 7-2-4913
  receivables, collection, 7-2-4916, 7-2-4917
  recommendations for, 7-3-185
  tax levy, 7-2-4918
  unencumbered cash, management, 7-2-4912
Disorderly conduct, 45-8-101, See also **CRIMES**
Distilleries, regulation of location, 7-21-4204
Districts, See specific district
Disturbing the peace, 7-32-4302, See also **CRIMES**
Ditches, See **CANALS, DITCHES, AND FLUMES**; **IRRIGATION, Ditches**
Dog control, See also **DOGS**
  licensing, 7-23-4103
  running at large, 7-23-4101
Drainage districts, Title 85, chapter 8
Drinking water state revolving fund, Title 75, chapter 6, part 2, See **WATER SUPPLY, PUBLIC**
Economic development projects and bonds, Title 17, chapter 5, part 15
Elderly persons, funds for recreational activities, 7-16-101
Elections, 13-1-104, 13-1-107, 13-1-301, 13-1-302, 13-1-401
  aldermen, 7-2-4107, 7-4-4101 — 7-4-4103, 7-4-4402
  ambulance services, additional tax levy, 7-34-102

CITIES AND TOWNS (Continued)
Elections (Continued)

- annexation, 7-2-4302, 7-2-4601 — 7-2-4603, 7-2-4733
- bond issues, See **CITY FINANCE**
- canvassing of votes, report, 13-15-404
- charter form of government, charter provisions limited, 7-3-708
- city officers, 7-4-4101 — 7-4-4103, See also **CITY OFFICERS OR EMPLOYEES**
- commission-chairman form of government, 7-3-501, 7-3-512, 7-3-513, 7-3-516
- commission-executive form of government, 7-3-217 — 7-3-219, 7-3-223
- contracts, for approval, 7-5-4304
- date, 13-1-104, 13-1-107
- disincorporation, for, See **Disincorporation**
- electors, 7-1-4121, 7-3-4201
  - notices to, 7-1-4129
  - petitions, signatures, 7-1-4133
  - resort tax, authority, 7-6-1502, 7-6-1504
- fire department relief association disability and pension fund, special tax levy to fund, 19-18-504
- fiscal matters, related to, See **CITY FINANCE**
- forms of government, alternate, Title 7, chapter 3, See specific form of government
- franchises, for granting, 7-5-4321, 7-5-4322
- general election, date, 13-1-104
- housing authorities, county — city approval for exercise of powers, 7-15-2111
- initiative and referendum, See **Initiative and referendum**
- libraries
  - establishment, for, 22-1-303
  - federations, participating entities — withdrawal, 22-1-402
  - services, to exceed maximum mill levy for, 22-1-304
- mill levies, for, See **CITY FINANCE, Levies**
- organization and incorporation, for, 7-2-4104 — 7-2-4106
- parking meters, enactment of ordinance for, 7-14-4512
- park maintenance districts, for creation, 7-12-4001
- port authority commissioners, 7-14-1106
- primary election, date, 13-1-107
- property, for sale or lease, 7-8-4201
- report of canvass information to be included, 13-15-404
- resort tax, for, 7-6-1501 — 7-6-1509
- self-government, Const., XI, 5
- service consolidation or transfer, See **Services generally**
- sewage and/or water systems, requirements, Title 7, chapter 13, parts 42 and 43
- sewer system rental charges, establishment, 7-13-4204
- smoke abatement contracts, Title 7, chapter 31, part 1, See **AIR QUALITY, Smoke abatement program**
- special improvement districts, concerning, 7-12-4243, 7-12-4244
- study commissions, establishment, 7-3-173 — 7-3-177
- town meeting form of government, 7-3-603, 7-3-605, 7-3-606, 7-3-612
- urban renewal bond issues, required when, 7-15-4218
- wards, division of cities or towns into, 7-4-4401, 7-5-4401

Electrical codes, 7-5-108, 7-5-4202, 7-15-4121, 69-4-204
Electric facilities
- building code exemptions, 50-60-602
- underground conversion, See **UTILITIES, Underground conversion**

Emergencies, Const., III, 2, See also generally **EMERGENCIES AND EMERGENCY POWERS**; **EMERGENCY MEDICAL SERVICES**; specific form of government
- contracts, 7-5-4303
- hazardous material incidents
  - cost recovery, 10-3-1216

CITIES AND TOWNS (Continued)
Emergencies (Continued)
 hazardous material incidents (Continued)
  response authorities, 10-3-1208, 10-3-1209
 interstate emergency services mutual aid agreements, Title 10, chapter 3, part 11
 9-1-1 emergency telephone service, Title 10, chapter 4, parts 1 — 3
 ordinances, emergency measures, 7-3-1223, 7-3-1224, 7-3-1230, 7-3-4325, 7-3-4326, 7-5-104, 7-5-108, 7-5-132, 7-5-4203, 7-5-4204
 succession of officials, 10-3-604 — 10-3-606
Eminent domain, See also **EMINENT DOMAIN**
 city or town council, power, 7-5-4106, 7-14-4501, 7-14-4801, 7-16-4106
 highway authorities, power of, 7-14-101
 power of, 7-1-4124, 7-7-4404, 7-15-4258, 7-15-4259, 76-5-1108
 private property subject to, 70-30-103
 public uses, 70-30-102
 water supply systems, 7-13-4404 — 7-13-4406
Employees, See **CITY OFFICERS OR EMPLOYEES**
Employment
 preference to veterans and persons with disabilities, Title 39, chapters 29 and 30, See **LABOR AND EMPLOYMENT**, **Disabilities, persons with**; **Veterans**
 cooperation with governor's emergency provisions, 90-4-311
 curtailment of use, 90-4-309
Engineer, See **CITY ENGINEER**
Environmental control easements, Title 76, chapter 7
Equipment
 capital improvement program fund, 7-6-4134
 contracts for, See **Contracts**
 government agencies, purchase from, 7-5-4303
 sale or trade-in, 7-5-4307
Evidence, powers regarding, 7-1-4124
Exclusion of land, 7-2-4802
 "contiguous" and "adjacent", use of terms, 7-2-4801
 hearing, 7-2-4807
 liability of excluded territory for indebtedness, 7-2-4809
 local government with self-government powers, mandatory provisions, 7-1-114
 map, filing, 7-2-4808
 notice, 7-2-4805, 7-2-4806
 petition, 7-2-4803, 7-2-4804
 protests, 7-2-4806, 7-2-4807
 resolution, 7-2-4802
  exclusion, of, 7-2-4807
  intent, of, 7-2-4805
 tax levy, jurisdiction, 7-2-4810
"Executive branch" defined, 7-1-4121
Executive powers, 7-1-4122, See also **Powers**
Explosives, regulation, 7-33-4205, 50-61-120
Facility siting applications, copies to, 75-20-211, 75-20-225
Factories, regulation of location, 7-21-4204
Fair Practices, Code of, Title 49, chapter 3, See **DISCRIMINATION, Government, state and local**
Federal
 buildings, jurisdiction, 2-1-203
 in-lieu payments for taxes, See **COUNTY FINANCE, In-lieu payments for taxes**
 lands
  sale or transfer, 77-2-401 — 77-2-403
  special improvement districts, within, 7-12-4173
  street lighting districts, within, 7-12-4326
 street maintenance districts, financial assistance, 7-12-4429

CITIES AND TOWNS (Continued)

Ferries and wharves, 7-14-2804
Financial reports, Title 2, chapter 7, part 5
Fines
  littering with lighted matches, cigarettes, and other burning material and dumping ashtray, 7-5-4104, 7-5-4113
  motor vehicle violations, 7-14-4103, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Violations**
  nuisances, for creating or continuing, 7-5-4104
  ordinance or resolution, violations, 7-5-4207
  remittance, 7-4-4305
Firearms, restrictions on regulation, 45-8-351, See also **WEAPONS**
Fire codes, 7-5-108, 7-5-4202, 7-33-4208, 50-61-120
Fire departments, Title 7, chapter 33, part 41, See **FIRE DEPARTMENTS AND FIREFIGHTERS, Municipal departments**
  chief of, duties prescribed by, 7-4-4110
  management and control, 7-3-1345
Fire districts, rural, Title 7, chapter 33, part 21
Firefighters' Unified Retirement System, election to join, 19-13-211, See **FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM**
Fire hydrant maintenance districts, Title 7, chapter 12, part 46
  bankruptcy provisions, 7-7-131 — 7-7-134
Fires, See **FIRES AND FIRE PROTECTION**
Fireworks displays, Title 50, chapter 37, part 1
First class cities, 7-1-4111, 7-1-4115, See **Classification**
Fish and wildlife, regulation, 7-1-111, 7-21-4202
Flood control projects, Title 76, chapter 5, part 11, See **FLOODS, Control projects**
Flood plain and floodway management, Title 76, chapter 5, See **FLOOD PLAINS AND FLOODWAYS**
Foodstuffs, inspection and supervision, 7-3-4463, 7-21-4202
Forfeitures, See **Fines**
Forms of government, See also specific form
  continuity, emergency, 10-3-604 — 10-3-606, 10-3-608; Const., III, 2
  council of governments, recommendation for creation, 7-11-229
  executive powers vested in, 7-1-4122
  land, annexation, See **Annexation of contiguous government land**
  self-government, Const., IX, 5; Title 7, chapter 3, part 7, See **CHARTER FORM OF GOVERNMENT**
  strong mayor form, 7-3-4101, 7-3-4102
  town meeting form, Title 7, chapter 3, part 6
  unified, recommendation for creation, 7-11-229
  vacancies in, emergency, 10-3-604 — 10-3-606
Franchises, 7-3-4201
  city-county consolidation, transfer, 7-3-143, 7-3-1102
  county merger, transfer, 7-3-144
  declaratory judgments on, 27-8-202, 27-8-301
  election requirements, 7-3-1225, 7-5-4321, 7-5-4322
  emergency measures, nonapplicability, 7-5-4204
  exclusivity prohibited, 7-3-4451
  granting, 7-1-4123, 7-3-4223, 7-5-4321
  not required when, 7-7-4407
  ordinances and resolutions for, 7-3-4222, 7-3-4326
  transportation, free — for city officials, 7-3-4256, 69-11-208
  utilities, renewal, 7-3-4450, 7-3-4451
  water supply systems, private — purchase, 7-13-4403
Fraud, authority, 7-6-4311, 7-31-4104

CITIES AND TOWNS (Continued)

Funds, transfers, 7-6-4123, See also **CITY FINANCE**
Gambling
  activities, licensing and regulation, 23-5-171
  live bingo and keno games, ordinance for hours of play, 23-5-408
  live card game tables
    hours of play, ordinance for, 23-5-307
    permits, issuance prohibited, 23-5-321
  video gambling machines, ordinance for hours of play, 23-5-620
Garbage disposal, See also **SOLID WASTE MANAGEMENT**
  private carriers, protection of services by, 7-13-4107
  regulation, 7-14-4105, 7-14-4106
  services, 7-2-4736, 7-13-4107
Gas mains, construction, 7-13-2101 — 7-13-2104, 7-13-4101, 7-15-4288, See also **UTILITIES, Municipal utilities**
General power governments
  commission-chairman form, 7-3-502
  commission-executive form, 7-3-202
  commission form, 7-3-402
  commission-manager form, 7-3-302
  self-government powers, applicability, 7-1-101 — 7-1-103, See **CHARTER FORM OF GOVERNMENT**
  town meeting form, 7-3-602
General provisions and procedures, 7-1-4121 — 7-1-4149
Government or governing body, See **CITY OR TOWN COUNCILS**; **LOCAL GOVERNMENT**; specific form of government
Grants, 7-1-4124, 7-8-103, 7-8-104, 7-15-4103, 7-15-4281, 7-15-4301, See also **CITY FINANCE**; **RECLAMATION, Reclamation and development grants program**
Ground Water Assessment Steering Committee, representation on, 2-15-1523
Hard-rock mining impact, See **MINES AND MINING, Metal mines impact areas**
Hazardous structures, condemnation and demolition, 7-1-4124
Hazardous substances, remedial action upon release — notice and public meeting, 75-10-713
Hazardous wastes, See **HAZARDOUS WASTES**
Health, local boards of, See **HEALTH, LOCAL BOARDS OF**
Health codes, 7-5-108, 7-4-4306, 7-5-4202
Highways through
  bypasses or relocation projects, 60-2-211
  city road fund, use, 7-14-4113
  contracts for construction, 7-14-4108, 60-2-112, 60-2-201
  controlled-access, property acquired for, 7-14-101
  cooperation concerning, 60-1-102
  costs, construction and maintenance — payment, 7-14-4113, 60-2-210
  mineral slag for sanding or snow removal prohibited when, 60-2-241
  municipal commission-manager government, duties and responsibilities, 7-3-4441, 7-3-4447, 7-3-4449, 7-3-4451
  obstructions, impoundment, 7-1-4124
  parking, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Parking**; **PARKING**
  service districts, Title 7, chapter 11, part 11, See **INTERLOCAL COOPERATION**,
  utility construction or operation, 7-3-4452, 7-13-2101 — 7-13-2104
Highway traffic safety program, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Traffic safety program**
Historic properties, tax abatement, 15-24-1601 — 15-24-1607
Home guard, authorization to make property available to, 10-1-703
Hospitals, detention, 7-34-4101, See also **HEALTH CARE FACILITIES**
Houses and lots, numbering, 7-15-4101

CITIES AND TOWNS (Continued)

Housing authorities, See also **HOUSING**
  county, inclusion in area of operation, 7-15-2111
  municipal, Title 7, chapter 15, parts 44 and 45, See **HOUSING AUTHORITIES, MUNICIPAL**
Hucksters, provisions regarding, Title 7, chapter 21, part 25
Immunity from suit when, 7-1-4125, See also **GOVERNMENTAL LIABILITY**
Improvement districts, Title 7, chapter 12
Incorporation, See **Organization and incorporation**
Indebtedness, See **CITY FINANCE**
Industrial districts, creation, 7-15-4299, See **URBAN RENEWAL**
Industries
  development projects and revenue bonds, Title 90, chapter 5, part 1
  fire-causing potential, industries with — regulation, 7-33-4207
  land for industrial purposes, annexation restricted, 7-2-4303, 7-2-4503, 7-2-4608
Infractions
  appeals, 7-1-4152
  citation, 7-1-4150 — 7-1-4152
  civil offense and penalty, 7-1-4150, 7-1-4151
  jurisdiction, 7-1-4152
  ordinance violations as, 7-1-4124, 7-1-4150
  proceedings, 7-1-4151
Infrastructure facilities, projects, or services — development and maintenance, 7-6-2335, 7-11-104, 7-11-1102
Initiative and referendum, See also **BALLOT ISSUES**, generally
  charter form of government
    for charter or amendment to charter, 7-3-103; Const., XI, 5
    limitations on charter provisions, 7-3-708
  electors, submission to, 7-3-1229, 7-5-133, 7-5-136
  franchises, renewal, 7-3-4450, 7-3-4451
  multijurisdictional service districts, action on petition for ordinance, 7-11-1107
  notices, writing required, 7-5-134, 7-5-136
  ordinances
    effect of repeal or enactment by, 7-5-137
    proposed by, 7-3-1223, 7-3-4324
    subject to, 7-3-4326
  parking meters, enactment of ordinance for, 7-14-4512
  petition, 7-3-4327, 7-5-132
    action on, 7-3-1228, 7-5-133, 7-5-135
    approval and signatures, 7-5-132, 7-5-134
    referendum, for, 7-3-1230, 7-3-1231
    submission and verification procedures, 7-3-103, 7-3-1227
    validity and constitutionality, determination, 7-5-135
  planning boards, growth policy — adoption, revision, or rejection, 76-1-604
  resolution for, 7-5-132
  right of, 7-5-131; Const., XI, 8
  statement of purpose and implication, 7-5-134
  utilities, extension of appliances and services, 7-3-4452
In-lieu payments for taxes (PILT), See **COUNTY FINANCE, In-lieu payments for taxes**
Insolvency, declaration of, 7-7-132, See also **LOCAL GOVERNMENT, Bankruptcy**
Inspections
  dairies and dairy products, 7-21-4202, 81-2-105
  foodstuffs, 7-3-4463, 7-21-4202
  meat and meat products, 81-2-105
  pawn, secondhand, and junk shops — records and articles, 7-21-4207
  slaughterhouses, 81-2-105

CITIES AND TOWNS (Continued)
Inspections (Continued)

wood, coal, stone, corn or grain, hay, 7-21-4203
Installment purchase contracts, 7-5-4306, 7-7-4101, 7-7-4104, See **Contracts**
Insurance, See **GOVERNMENTAL LIABILITY**
Interlocal cooperation agreements and commission, establishment, 7-11-204, See **INDIANS, State-tribal cooperative agreements**; **INTERLOCAL COOPERATION**; **SCHOOL FINANCE, Interlocal cooperative agreements**
Interpreters for deaf persons, See **DEAF PERSONS, Interpreters in official proceedings**
Interstate emergency services mutual aid agreements, Title 10, chapter 3, part 11, See **EMERGENCIES AND EMERGENCY POWERS**
Intoxication, authority, 7-32-4302, 53-24-106
Investments, See **CITY FINANCE**
Irrigation ditches, See **IRRIGATION, Ditches**; See also **CANALS, DITCHES, AND FLUMES**
Itinerant
merchants, regulation and licensing, 7-21-4201, 49-3-204
vendors, provisions regarding, 7-21-2302
Jails, See **DETENTION CENTERS**
Judgments against, See **CITY FINANCE**
Judicial district, consolidated government attached to, 7-3-1202
Judicial powers, 7-1-4122, See also **Powers**; **CITY COURTS**; **JUSTICES' COURTS**; **MUNICIPAL COURTS**
Junk shops, regulation and licensing, 7-21-4201, 7-21-4207, See **PAWNBROKERS AND JUNK DEALERS**
Justice of the peace, designation as city court judge, 3-11-205, 7-4-4102, 7-4-4103
Labor organizations, 39-31-103, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
Lakeshore protection, authority for, Title 75, chapter 7, part 2, See **LAKES, Construction projects**
Land, See also **Property**
annexation, restricted when, 7-2-4303, 7-2-4503, 7-2-4608
athletic fields and civic stadiums, for, 7-16-4106
county-owned
deeded to, when, 7-8-102
transfer to city, 7-16-102
dedicated park lands — approval for sale, lease, or exchange, 7-16-2324, 76-3-621
eminent domain, See **Eminent domain**
exclusion, See **Exclusion of land**
leases
aircraft landing fields or parking areas, 7-14-4801
duration, 70-26-110
interest on overdue accounts, 7-6-401 — 7-6-403
parking areas or facilities, See **PARKING**
park land for nonpark purposes, 7-16-4223
tax sale property, 15-17-319
natural areas preservation, Title 76, chapter 12, part 1
park land, nonpark purposes, 7-16-4223
partition of lots and subdivisions, 70-29-206
port authorities, Title 7, chapter 14, part 11, See **PORT AUTHORITIES**
public recreation programs, 7-16-4107
state lands
leases, Title 77, chapter 6, See **STATE LANDS**
sales to, 77-2-306
tax sale property, 15-17-319, 15-17-320
undertakings, acquisition for, 7-6-1506, 7-7-4404

CITIES AND TOWNS (Continued)
Land (Continued)

- urban renewal, acquisition for, 7-15-4233, 7-15-4288, See also **URBAN RENEWAL, Property**
- weed management, Title 80, chapter 7, part 7, See **WEEDS AND WEED CONTROL**

Law enforcement, See also **LAW ENFORCEMENT**
- officers, See main subject heading for specific officer
- services, consolidation or transfer, 7-11-302, 7-32-101
- teletypewriter communications system, participation in, 44-2-301, 44-2-311

Leases
- ambulance equipment, vehicles, or services, 7-34-103
- buildings, 7-8-201, 7-8-4101
- bus services, 7-14-4401, 7-14-4404, 7-14-4405
- city-county buildings, 7-8-201, 7-8-202
- city-county consolidated governments, 7-3-1203
- disaster victims, housing for, 10-3-313
- indebtedness, purpose for incurring, 7-7-4101, 7-7-4104
- interest on overdue accounts, 7-6-401 — 7-6-403
- land, See **Land**
- lots, duration, 70-26-110
- oil and gas wells, for, 82-10-201 — 82-10-204
- parking commissions, See **PARKING COMMISSIONS**
- parking meters, 7-12-4243, 7-14-4511
- port authorities, 7-14-1105, 7-14-1111, 7-14-1125, 7-14-1126
- property, See **Property**
- schools, buildings or land, 20-6-625
- state land, See **STATE LANDS, Power site leases or licenses**; **Surface leases**
- tax sale property, 15-17-319
- youth shelter care facilities, 41-5-1801

Legislative body, See **Forms of government**; See also **CITY OR TOWN COUNCILS**
Legislative powers, 7-1-4122, 7-1-4123; Const., XI, 4, See also **Powers**; **CITY OR TOWN COUNCILS**
Liability
- financial, See **CITY FINANCE, Liabilities**
- generally, Title 2, chapter 9, part 1, See **GOVERNMENTAL LIABILITY**

Libraries, See **LIBRARIES**
Licenses and permits
- city-county consolidated governments, 7-3-1301
- commission-manager government, power, 7-3-4313
- county provisions, compliance with regulations, 7-21-2112
- day-care homes, conditional use permits not required when, 76-2-412
- discrimination in issuance prohibited, 49-3-204
- dogs, 7-23-101, 7-23-4102, 7-23-4103
- drivers, local licenses, 7-21-4201, 61-5-102, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Drivers' licenses**
- enumeration, 7-21-4201
- fees, 3-11-103, 7-3-1301, 7-6-4402, 7-6-4404, 7-21-2302, 7-21-4102, See also **CITY FINANCE, License fees**
- finance, director of — duties, 7-3-4431
- firearms, prohibited, 45-8-351
- gambling
  - activities, permitted when, 23-5-171
  - card games or tables, live — issuance prohibited, 23-5-321
- hucksters, 7-21-2502
- issuance, 7-21-4101, 7-21-4103, 7-21-4201
- itinerant vendors, limitation on fees, 7-21-2302
- miscellaneous, 7-21-4201, 7-21-4205

CITIES AND TOWNS (Continued)
Licenses and permits (Continued)

- off-highway vehicles, prohibited, 23-2-808
- powers generally, 7-21-4101
- professional and occupational licensees, See main subject heading for specific profession or occupation
- records, 7-4-4501, 7-4-4511
- revocation, 7-6-1505, 7-21-4101
- snowmobiles, prohibited, 23-2-643
- transient retail merchants, 7-21-2403

Lighting districts, Title 7, chapter 12, part 43, See **STREET LIGHTING DISTRICTS**
Littering with lighted matches, cigarettes, and other burning material and dumping ashtray prohibited, 7-5-4104, 7-5-4113
Livestock running at large, 7-23-4101; Title 81, chapter 4, parts 2 and 4, See **LIVESTOCK, Running at large**
Loans, See **CITY FINANCE**
Local government study commissions, office and meeting space and clerical assistance, 7-3-184
"Local government unit" defined, Const., XI, 1
Lots
- numbering, 7-15-4101
- state land leases, Title 77, chapter 6, See **STATE LANDS, Surface leases**
- vacation, 7-5-2501, 7-5-2504

Lotteries, See **Gambling**
Machinery
- auction, purchase at — when, 7-5-4310
- purchase contracts, 7-5-4302, See also **Contracts**
- state, loaned to cities, 7-1-4147, 67-10-211

Mailing lists, distribution or sale prohibited when, 2-6-109
Maintenance districts, Title 7, chapter 12, parts 44 and 46, See **STREET MAINTENANCE DISTRICTS**
Manufacturing purposes, land for — annexation restricted, 7-2-4303, 7-2-4503, 7-2-4608
Markets, See **City markets**; See also **PUBLIC MARKETS**
Mayors, See **Chief executive**; See also specific form of government
- duties prescribed by, 7-3-4320, 7-5-4102
- extraterritorial powers vested in, 7-4-4306
- ordinances or resolutions
  - approval by, 7-5-4201, 7-5-4205
  - signing, 7-3-4221, 7-3-4324
  - veto procedures, 7-5-4205, 7-5-4206

Meat and meat products, regulation, 7-21-4202, 81-2-105
Meetings, Const., II, 9; Title 2, chapter 3, part 2, See also **PUBLIC PARTICIPATION IN GOVERNMENT, Open meetings**
- city-county consolidated governments, 7-3-1218, 7-3-1241, 7-3-1246, 7-3-1251
- commission government, 7-3-4220, 7-3-4221, 7-3-4251
- commission-manager government, 7-3-4322, 7-3-4323, 7-3-4363
- public, to be, 7-1-4141 — 7-1-4143, 7-3-1218, 7-3-1241, 7-3-1251, 7-3-4220, 7-3-4323
- town meeting form of government, 7-3-603 — 7-3-606, 7-3-612

Megalandfill siting, Title 75, chapter 10, part 9, See **MEGALANDFILL SITING**
Merger and consolidation, Const., XI, 3; Title 7, chapter 3, parts 11 — 13, See **CITY-COUNTY CONSOLIDATION, OPTION ONE; CITY-COUNTY CONSOLIDATION, OPTION TWO**
Metropolitan sanitary and/or storm sewer districts, Title 7, chapter 13, part 1, See **SEWAGE DISPOSAL AND SEWER SYSTEMS**
Microbusiness development, Title 17, chapter 6, part 4
Military affairs
- armories, 10-1-108, 10-1-109

CITIES AND TOWNS (Continued)
Military affairs (Continued)

  property, available to military units, 10-1-108, 10-1-109, 10-1-703
Mining operations
  impact areas, Title 90, chapter 6, parts 2 — 4
  land for mining or smelting purposes, annexation restricted, 7-2-4503, 7-2-4608
  strip and underground mine reclamation, cessation orders relative to, 82-4-251
Minors
  community-based services — funding and services, 41-3-1132
  curfew, 7-32-2302
  day-care facilities, 7-16-2108, 7-16-4114, See also **DAY CARE**
  destruction of property by, 40-6-237, 40-6-238
  detention programs, funding, 7-6-501, 7-6-502
  recreation centers, See **PARKS AND RECREATION**
  shelter care facilities, 41-5-1801
Mosquito control districts, inclusion within, 7-22-2405
Motor vehicles, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
Multimunicipality organization, 7-3-4311, 7-3-4312, See also **MUNICIPAL COMMISSION-MANAGER GOVERNMENT**
Municipal commission form of government, Title 7, chapter 3, part 42, See **MUNICIPAL COMMISSION GOVERNMENT**
Municipal commission-manager form of government, Title 7, chapter 3, parts 43 and 44, See **MUNICIPAL COMMISSION-MANAGER GOVERNMENT**
Municipal courts, establishment, 3-6-101, See **MUNICIPAL COURTS**
"Municipality" defined, 7-1-4121, 7-2-4704, 7-7-4402, 7-7-4602
Museums, See **MUSEUMS**
Name, 7-1-4102
Natural areas preservation, Title 76, chapter 12, part 1
Natural gas systems, 7-13-4102, 7-13-4103, See also **UTILITIES, Municipal utilities**
Nature of, 7-1-4101, 7-3-1202, 7-3-1254
9-1-1 emergency telephone system, Title 10, chapter 4, parts 1 — 3
Noxious weed management, Title 80, chapter 7, part 8, See **WEEDS AND WEED CONTROL**
Nuclear regulation, conflicting laws, 50-79-105
Nuisances, powers regarding, 7-3-4313, 7-3-4453, 7-3-4463, 7-5-4104, 7-13-4406, 7-22-2151, 7-22-4101
Obscenity, ordinance against, 45-8-201
Office of the municipality, 7-1-4121
Officers or employees, See **CITY OFFICERS OR EMPLOYEES**; See also specific form of government; **PUBLIC OFFICERS OR EMPLOYEES**
Offices, consolidation, 7-3-4254, 7-4-4106, See **CITY OFFICERS OR EMPLOYEES**
Offstreet parking facilities, establishment, 7-12-4165, See **PARKING**; **PARKING COMMISSIONS**; **SPECIAL IMPROVEMENT DISTRICTS**
Oil and gas wells, lease of land for, See **Leases**
Open ditches, Title 7, chapter 31, part 42
Open-space land preservation, Title 76, chapter 6, part 1, See **LAND USE PLANNING**
Ordinance Book, 7-4-4502, 7-4-4503, 7-4-4513
  bylaws, recording, 7-5-4201
  ordinances and resolutions, recording, 7-5-4201
  technical codes, record of adoption, 7-5-4202
Ordinances and resolutions
  adoption
    powers regarding, 7-1-4123, 7-1-4124, 7-3-1220, 7-3-1222, 7-3-4221, 7-3-4222, 7-3-4323, 7-5-103, 7-5-108, 7-5-121
    procedures, 7-5-102
    provisions governing, 7-5-4208
  amendment, 7-1-4123, 7-3-1222, 7-3-4324, 7-3-4327, 7-5-131, 7-5-132, 7-5-136

CITIES AND TOWNS (Continued)
Ordinances and resolutions (Continued)

- annexation, 7-2-4607, 7-2-4714, See also specific **Annexation** entry
- appropriations
  - emergency measures, nonapplicability, 7-3-4326
  - for, 7-3-1222, 7-3-4324, 7-5-4203
  - revision, 7-3-4267
- approval, 7-5-4201, 7-5-4205
- authentication, 7-3-1222
- capital improvement program, adoption, 7-6-4134
- cash basis, for city to conduct business on, 7-6-4121
- codification, 7-3-1226, 7-5-103, 7-5-107, 7-5-4201
- declaratory judgments on, 27-8-202, 27-8-301
- effective date, 7-3-1223, 7-3-4222, 7-3-4325, 7-5-104 — 7-5-106, 7-5-123, 7-5-132, 7-5-4203
- effect, provisions governing, 7-5-4208
- emergency, 7-5-104, 7-5-108
- enacting clause, 7-3-1222, 7-3-4324
- enactment procedures, 7-3-1222, 7-3-4324, 7-3-4374
- enforcement, 7-1-4124, 7-3-1246, 7-3-4363, 7-3-4463, 7-3-4464, 7-4-4303
- execution, 7-5-4205
- existing, treatment, 7-3-4204, 7-3-4303
- filing and form, 7-5-103, 7-5-121
- infractions, See **Infractions**
- initiative
  - effect, 7-5-137
  - proposed by, 7-3-1223, 7-5-131
    - petition, 7-3-1223, 7-3-1227 — 7-3-1229, 7-5-132, 7-5-136
      - submission and verification procedures, 7-3-103, 7-3-4324, 7-3-4327
- injunction to restrain violation, 7-1-4124
- municipal court judgments, appeal from — limitation by, Title 25, chapter 30, part 2, U.M.C.R.App., Rule 1
- notes, issuance and sale in anticipation of revenue, 7-7-109
- notices, regarding posting and payment, 7-1-4127
- numbering and passage, 7-5-4201
- posting, 7-4-4501, 7-4-4511, 7-5-103, 7-5-4201
  - public location, 7-1-4135
- power systems, inspection and measurement, 7-13-4104
- publication, 7-3-1222, 7-3-1226, 7-3-4324, 7-3-4327, 7-3-4374, 7-4-4501, 7-4-4511, 7-5-107, 7-5-136, 7-5-4201
- public availability, 7-5-103
- recording, 7-3-4221, 7-3-4324, 7-4-4501, 7-4-4511
- register of ordinances, 7-5-103, 7-5-107
- rejection, requirements, 7-3-4221, 7-3-4323
- repeal, 7-1-4123, 7-3-1222, 7-3-1223, 7-3-1227, 7-3-1230, 7-3-1231, 7-3-4303, 7-3-4326, 7-3-4327, 7-5-131, 7-5-132, 7-5-136, 7-5-137
  - not allowed when, 7-3-4227, 7-5-108
- revision, 7-3-1222, 7-3-1226, 7-3-4303, 7-3-4324, 7-5-103, 7-5-4201
- shooting games, safety requirements, 23-6-104
- signing, 7-5-103, 7-5-121
- style, 7-5-4201
- subjects, limitation, 7-5-103, 7-5-4201
- submission, form, 7-5-103, 7-5-121
- title, 7-5-103, 7-5-4201
- undertakings, authorization, 7-7-4427
- veto procedures, 7-5-106, 7-5-122, 7-5-4205, 7-5-4206
- violation as civil infraction, 7-1-4124, 7-1-4150, See **Infractions**

CITIES AND TOWNS (Continued)

Organization and incorporation, Const., XI, 3
    census, 7-2-4102
    county, tax base and maintenance agreements, 7-2-4111
    election, 7-2-4104 — 7-2-4106
    local government with self-government powers, mandatory provisions, 7-1-114
    map, filing, 7-2-4101
    municipal commission government, 7-3-4202
    municipal commission-manager government, 7-3-4305, 7-3-4311
    notices, 7-2-4105, 7-2-4106
    officers, 7-2-4106, 7-2-4107
    petition, 7-2-4101
    prerequisites, 7-2-4103
Parades, regulation and licensing, 7-21-4201, 49-3-204
Parking, See also **PARKING; PARKING COMMISSIONS**
    commissions
        creation or city acting as, 7-14-4602
        petitions for, 7-14-4605
    facilities, subject to, 7-14-4631
    meters, for, 7-14-4511, 7-14-4512
    offstreet parking spaces, establishment, 7-12-4165
    pedestrian malls or offstreet parking districts, creation, 7-14-4712, 7-14-4732
    projects, 7-14-4629
Parks and park commissioners, See **PARKS AND RECREATION, Municipal Board of Park Commissioners; Municipalities**
Pawnbrokers, regulation and licensing, 7-21-4201, See **PAWNBROKERS AND JUNK DEALERS**
Payments in lieu of taxes (PILT), See **COUNTY FINANCE, In-lieu payments for taxes**
Pedestrian malls, See **PARKING**
Pedestrians, See **PEDESTRIANS**
Permits, See **Licenses and permits**
Personal property, See **Property**
Petitions, 7-1-4130, See also **Initiative and referendum**
    rights regarding, 7-1-4134
    signatures, 7-1-4133
    testimony, as, 7-1-4131
    waivers, 7-1-4133
Planning mills, regulation of location, 7-21-4204
Planned Community Development Act of 1973, Title 7, chapter 2, part 47, See **Annexation with provision of services**
Planning and zoning, Title 76, chapter 2, See **ZONING**
Planning boards, Title 76, chapter 1, See **PLANNING BOARDS**
Plan of government, See specific form of government
Playgrounds, See **PARKS AND RECREATION**
Plumbing
    codes, 7-5-108, 7-5-4202, 7-15-4121
    installations, employment of unlicensed plumbers when, 37-69-102
Poisons, sale, 7-31-4102
Police, See **POLICE**
Police courts, See **CITY COURTS**
Police officers' retirement systems, election to join, 19-9-207, See **POLICE OFFICERS' RETIREMENT SYSTEM, LOCAL FUNDS; POLICE OFFICERS' RETIREMENT SYSTEM, STATE PLAN**
Pool tables or halls, 7-21-4201, 49-3-204, 50-61-103
Pornography, ordinance against, 7-31-4104, 7-32-4302, 45-8-201
Port authorities, Title 7, chapter 14, part 11, See **PORT AUTHORITIES**

CITIES AND TOWNS (Continued)

Posting information, 7-1-4135
  notices, 7-1-4127, 7-5-4302
  ordinances, 7-1-4135, 7-4-4501, 7-4-4511, 7-5-103, 7-5-4201
  warrants drawing interest, call for payment, 7-6-4502
Poultry, regulation of vending, 7-21-4202
Powers, See also specific form of government
  corporate, 7-1-4101
  distribution, 7-1-4122
  generally, 7-1-4124; Const., XI, 4
  injunction to prevent legislative act prohibited, 27-19-103
  legislative, 7-1-4122, 7-1-4123; Const., XI, 4
  parking commissions, Title 7, chapter 14, part 46, See **PARKING COMMISSIONS**
  port authorities, 7-14-1101, 7-14-1103, 7-14-1111, 7-14-1121
  self-government, Const., IX, 5; Title 7, chapter 3, part 7, See **CHARTER FORM OF GOVERNMENT**
  urban renewal, Title 7, chapter 15, parts 42 and 43, See **URBAN RENEWAL**
Printing contracts, 7-5-4108, See also **PUBLIC CONTRACTS**, **Printing**
Property, See also **Land**
  appraisal not required when, 7-8-101
  capital improvement program fund, 7-6-4134
  city-county consolidated governments, 7-3-1203, 7-3-1209, 7-3-1307, 7-3-1308
  city-county consolidation
    disposition, 7-3-143
    plans, provision for, 7-3-1102
  commission government, 7-3-4206, 7-3-4227
  commission-manager government, Title 7, chapter 3, parts 43 and 44, See **MUNICIPAL COMMISSION-MANAGER GOVERNMENT**
  counties
    maintenance agreements when, 7-2-4111
    transferred from, 7-8-101
  county merger, disposition, 7-3-144
  definitions, 7-1-4121
  destruction by minor, 40-6-237, 40-6-238
  devise, 7-8-103, 7-8-104
  disincorporation, release upon, 7-2-4913
  disposal, 7-8-4201
  emergency measures, nonapplicability when, 7-5-4204
  eminent domain, See **Eminent domain**
  gifts, 7-3-1203, 7-3-4313, 7-7-4404, 7-8-103, 7-8-104, 7-16-4109, 7-35-4106, 67-10-102, 67-10-201, 67-10-203, 76-5-1108, 90-5-102
  governmental entities, transfer between, 7-8-101
  highways, controlled-access — acquisition for, 7-14-101
  historically significant buildings or monuments, containing — sale or transfer when, 7-8-4201
  interlocal cooperation
    agreements, acquisition or disposal, 7-11-105
    program for services, affected by — consideration, 7-11-226
  leases, See also **Leases**
    armories, 10-1-108, 10-1-109
    commission-manager government, powers, 7-3-4313
    consolidated governments, powers, 7-3-1203
    emergency measures, 7-5-4204
    interest on overdue accounts, 7-6-401 — 7-6-403
    military facilities, 10-1-108, 10-1-109
    powers regarding, 7-1-4124, 7-7-4405, 7-7-4406, 7-8-4201

CITIES AND TOWNS (Continued)
Property (Continued)
- leases (Continued)
  - "real property" defined, 7-1-4121
  - special improvement districts, 7-12-4111, 7-12-4228
  - tax sale property, 15-17-319
- liability regarding, 7-1-4125
- mayors, duties, 7-3-4368, 7-5-4102
- parking commissions, transfer to city, 7-14-4623, See also **PARKING COMMISSIONS, Property**
- port authorities, 7-14-1102, 7-14-1104, 7-14-1105, 7-14-1111, 7-14-1126, 7-14-1137
- powers generally, 7-1-4124
- private
  - condemnation when, 7-5-4106, 7-13-4404 — 7-13-4406
  - power concerning, 7-1-4124
- railroads, for, 7-14-4301
- rural special improvement districts, inclusion, 7-12-2102, See **RURAL SPECIAL IMPROVEMENT DISTRICTS**
- special improvement districts for improvement to, Title 7, chapter 12, parts 41 and 42, See **SPECIAL IMPROVEMENT DISTRICTS**
- surplus, acquisition, Title 18, chapter 5, part 2
- tax sale property, 15-17-319, 15-17-320
- urban renewal, Title 7, chapter 15, parts 42 and 43, See **URBAN RENEWAL**
- weed management, Title 80, chapter 7, part 7, See **WEEDS AND WEED CONTROL**

Protests, 7-1-4132, See also specific district
- annexation, 7-2-4313, 7-2-4405, 7-2-4710
  - unavailability when, 7-2-4502
- exclusion of land, 7-2-4806, 7-2-4807
- ordinances and resolutions, 7-3-4222
- rights regarding, 7-1-4134
- signatures, 7-1-4133
- waivers, 7-1-4133, 7-1-4139

Public band concerts, 7-16-4112, 7-16-4113
Public baths, 50-53-102, 7-16-4110, 7-16-4111, See also **SWIMMING POOLS AND SWIMMING AREAS**
Public funds, See **CITY FINANCE, Public money**
Public grounds
- authority concerning, 7-14-4101
- jurisdiction of city court, 3-11-103
- lighting and cleaning, 7-14-4105
- maintenance, 7-14-4107, 7-14-4121
- obstructions, 7-14-4104
- regulation, 7-14-4102, 7-14-4121
- waste removal, 7-14-4105, 7-14-4106

Public meetings, See **Meetings**
Public participation in agency actions, Const., II, 8; Title 2, chapter 3
Public recreation programs, 7-16-4107 — 7-16-4109, 20-7-801 — 20-7-805
Public Safety Commission, 7-32-125, See **COUNTIES**
Public Safety, Department of, Title 7, chapter 32, part 1
- establishment, 7-32-101
- salaries, payment, 7-32-104
  - overtime compensation and exclusion, 7-32-115, 39-3-406

Quarantines
- establishment, 7-1-4124, 7-3-4463
- ordinances, enforcement, 7-4-4306

Railroads, See **RAILROADS**
Real property, See **Property**
Reclamation and development grants program, See **RECLAMATION**

CITIES AND TOWNS (Continued)

Reclassification, See **Classification**
Recordkeeping, 7-5-140
Records, 7-4-4502, 7-4-4512, See also **CITY FINANCE**; **CITY OR TOWN CLERK**; **PUBLIC RECORDS**
  destruction when, 7-5-4124
  law enforcement, confidentiality when, 7-1-4144
  minutes of meetings, 7-1-4141
  public, to be — when, 7-1-4144
  retention schedules, 7-5-4124
  tax, See **CITY FINANCE, Taxation**
  transcripts required when, 7-2-101
Recreation, Board of — creation, 7-16-4108
Recreation programs and facilities, See **PARKS AND RECREATION**
Redevelopment, Title 7, chapter 15, parts 42 and 43, See **URBAN RENEWAL**
Referendum, See **Initiative and referendum**; See also **BALLOT ISSUES**
Reports, See also **CITY FINANCE**
  departments, boards, and authorities, 7-1-4146
  state, 7-1-4145, 7-1-4148
Resolutions, See **Ordinances and resolutions**
Resort communities, bond issues or tax, 7-6-1501 — 7-6-1509
Retirement systems affecting, See **RETIREMENT AND RETIREMENT SYSTEMS**; See also subject heading for specific retirement system
Revenue Bond Refinancing Act of 1937, Title 7, chapter 7, part 46
Revenues, See **CITY FINANCE**
Review of local government, See **LOCAL GOVERNMENT**
Riot
  firefighters, appointment for service during, 7-3-4466
  police officers, appointment for service during, 7-3-4465
  statute of limitations for relief of damage or injury caused by, 27-2-209
  suppression, powers, 7-4-4303, 7-32-4302
Roads, See **STREETS AND ALLEYS**, generally; See also **COUNTY ROADS AND BRIDGES**
Rural fire districts, Title 7, chapter 33, part 21, See **FIRES AND FIRE PROTECTION**
Rural special improvement districts, joint city-county resolution, 7-12-2102, See **RURAL SPECIAL IMPROVEMENT DISTRICTS**
Sanitary and/or storm sewer districts, Title 7, chapter 13, part 1, See **SEWAGE DISPOSAL AND SEWER SYSTEMS**
Sanitation
  codes, 7-5-108, 7-13-4406
  regulations, 7-3-4313, 7-3-4463
Schools
  buildings or land leased from, 20-6-625
  safety patrols, training, 20-1-408
Seal, corporate, 7-1-4124, 7-3-1203, 7-3-4313
  annexation documents, 7-2-4607, 7-2-4714
  bonds, affixation, 7-7-4255, 7-31-112
  custody, 7-5-4102
  parking commissions, 7-14-4621
  special improvement district bonds and warrants, 7-12-4203
Second class cities, 7-1-4111, 7-1-4112, 7-1-4115, See **Classification**
Secondhand shops, regulation and licensing, 7-21-4201, See **PAWNBROKERS AND JUNK DEALERS**
Self-government powers, Const., IX, 5; Title 7, chapter 3, part 7, See **CHARTER FORM OF GOVERNMENT**
Service of process on, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D

CITIES AND TOWNS (Continued)

Services generally, 7-1-4121
- administration, powers regarding, 7-1-4124
- annexation, provisions regarding, See **Annexation** entries
- assessments, imposition, 7-1-4123
- city-county consolidation plans, provision for, 7-3-1102
- consolidation or transfer
  - adoption
    - effect, 7-11-309
    - invalid when, 7-11-310
  - amendment, 7-11-308
  - availability of petition, recommendation, or service plan, 7-11-305
  - election, 7-11-307, 7-11-308
    - ballot requirements, 7-11-308
    - call for, 7-11-303
  - judicial review, 7-11-310
  - petition, 7-11-302 — 7-11-307
    - judicial review, for, 7-11-310
  - publication of summary and comparison, 7-11-306
  - purpose of provisions, 7-11-301
  - recommendation for, 7-11-229, 7-11-230, 7-11-302 — 7-11-307
  - service plan, 7-11-304 — 7-11-306
  - validity of procedures, 7-11-310
- districts, creation or dissolution, 7-11-229, 7-11-230, 7-11-1105
- fees, imposition, 7-1-4123
- interest on overdue accounts, 7-6-401 — 7-6-403
- interlocal cooperation, Title 7, chapter 11, See **INTERLOCAL COOPERATION**
- legislative powers regarding, 7-1-4123
- port authorities, to or by, 7-14-1105, 7-14-1125
- self-governments
  - authorization to provide, 7-1-102, 7-1-103
  - consolidated units, provisions applicable, 7-5-201
- street maintenance, Title 7, chapter 12, part 44, See **STREET MAINTENANCE DISTRICTS**

Sewage and/or water systems, Title 7, chapter 13, parts 42 and 43, See also **SUBDIVISIONS**, **Sanitation**; **WATER QUALITY**; **WATER SUPPLY, PUBLIC**

Sewer systems, 7-13-4105
- construction, 7-13-4202
- establishment, 7-13-4201
- financing, 7-13-4203
- pedestrian malls, 7-14-4704
- plumbing installations, exemption from licensing provision when, 37-69-102
- rental charges
  - challenge, procedure, 7-13-4208
  - collection, 7-13-4206
  - determination, 7-13-4205
  - election required, 7-13-4204
  - fund for, 7-13-4207
  - rural special improvement districts, applicability of provisions, 7-12-2301
- tax increment financing, costs paid by, 7-15-4288

Shooting
- galleries, regulation and licensing, 7-21-4201, 49-3-204
- shooting games, safety requirements, 23-6-104

Shoplifting, 7-32-4303, 27-1-718

Sidewalks, construction, 7-14-4110, 7-14-4122, See **PEDESTRIANS**; **STREETS AND ALLEYS**

CITIES AND TOWNS (Continued)

Signs and awnings, control of erection, 7-5-103, 7-5-121, 7-3-4221, 7-21-4206
Slaughterhouses
  inspections, 81-2-105
  location, regulation, 7-21-4204
Smoke abatement, Title 7, chapter 31, part 1; Title 75, chapter 2, See **AIR QUALITY**
Snowmobiles, regulatory authority limited, 23-2-631, 23-2-643
Soft drink establishments, licensing, 7-21-4201, 49-3-204
Soil survey and mapping program, 76-11-201, 76-11-202
Solid waste management, Title 7, chapter 13, parts 2 and 3; Title 75, chapter 10, See **MEGALANDFILL SITING**; **SOLID WASTE MANAGEMENT**
Special improvement districts, Title 7, chapter 12, parts 41 and 42
State
  financial aid, payment stopped when, 7-1-4148
  fire services for state-owned buildings, payments for, 2-17-112
  mandates to local governments, 1-2-112, 1-2-114, 1-2-115, 7-5-201
  procurement provisions
    adoption, 18-4-124
    cooperative purchasing, Title 18, chapter 4, part 4
  reports, 7-1-4145, 7-1-4148
  services contracts, Title 18, chapter 8, part 2
  surplus property, Title 18, chapter 5, part 2
  technical advice and assistance, 7-1-4147
State lands
  leases for city lots, Title 77, chapter 6, See **STATE LANDS, Surface leases**
  sales to, 77-2-306
State-Tribal Cooperative Agreements Act, Title 18, chapter 11, part 1
Steam boilers, regulation of location, 7-21-4204, See also **BOILERS AND STEAM ENGINES**
Storage tanks, aboveground — installation, 50-3-103
Storm sewer districts, Title 7, chapter 13, part 1, See **SEWAGE DISPOSAL AND SEWER SYSTEMS**
Streetcar tracks, provisions regarding, 7-12-4134, See also **SPECIAL IMPROVEMENT DISTRICTS**
Street commissioners, duties prescribed by ordinance, 7-4-4110, See **STREETS AND ALLEYS, Commissioners**
Street lighting districts, Title 7, chapter 12, part 43, See **STREET LIGHTING DISTRICTS**
Street maintenance districts, Title 7, chapter 12, part 44, See **STREET MAINTENANCE DISTRICTS**
Streets, See also **STREETS AND ALLEYS**
  grade changes, appeals from determination of damages caused by, 7-14-4204
  name change by ordinance, 7-14-4112
  parades, regulation and licensing, 7-21-4201, 49-3-204
  sidewalks, curbs, and gutters — recovery of construction costs, 7-14-4122
Strong mayor form of government, 7-3-4101, 7-3-4102
Study commissions, See **LOCAL GOVERNMENT**
Subdivisions, Title 76, chapters 3 and 4, See **SUBDIVISIONS**
Subpoenas, issuance, 7-3-1252
Sue and be sued, power to, 7-1-4124, 7-3-1203, 7-3-4313, 7-14-4621, See **GOVERNMENTAL LIABILITY, Actions** entries
Surveyor, See **City surveyor**
Swimming pools, Title 50, chapter 53, See **SWIMMING POOLS AND SWIMMING AREAS**
Taxation, See also **CITY FINANCE**
  collection, 7-6-4412, 7-6-4422, 7-13-4309
  industrial park tax exemption, 15-24-1902

CITIES AND TOWNS (Continued)
Taxation (Continued)

- levy
  - annual, to fix, 7-3-1310, 7-3-1313, 7-6-4407, 7-12-4181
  - exceeding maximum, intent, 7-6-4431
- levy and collection, 7-6-4421
- local economic development organization, building and land tax exemption, 15-24-2002
- money, distribution, 7-6-4408
- road tax, 7-14-2501
- value-added manufacturing, expanding industry taxable value decrease, 15-24-2403

Technical advice and assistance, 7-1-4147
Technical codes, 7-5-108, 7-5-4202, 7-33-4208
Television districts, Title 7, chapter 13, part 25, See **TELEVISION DISTRICTS**
Theaters, See **THEATERS**
Third class cities, 7-1-4111, 7-1-4112, 7-1-4115, 7-4-102, See **Classification**
Torts, See **GOVERNMENTAL LIABILITY**
Town clerk, duties, 7-4-4511, 7-6-4404
Town councils, See **CITY OR TOWN COUNCILS**
Town meetings, Title 7, chapter 3, part 6, See **TOWN MEETING FORM OF GOVERNMENT**
Townsites, abandoned, 7-5-2501 — 7-5-2504, 76-3-305
Traffic codes, 7-5-108
Traffic regulations, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
Trafficways, See **SPECIAL IMPROVEMENT DISTRICTS, Streets**; **STREETS AND ALLEYS**
Transient retail merchants, provisions regarding, 7-21-2403
Transportation, See also **BUSES, Municipal services**; **TRANSPORTATION DISTRICTS, URBAN**

- beer tax revenue for, 16-1-406
- city officials, for — prohibitions, 7-3-4256, 7-3-4367
- land for, annexation restricted, 7-2-4503, 7-2-4608
- port authority facilities, Title 7, chapter 14, part 11, See **PORT AUTHORITIES**
- services for the elderly and persons with disabilities, 7-14-111
- state funds, allocation, 7-14-102

Treasurer, 7-4-4701
Trees

- conservation easements, tree-cutting provisions, 77-2-319
- injury to, 70-16-107
- park commissioners, board of — duties, 7-16-4222
- pedestrian malls, 7-14-4704
- planting and protection, 7-12-4102, 7-12-4136, 7-16-4102
- special improvement districts, 7-12-4102, 7-12-4136

Trucks, See **Contracts**; **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
Trusts, See **TRUSTS**
Underground storage tanks, installers, and inspectors, Title 75, chapter 11, parts 2 and 5, See **UNDERGROUND STORAGE TANKS**
Unemployment insurance coverage, Title 39, chapter 51, See **UNEMPLOYMENT INSURANCE, Governmental entities**
Unions, 39-31-103, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
University system units, agreements concerning traffic citations, 20-25-322
Urban renewal, Title 7, chapter 15, parts 42 and 43, See **URBAN RENEWAL**
Urban transportation districts, Title 7, chapter 14, part 2, See **TRANSPORTATION DISTRICTS, URBAN**
Utilities, See **UTILITIES**; See also **SEWAGE DISPOSAL AND SEWER SYSTEMS**; **SOLID WASTE MANAGEMENT**; **SPECIAL IMPROVEMENT DISTRICTS**; **TELEVISION DISTRICTS**; **WATER QUALITY**; **WATER SUPPLY, PUBLIC**
Vacancies in government, emergency, 10-3-604 — 10-3-606

CITIES AND TOWNS (Continued)

Vacated land, See **Exclusion of land**
Vacation
  parks, 7-16-4101
  streets or alleys, See **STREETS AND ALLEYS, Abandonment or vacation**
  villages or townsites, 7-5-2501 — 7-5-2504, 76-3-305
Vehicles, See **Contracts**; **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
Violations
  city attorney to prosecute, 3-11-301
  convictions, 7-32-2222, 7-32-2242, 7-32-4201
  dog control and licensing, violation of provisions, 7-23-101, 7-23-104
  employees — hours of work, violation, 39-4-102, 39-4-107
  jurisdiction of city court, 3-11-103
  ordinances, of, 7-1-4124, 7-1-4150, 7-5-109, 7-5-4207, 27-2-211, See **Infractions**
  pardons for, when, 7-4-4305
  penalties, 7-5-109, 7-5-4207, 7-6-1505
  resort tax, failure to report or remit, 7-6-1505
  self-government units, powers, 7-1-111
  sewage and/or water systems, illegal use, 7-13-4313
Visually disabled persons, employment policy of state, 49-4-202
Vital statistics, records, 7-3-4463
Warrants, See also **CITY FINANCE**
  forms prescribed by, 7-14-4109
  unpaid, interest rate, 7-6-4501
Waste disposal services, See also **SOLID WASTE MANAGEMENT**
  private carriers, protection of services by, 7-13-4107
  regulation, 7-14-4105, 7-14-4106
  services, 7-2-4736, 7-13-4107
Water, See also **WATER USE**
  conservation and flood control projects, Title 76, chapter 5, part 11, See **FLOODS, Control projects**
  drainage districts, Title 85, chapter 8
  mains, construction, 7-13-2101 — 7-13-2104, 7-13-4101, See also **UTILITIES, Municipal utilities**
  pollution, clean-up orders issued to, 75-5-601
  pollution control, Title 7, chapter 13, part 45; Title 75, chapter 5, See **WATER QUALITY**
  regulation and licensing, 7-13-4401, 7-21-4202, 7-21-4205, 49-3-204
  sewer systems, Title 7, chapter 13, parts 42 and 43
  storm sewers, Title 7, chapter 13, part 1
  supply system, 7-13-4403, 7-13-4406
Water and wastewater authorities, regional — transportation and treatment services by, Title 75, chapter 6, part 3, See **WATER AND WASTEWATER AUTHORITIES, REGIONAL**
Water Pollution Control Advisory Council, representation on, 2-15-2107
Water pollution control state revolving fund, Title 75, chapter 5, part 11, See **WATER QUALITY**
Watershed advisory groups, 75-5-103, 75-5-702 — 75-5-704
Water supply systems, Title 7, chapter 13, part 44, See also **WATER SUPPLY, PUBLIC**
  appropriation limitations inapplicable, 85-2-317
  obtaining, 7-13-4402
  pedestrian malls, 7-14-4704
  port authorities, to, 7-14-1105
  private, acquisition, 7-13-4403
    eminent domain, 7-13-4404
  regulation generally, 7-13-4105

CITIES AND TOWNS (Continued)
Water supply systems (Continued)

special improvement districts for construction, See **SPECIAL IMPROVEMENT DISTRICTS**
territory occupied by, jurisdiction and control, 7-13-4406
water rights and other property, acquisition, 7-13-4405
Weapons, regulation, 45-8-351, See also **WEAPONS**
Weed management, 7-22-4101; Title 80, chapter 7, part 7, See **WEEDS AND WEED CONTROL**
Wheelchairs, self-propelled — use and regulation, 49-4-311, 49-4-312
Witnesses, powers regarding, 7-1-4124, 7-3-1252, 7-3-4260, 7-3-4365, 7-3-4366, 7-3-4414
Workers' compensation, Title 39, chapter 71, See **WORKERS' COMPENSATION, Public employers**
Youth, See **Minors**
Zoning codes, 7-5-4202, See also **ZONING, Municipal**
Zoos, Title 87, chapter 4, part 8, See **FISH AND WILDLIFE**

CITIZENS, 1-1-401 — 1-1-405
Arrest, 46-6-502, See **ARREST, Private person, arrest by**
United States
adoptive children, certificates of foreign birth — effect, 50-15-121, 50-15-223, 50-15-311
birth date, judicial determination, Title 27, chapter 32
children's health insurance program, eligibility, 53-4-1004
"citizens" defined, 1-1-402
city officers, 7-4-4104
coal mine inspectors, 50-73-401
concealed weapon, permit to carry, 45-8-321, 45-8-322
county attorneys, 7-4-2701
criminal proceedings, arraignment — procedure on, 46-12-210
disabilities, persons with — employment preference, 39-30-202
electors, qualification, 13-1-111, 13-2-206, 13-2-211; Const., IV, 2
escheated estates, statute of limitations on actions for claim, 72-14-302
ethics commission members, 2-2-138
executive branch officers, Const., VI, 3
fish and wildlife licenses, 87-2-106, 87-2-202
foreign capital depository services, restrictions, 32-8-315
fraternal benefit societies, incorporators, 33-7-208
highway patrol officers, 44-1-401
income tax, individual — estimated taxes, payment, 15-30-241
insurers, domestic stock and mutual — incorporators, 33-3-201
judges and justices, 3-2-102, 3-5-202, 3-10-204; Const., VII, 9
law enforcement reserve officers, 7-32-213
medical examiners, board of — members and executive secretary, 2-15-1841, 37-3-211
militia officers, 10-1-201
naturalization, See **NATURALIZATION**
notaries public, 1-5-402
nursing, board of — members and executive director, 2-15-1844, 37-8-204
outfitters, board of — executive director and investigators, 37-47-202, 37-47-351
peace officers, 7-32-303
pharmacy, board of — employee hired to assist, 37-7-104
police officers, 7-32-4112
private investigators and patrol officers, 37-60-303
professional engineers and professional land surveyors, board of — members, 2-15-1873
public savety communications officers, 7-31-202
railroad personnel as law officers, 69-14-1003
realty regulation, board of — executive secretary, 37-51-209
respiratory care practitioners, board of — members, 2-15-1860

CITIZENS (Continued)
United States (Continued)

- rights and duties, 49-1-204
- service of process, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4A
- state lands
  - coal leases, limitations, 77-3-305
  - sales, who may purchase, 77-2-306, 77-2-334
- unemployment insurance coverage when employed outside of united states, 39-51-203
- university system students, 20-25-501, 20-25-503
- veterans' employment preference, 39-29-102, 39-29-111

CITY AND JUSTICE COURT RULES OF CIVIL PROCEDURE, Const., VII, 2; Title 25, chapter 23
See generally **CITY COURTS; JUSTICES' COURTS**

CITY ASSESSOR
See also generally **CITY OFFICERS OR EMPLOYEES; PUBLIC OFFICERS OR EMPLOYEES**
Appointment, 7-3-439, 7-4-4101
City clerk as ex officio assessor, 7-4-4102, 7-4-4103
Commission form of government, selection, 7-3-439
Election of, 7-3-439

CITY ATTORNEY
See also generally **CITY OFFICERS OR EMPLOYEES; PUBLIC OFFICERS OR EMPLOYEES**
Adoption provision violations, prosecution, 42-7-105
Appointment, 7-3-432, 7-4-4101, 7-4-4102, 7-4-4602
Attorney general opinions, 2-15-501
Audit of local government entities
- account discrepancies, reports concerning, 2-7-511
- officers or employees, violations or nonperformance of duty — prosecution, 2-7-515

Bonds for city officers and employees, approval of form, 2-9-803
Cities of third class, legal services for, 7-4-4606
City council
- election, 7-3-4254
- powers, 7-3-4252

City-county consolidated government, duties of director of department of law, 7-3-1341
City officers, opinions in writing to, 7-4-4604
Commission form of government, selection, 7-3-432
Commission-manager form of government
- law, department of — head, 7-3-4461
- transportation, free — allowed when, 7-3-4367

Complaints charging commission of felony, filing, 3-11-102
Contracts
- duties, 7-4-4604
- services, for, 7-4-4605

Counsel, special or additional — employment, 7-4-4605
Deputies, salaries, 46-18-236
Driving under the influence of alcohol or drugs, drivers' license suspensions — appeals from, 61-8-403
Duties generally, 7-4-4604
Election of, 7-2-4107, 7-3-432, 7-3-4254
Investigative subpoenas, issuance, 46-4-306
Livestock, Department of — prosecution of Montana quality label violations, 81-8-705
Municipal courts, handling of actions when, 3-6-103
Neglect of duty, 7-4-4603
New cities and towns, election for, 7-2-4107

CITY ATTORNEY (Continued)

Opinions in writing, 7-4-4604
Ordinances, duties, 7-4-4604
Partner or family member assault victims, notice of rights, 40-15-103, 46-6-602
Police retirement fund board of trustees, member of, 19-19-201
Private investigators and security patrol officers, evidence and prosecution of violations, 37-60-411
Prosecution responsibilities, 3-11-301
Public officers or employees
  account discrepancies, reports concerning, 2-7-511
  violations by, prosecution, 2-7-515
Qualifications, 7-4-4601
Removal or suspension, 7-4-4603
Salary, 46-18-236
Search warrant, application, 3-11-102, 46-5-220
Term of office, 7-4-4602
Title abstracts or certificates of title reviewed when, 76-3-612
Training, 44-4-103
Transportation, free — allowed when, 7-3-4367
Violation of duties, 7-4-4603

CITY AUDITOR
  See also generally **CITY OFFICERS OR EMPLOYEES; PUBLIC OFFICERS OR EMPLOYEES**
Appointment, 7-3-442
Commission form of government, selection, 7-3-442
Conservation district project area budget, 76-15-622
Election of, 7-3-442
Executive officer, as, 7-4-4114
Municipal commission form of government
  election by council, 7-3-4254
  powers of council, 7-3-4252

CITY CLERK
  See **CITY OR TOWN CLERK**

CITY CLERK-TREASURER, 7-4-4101, 7-4-4102
  See also **CITY OFFICERS OR EMPLOYEES**, generally

CITY COMMISSIONERS
  See **CITIES AND TOWNS, Commissioners; MUNICIPAL COMMISSION-MANAGER GOVERNMENT, Commission**

CITY COUNCILS
  See **CITY OR TOWN COUNCILS**

CITY-COUNTY CONSOLIDATION, OPTION ONE
  See also **LOCAL GOVERNMENT**
Accounting methods, alternative, 7-6-601 — 7-6-604
Alternative form of government
  effective date, 7-3-1103
  submission, 7-3-1101
Amendments to existing consolidation, 7-3-185
Assets, 7-3-1103
Authorization, 7-3-1101
Contributions from state or federal government, 7-3-1103
Corrections facilities and programs, community, Title 53, chapter 30, part 3
Detention services, youth — to provide, 41-5-1901 — 41-5-1908

CITY-COUNTY CONSOLIDATION, OPTION ONE (Continued)

Effect, 7-3-1103
Firefighter's rights, effect on, 7-33-4131
Interlocal Cooperation Commission, recommendation for, 7-11-229
Liabilities, 7-3-1103
Libraries, See **LIBRARIES, Joint city-county libraries**
Name, official, 7-3-1102, 7-3-1103
Obligations, 7-3-1103
Ordinances and resolutions, 7-3-1105
Plan for, 7-3-1102
  effective date, 7-3-1103
Powers generally, 7-3-1104
Property, 7-3-1103
Resolutions and ordinances, 7-3-1105
Rules, 7-3-1105
Self-government powers, local government with — mandatory provisions, 7-1-114
Status, 7-3-1103
Study commission
  alternative form, submission, 7-3-1101
  plan for consolidation, submission, 7-3-1102
  proposals by, 7-3-1101
  recommendations by, 7-3-185
Taxation, powers, 7-3-1104
Water quality districts, Title 7, chapter 13, part 45, See **WATER QUALITY**
Water supply and sewer districts, Title 7, chapter 13, part 30, See **WATER SUPPLY, PUBLIC**
Youth detention programs, funding, 7-6-501, 7-6-502

CITY-COUNTY CONSOLIDATION, OPTION TWO
  See also **LOCAL GOVERNMENT**
Accounting methods, alternative, 7-6-601 — 7-6-604
Advisory boards, 7-3-1251
Appropriations
  claims, payment, 7-3-1314
  employees, number to be employed — determination, 7-3-1249
  financial statements, contents, 7-3-1303
  libraries, state aid, 22-1-326
  library depreciation reserve fund, 22-1-306
  obligations, certification, 7-3-1315
  ordinances making, procedures, 7-3-1222, 7-3-1227
  purchase, sale, and supply procedures, 7-3-1308
Authorization, 7-3-1101, 7-3-1201
Banks and banking, See **Funds and funding**
Bonds and bond issues, 7-3-1317
  change of government, effect, 7-3-106, 7-3-152
  official bonds, 7-3-1249, 7-3-1258
  preliminary acts authorized prior to election, 7-3-1232
Charges for services — limit on fund balance, exceptions, audits, reduction, and reports, 17-2-301 — 17-2-304
City court, 7-3-1342
Commission or commissioners, 7-3-1214
  business, conduct of, 7-3-1220
  county board of health, as, 7-3-1347
  department or office, changing or abolishing, 7-3-1248
  depository banks, designation, 7-3-1316
  election of, 7-3-1208, 7-3-1271

CITY-COUNTY CONSOLIDATION, OPTION TWO (Continued)
Commission or commissioners (Continued)

- employees, 7-3-1249
- financial matters, administration, See **Funds and funding**
- initiatives and referendums, See **Initiatives and referendums**
- investigative powers, 7-3-1252
- manager, relationship with, 7-3-1245
- meetings, 7-3-1218, 7-3-1247
- members
  - compensation, 7-3-1221
  - qualifications, 7-3-1215
  - term of office, 7-3-1216
  - vacancies, 7-3-1217
- official bonds, 7-3-1258, 7-3-1320
- other office, holding or seeking prohibited, 7-3-1255
- ordinances and resolutions, See **Ordinances and resolutions**
- organization and officers, 7-3-1219
- tax levies, 7-3-1223, 7-3-1230, 7-3-1313

Contracts
- alteration, 7-3-1324
- bid requirements, 7-3-1323
- certification, 7-3-1315
- existing continued, 7-3-1210

Departments or offices, 7-3-1248, See also specific department or office
Depository banks, 7-3-1316, See **Funds and funding**
District court standing masters, approval for appointment, 3-5-123
Districts, creation, 7-3-1332
Effect of consolidation, 7-3-1103
Elections
- ballot, form, 7-3-1206
- bonds or bond issues, See **Bonds and bond issues**
- commission, See **Commission or commissioners**
- conduct of, 7-3-1207
- creation, resolution declaring, 7-3-1209
- general provisions, 7-3-1271
- vote required when, 7-3-1225

Employees, See **Officers and employees**
Finance, Department of, 7-3-1248, 7-3-1301, See also **Funds and funding**
- assessment, division of, 7-3-1309
- audit and accounts, division of, 7-3-1304
- financial statements, monthly, 7-3-1303
- purchases and supplies, division of, 7-3-1307
- treasury, division of, 7-3-1306

Fire department, 7-3-1345
Fire Department Relief Associations, effect on, 19-18-107
Funds and funding
- audit and accounts, 7-3-1304, 7-3-1305
- banks or banking
  - depository, designation, 7-3-1316
  - deposit and deposit security, 7-3-1317 — 7-3-1319
  - liability, 7-3-1320
- claims, payment and investigation, 7-3-1314
- finance, department of, See **Finance, Department of**
- financial statements, 7-3-1303, 7-6-604
- fiscal year, 7-3-1302
- gasoline and vehicle fuels taxes, allocation, 15-70-101
- purchases, sale, and supplies, 7-3-1307, 7-3-1308

CITY-COUNTY CONSOLIDATION, OPTION TWO (Continued)
Funds and funding (Continued)

- sinking funds, investment, 7-3-1322

Gasoline and vehicle fuels taxes, allocation, 15-70-101
General powers, 7-3-1104, 7-3-1203
Ground Water Assessment Steering Committee, representation on, 2-15-1523
Health, Department of, 7-3-1346, 7-3-1248
Indebtedness or obligations, See also **Funds and funding**; **Tax levies**

- authorization to incur, limitation, 7-3-1321
- certification of certain obligations, 7-3-1315
- change of government, effect, 7-3-106, 7-3-152
- prior to consolidation, 7-3-1313

Initiatives and referendums

- certification, 7-3-1205
- election requirements, See **Elections**
- ordinances and resolutions, See **Ordinances and resolutions**
- petitions, 7-3-1204, 7-3-1227, 7-3-1230
  - action on, 7-3-1228, 7-3-1231
- submission to electors, 7-3-1229

Judges and justices, 7-3-1341
Law, Department of, 7-3-1341
Law enforcement officers, prior rights, 7-3-1344
Legislative representation, 7-3-1202
Libraries, See **LIBRARIES**, **Joint city-county libraries**
Manager

- advisory boards, appointment, 7-3-1251
- appointment and removal, 7-3-1241
- appointments by, 7-3-1243
- audits, caused when, 7-3-1305
- commission
  - meetings, attendance and participation, 7-3-1247
  - relationship with, 7-3-1245
- contracts, duties, 7-3-1323, 7-3-1324
- general duties, 7-3-1246
- investigative powers, 7-3-1252
- oath of office, 7-3-1259
- official bond, 7-3-1258
- removal of appointees, 7-3-1244
- role, 7-3-1242

Nature of consolidated governments, 7-3-1202
Nonpartisan nature of government, 7-3-1254
Officers and employees, 7-3-1249

- bonds, official, 7-3-1249, 7-3-1258
- conflict of interest, 7-3-1257
- compensation, 7-3-1250
- existing, treatment, 7-3-1212
- incentive awards program, Title 7, chapter 4, part 5
- money received by, disposition, 7-3-1253, 7-3-1306
- nonpartisan involvement, 7-3-1254
- oath of office, 7-3-1259
- official bonds, 7-3-1249, 7-3-1258, 7-3-1306, 7-3-1314, 7-3-1320, 7-3-1341, See also **SURETY BONDS**, **Official bonds**
- other office, appointive officers not to seek, 7-3-1256

Ordinances and resolutions, 7-3-1105

- codification, 7-3-1226
- creation, declaring, 7-3-1209
- effective date, 7-3-1223

CITY-COUNTY CONSOLIDATION, OPTION TWO (Continued)
Ordinances and resolutions (Continued)

emergency measures, 7-3-1224
enactment, procedure, 7-3-1222
existing, treatment, 7-3-1211
submission to electors when, 7-3-1232
tax levies, 7-3-1223, 7-3-1230, 7-3-1310, 7-3-1313
Petitions
consolidation, 7-3-1204, 7-3-1205
initiative, 7-3-1223, 7-3-1227 — 7-3-1229
referendum, 7-3-1230, 7-3-1231
Plan of consolidation, 7-3-1102
Police department and police officers, 7-3-1219, 7-3-1248, 7-3-1252, 7-3-1258, 7-3-1343, 7-3-1344
Powers
general, 7-3-1104, 7-3-1203
investigative, 7-3-1252
transition, effectuation, 7-3-1213
Property, 7-3-1203, 7-3-1209, 7-3-1307, 7-3-1308
Public Works, Department of, 7-3-1248, 7-3-1331, 7-3-1332
Purchases and supplies, See **Funds and funding**
Records, 2-6-401 — 2-6-404, See also **PUBLIC RECORDS**
Referendum petition for ordinances, 7-3-1230, 7-3-1231
Resolutions, See **Ordinances and resolutions**
Rules, 7-3-1105
Superintendent of schools, 7-3-1348
Tax levies
business equipment tax rate reduction reimbursement, 15-1-112
collection, 7-3-1312
indebtedness existing prior to consolidation, 7-3-1313
limitation, 7-3-1310
special taxes or districts, 7-3-1311, 7-3-1313
Transition, power to effectuate, 7-3-1213

CITY-COUNTY PLANNING BOARDS
See **PLANNING BOARDS**

CITY COURTS
See also **COURTS GENERALLY; MUNICIPAL COURTS**
Abolishment, 3-6-101, 3-6-102
Affidavits
judges, disqualification, 3-1-805, 3-11-203
judgment, showing cause for relief, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 22A
service of papers not process, proof of service, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 5C
service of process, affidavits pertaining to, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
undertaking on appeal, sufficiency of sureties, 25-33-203
venue, change of, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C
Answer, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 7, 21A
amended pleadings, to, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 8B, 8D
landlord's action for possession or unlawful holdover, tenant's response, 70-24-429
reply to, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 7, 21A
time for, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 3C, 4C
Appeals to district court, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 24
city attorney, duties, 3-11-301
concealed weapons, permits to carry — denial or revocation, applicability, 45-8-324
costs, 25-33-304, 25-33-305
criminal proceedings, 46-9-107, 46-17-304, 46-17-311
default judgment, from, 25-33-303

CITY COURTS (Continued)
Appeals to district court (Continued)

- delay, effect, 25-33-304
- dismissal, 25-33-207, 25-33-304
- exclusive method of review, 25-33-101
- judgment of district court, effect, 25-33-306
- jurisdiction, 3-5-303
- municipal infraction judgments, 7-1-4152
- notice of, 25-33-103, 25-33-104, 25-33-208
- papers to be transmitted, 25-33-104, 25-33-301
- partner or family member assault protection order, 40-15-302
- pleadings, 25-33-301, 25-33-303
- reversal or set aside of judgment, procedure upon, 25-33-302
- rules of appellate procedure, applicability, Title 25, chapter 21, M.R.App.P., Rule 52
- suspended sentence, revocation, 46-17-311
- taken how, 25-33-103
- time for, 25-33-102
- trial de novo, 25-33-301, 25-33-302
- undertaking on, 25-33-104, 25-33-201, 25-33-208; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 24
  - collection, 3-11-103
  - defective undertaking, 25-33-207
  - deposit of money in lieu of, 25-1-401, 25-33-205, 25-33-206; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 24
  - justification of sureties, 25-33-203
  - prevailing party, when appeal by, 25-33-202
  - stay of execution, 25-33-201, 25-33-204
  - waiver when, 25-33-201, 25-33-206
- unsuccessful appeal, 25-33-305

Appearance of parties
- continuance not granted when, Title 25, chapter 24, M.U.R.J.C.C., Rule 18
- failure to appear, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 14C, 15C, 16A, 16B
- jurisdiction acquired by, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4B
- pretrial conference, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14; Title 25, chapter 24, M.U.R.J.C.C., Rule 16
- summons, directions in, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4C
- time for, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4C; Title 25, chapter 24, M.U.R.J.C.C., Rule 15
- trial date, setting, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 20

Arraignments, time for, Title 25, chapter 24, M.U.R.J.C.C., Rule 15
Bail bonds, payment, Title 25, chapter 24, M.U.R.J.C.C., Rule 17
Briefs, filing, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14B; Title 25, chapter 24, M.U.R.J.C.C., Rules 6, 10
Caseload apportionment in multi-judge courts, Title 25, chapter 24, M.U.R.J.C.C., Rule 2
Citations, Title 25, chapter 24, M.U.R.J.C.C., Rule 4
City attorney, duties, 3-11-301, 7-4-4604
City-county consolidated government, establishment, 7-3-1342
Class actions not permitted, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 12D
Clerical mistakes, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 22B
Clerk of the court
- hours of court, posting, Title 25, chapter 24, M.U.R.J.C.C., Rule 15
- municipal infractions, citations — copy to, 7-1-4150
- pleadings, filing, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
- position, establishment, 3-11-206
- service of process, duties, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
- summons, issuance, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4C

Commencement of action, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 2

CITY COURTS (Continued)

Complaint, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 7
  amendment, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 8B, 21A
  answer, See **Answer**
  caseload apportionment, effect, Title 25, chapter 24, M.U.R.J.C.C., Rule 2
  docket, Title 25, chapter 24, M.U.R.J.C.C., Rule 4
  felony, charging commission of — filing, 3-11-102
  filing, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 2, 3B
  landlord's action for possession or unlawful holdover, tenant's response, 70-24-429
  service, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 4C, 4D, 7
Compromise before trial, offer to, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
Conduct of business, 3-11-206
Confession of judgment, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
Contempt, 3-11-303, See also **CONTEMPT**
  discovery rule or orders, noncompliance — effect of sanctions, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 13B
  pretrial conferences, noncompliance, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14C
Continuance, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D; Title 25, chapter 24, M.U.R.J.C.C., Rules 7, 9, 18
Costs, See **Fees and costs**
Counterclaim, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 7
  amendment, reply to, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 8C
  failure to assert, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4C
  reply to, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 7
Court of justice, enumeration as, 3-1-101
Criminal proceedings, See also **CRIMINAL PROCEDURE**
  appeal, 46-9-107, 46-17-304, 46-17-311
  appearance and arraignments, time for, Title 25, chapter 24, M.U.R.J.C.C., Rule 15
  assigned counsel, 46-8-201
  city attorney to prosecute in city court, 3-11-301
  complaint charging commission of felony, filing, 3-11-102
  costs, 46-8-201, 46-18-235, 46-18-603
  court charge upon defendant's conviction, 46-17-303, 46-18-236, 46-18-251
  discharge of defendant, 46-17-302
  docket, 46-17-102
  drug users, report to county attorney, 46-9-203
  fines, 46-17-302 — 46-17-304, 46-18-235, 46-18-603
  judgment, 46-9-107, 46-17-302
  juries and jurors, 3-15-705, 46-17-201, 46-17-202, 46-17-311; Title 25, chapter 24, M.U.R.J.C.C., Rule 19
  jurisdiction, 3-5-302, 3-10-303, 3-11-102, 3-11-103, 46-2-202, 46-2-203; Const., VII, 5
  parties to action, 3-11-302
  plea of guilty or nolo contendere, 46-17-203
  postconviction hearing, petition, 46-21-101
  preliminary examination before, 3-10-303, 3-11-102, 46-10-105; Const., VII, 5
  record, 46-17-102
  special master, city judge as, 3-5-122
  trial de novo, 46-17-203, 46-17-311
Day-care facilities, actions concerning, 52-2-741
Decorum, Title 25, chapter 24, M.U.R.J.C.C., Rule 13
Default
  judgment, See **Judgment**
  parties, failure to appear, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 20
Depositions, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 13A, 13B; Title 25, chapter 24, M.U.R.J.C.C., Rule 11
Disabilities, persons with — employment preference, Title 39, chapter 30

CITY COURTS (Continued)

- **Discovery**, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 13
  - depositions as method of, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 13A, 13B; Title 25, chapter 24, M.U.R.J.C.C., Rule 11
- **Disincorporation of city or town**, disposition of records, 7-2-4914
- **Dismissal of action**
  - complaint, upon improper venue, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 3A, 3B
  - counterclaim, when outside jurisdiction of court, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 7
  - judgment, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
  - misjoinder of parties not grounds, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 12C
  - parties
    - failure to proceed, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 16C
    - real party in interest, failure to name, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 10B
    - substitution, failure to make, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 11B
  - plaintiff's failure to appear, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 16B
- **Dissolution of marriage or legal separation**, restraining orders, 40-4-122 — 40-4-125
- **Docket**, Title 25, chapter 24, M.U.R.J.C.C., Rule 4
  - appeal, transmittal of papers, 25-33-104
  - criminal proceedings, 46-17-102
  - fees and costs, 25-31-1002
  - judgment, entry, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
  - jury, waiver — consent of parties, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 15C
  - papers filed, number included, Title 25, chapter 24, M.U.R.J.C.C., Rule 5
  - transcript, transmittal when change of venue, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C
- **Establishment**, 3-11-101, 7-3-1342
- **Evidence**
  - discovery, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 13
  - exhibits or public records, Title 25, chapter 24, M.U.R.J.C.C., Rule 3
  - judgment, entry — pertaining to, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
  - presentation in trial, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 19
  - pretrial conferences, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14B
  - service of process, affidavit of inquiry for personal service, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
- **Excusable neglect**, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 6B, 22A
- **Execution of judgment**, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 23
  - criminal proceedings, 46-17-302
  - stay of execution, 25-33-201, 25-33-204
- **Exhibits**, Title 25, chapter 24, M.U.R.J.C.C., Rule 3
- **Ex parte matters**, Title 25, chapter 24, M.U.R.J.C.C., Rule 7
- **Facilities**, provision for, 3-11-206
- **Fees and costs**, 25-31-1002; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 17
  - appeal
    - dismissal, 25-33-304
    - undertaking on, 25-1-401, 25-33-201, 25-33-202; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 24
    - unsuccessful appeal, 25-33-305
  - complaint, filing, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 2, 3B
  - cost bill not necessary, 25-31-1002
  - judgment, pertaining to, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
    - relief from, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 22A
  - plaintiff's failure to appear, costs awarded to defendant, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 16B
  - pretrial orders, noncompliance, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14C
  - service of process, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
  - venue, upon change, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C

CITY COURTS (Continued)

Files, Title 25, chapter 24, M.U.R.J.C.C., Rule 3
Fines and forfeitures, 7-2-4914, 46-17-302, 46-17-303
Frivolous claims or defenses, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14B
Holidays, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 6A; Title 25, chapter 24, M.U.R.J.C.C., Rule 21
Hours of court, 3-11-101; Title 25, chapter 24, M.U.R.J.C.C., Rule 15
In forma pauperis, 25-33-201; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 2
Interrogatories, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 13A, 13B
Joinder of claims or parties, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 12
Judges, 1-1-202, 3-1-1501, See also generally **CITY OFFICERS OR EMPLOYEES; JUDGES AND JUSTICES; PUBLIC OFFICERS OR EMPLOYEES**
  abolishment of office, 3-6-101, 3-6-102
  appeal
    notice of, filing with, 25-33-103
    papers, transmittal, 25-33-104
  appointment, 3-1-1503, 7-3-1342, 7-3-4254, 7-3-4462, 7-4-4102, 7-4-4103
  bail bonds, establishment, Title 25, chapter 24, M.U.R.J.C.C., Rule 17
  caseload apportionment, Title 25, chapter 24, M.U.R.J.C.C., Rule 2
  contempt, punishment, 3-11-303
  criminal cases, special master — judge as, 3-5-122
  decorum, Title 25, chapter 24, M.U.R.J.C.C., Rule 13
  dismissal of action, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 16B, 16C
  disqualification, 3-1-803, 3-1-805, 3-1-1507, 3-11-203, 3-11-204; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C
  docket, 46-17-102
  driver rehabilitation and improvement program, referrals to, 61-2-302
  drivers' licenses, demand for exhibit, 61-5-116
  drug users, report to county attorney by judge, 46-9-203
  election of, 3-1-1503, 7-2-4107, 7-3-1342, 7-3-4462, 7-4-4101, 7-4-4102, 7-4-4103, 13-15-405
  execution, writ of, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 23
  expenses, 3-1-1506, 3-11-202, 3-11-204, 3-11-205
  extension of time, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 6B
  facilities, provision, 3-11-206
  files taken from court, consent, Title 25, chapter 24, M.U.R.J.C.C., Rule 3
  illness, 3-1-1503; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C
  judgment
    entry, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
    relief from, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 22A
  juror, discharge, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 18C
  justice of the peace
    city judge to have same jurisdiction when, 3-11-102
    designation as judge, 7-4-4102, 7-4-4103
    presider in city court when, 3-10-101, 3-11-201, 3-11-203, 3-11-205
  justice's court, city judge to preside when, 3-10-231
  marriage, solemnization by, 40-1-301
  motor vehicle liability insurance cards, demand for exhibit, 61-6-302
  municipal officer, as, 7-4-4101, 7-4-4102
  number of judges, 3-11-201, 7-3-1342
  orders, signature requirements, Title 25, chapter 24, M.U.R.J.C.C., Rule 8
  pleadings, filing, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
  pretrial
    orders, noncompliance, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14C
    scheduling, duty, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14A
  qualifications, 3-11-202, 7-3-1342, 7-3-4462
  salary, 3-11-202, 3-11-205, 7-3-1342, 7-4-4101 — 7-4-4103

CITY COURTS (Continued)
Judges (Continued)

- search warrants, issuance, 46-5-220
- separation or addition of claims or parties, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 12C
- service of papers not process, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 5B; Title 25, chapter 24, M.U.R.J.C.C., Rule 8
- service of process, duties, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D; Title 25, chapter 24, M.U.R.J.C.C., Rule 8
  - police, chief of — duties, 7-32-4105
- sessions, regular — establishment, 3-11-101
- substitute, 3-1-805, 3-11-203
- summons, issuance, 25-31-407; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4C
- term of office, 3-11-201, 7-3-1342, 7-3-4462
- town officer, as, 7-4-4103
- training and certification, 3-1-1501 — 3-1-1503, 3-1-1506 — 3-1-1508, 3-11-204, 13-15-405
- trial, time and place — notice, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 3C, 20
- vacancy, 3-1-1507, 3-11-204, 7-3-1342, 7-3-4462
- witness, as, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C
- youth court, probable cause hearings, 41-5-332

Judgment
- appeal, 25-33-101, 25-33-102; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 24
  - default judgment, 25-33-303
  - district court judgment on appeal, effect, 25-33-306
  - reversal or set aside of judgment, procedure, 25-33-302
  - undertaking on
    - amount, 25-33-201
    - money in lieu of, amount, 25-33-205
- clerical mistakes, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 22B
- confession of, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
- default, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 7, 21A
  - appeal from, 25-33-303
  - summons, notice in, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4C
- entry, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21
- execution, 46-17-302; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 23
- exhibits, withdrawal or disposal, Title 25, chapter 24, M.U.R.J.C.C., Rule 3
- fines, for, 46-17-303
- multiple defendants, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21B
- relief from, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 22A
- signature of judge required, Title 25, chapter 24, M.U.R.J.C.C., Rule 8

Juries and jurors, See also **JURIES AND JURORS, Limited jurisdiction, courts of**
- alternate jurors, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 18C
- bias or prejudice of jury, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C
- charge of jury, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 19
- criminal proceedings, 46-17-201, 46-17-202, 46-17-311
- demand for jury trial, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 15B, 15C
- docketing, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 15C
- fees, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 17
- illness of juror, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 18C
- impaneling, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 18B, 18C
- instructions to, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 14B, 19; Title 25, chapter 24, M.U.R.J.C.C., Rule 19
- number of jurors, 46-17-201; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 18A
- request for, Title 25, chapter 24, M.U.R.J.C.C., Rule 12
- right to jury trial, 46-17-201; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 15A
- verdict, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 14B, 18D
- voir dire examination, Title 25, chapter 24, M.U.R.J.C.C., Rule 20
- waiver, 46-17-201; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 15C

CITY COURTS (Continued)

Jurisdiction
  alcoholic beverage violations by minors, 41-5-203
  appellate jurisdiction in district court, 3-5-303, 46-17-203, 46-17-311
  caseload apportionment, Title 25, chapter 24, M.U.R.J.C.C., Rule 2
  city or town sewage and/or water assessments, past-due — collection, 7-13-4309
  civil, 3-11-102 — 3-11-104
  concurrent
    district court, 40-4-123, 40-15-301
    justice's court, 3-11-102, 3-11-302, 40-4-123, 40-15-301; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3A
    municipal court, 40-4-123, 40-15-301
    youth court, 41-5-203
  cosmetics, detained or embargoed adulterated or misbranded articles — condemnation order, 50-31-509
  criminal, 3-11-102, 3-11-103, 46-2-202, 46-2-203
  drugs, detained or embargoed adulterated or misbranded articles — condemnation order, 50-31-509
  exclusive when, 3-11-103
  food, detained or embargoed adulterated or misbranded articles — condemnation order, 50-31-509
  gambling violations committed by minors, 23-5-158, 41-5-203
  hazardous substances, misbranded or banned — petition for condemnation, 50-30-307
  judgment, required for, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21B
  landlord-tenant actions, 70-24-103
  municipal court, assumption or continuing, 3-6-101
  municipal infractions, judgment amount, 7-1-4152
  person, of, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4B
  venue, change of — transferee court, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C
Justices' courts, combination with, 3-10-101
Justices' of the peace, records transferred to — when, 7-2-4914
Long Arm Statute, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
Misdemeanor probation office, establishment, 46-23-1005
Motions and orders, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 9; Title 25, chapter 24, M.U.R.J.C.C., Rule 6
  answer, reply to, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 7
  appeal
    dismissal, motion for, 25-33-207
    transmittal of papers, 25-33-104
    undertaking on, conditions, 25-33-201, 25-33-202
  application for order, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 9A; Title 25, chapter 24, M.U.R.J.C.C., Rule 6
  clerical mistakes and motion or order for correction, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 22B
  continuance, motion for, Title 25, chapter 24, M.U.R.J.C.C., Rules 9, 12, 18
  discovery, for or reference to, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 13A, 13B; Title 25, chapter 24, M.U.R.J.C.C., Rule 11
  dismissal of action, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 16C
    complaint, upon improper venue, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3B
  disobedience of order as contempt, 3-11-303
  judgments on pleadings or default judgments, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
  nonresident attorneys, representation by — motion for, Title 25, chapter 24, M.U.R.J.C.C., Rule 14

CITY COURTS (Continued)
Motions and orders (Continued)

- pleadings
  - amendment, to name real party in interest, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 10B
  - motions are not, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 7
- pretrial conferences, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14B
- pretrial orders
  - form and substance, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14B
  - noncompliance, sanctions, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14C
- separation of parties, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 12C
- service, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D; Title 25, chapter 24, M.U.R.J.C.C., Rules 8, 10
- signing, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 9C; Title 25, chapter 24, M.U.R.J.C.C., Rule 8
- substitution of parties, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 11A
- time, computation or extension, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 6A, 6B
- venue, change of, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C

Municipal courts, conduct of business applicable to city court, 3-11-206
Municipal infractions
- citations, copy to clerk of court, 7-1-4150
- jurisdiction, 7-1-4152
- proceedings, 7-1-4151

Nonjudicial days, Title 25, chapter 24, M.U.R.J.C.C., Rule 17
Objections not ground for inadmissibility in discovery, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 13A
Orders, See **Motions and orders**
Papers filed, form and quality, Title 25, chapter 24, M.U.R.J.C.C., Rule 5
Parties, 3-11-302; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 10
- appearance, See **Appearance of parties**
- discovery, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 13A, 13B
- joinder, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 12
- order of trial, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 19
- orders, presenting for signature, Title 25, chapter 24, M.U.R.J.C.C., Rule 8
- pleadings, signing, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 7F
- pretrial conferences, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14B
- representation, Title 25, chapter 24, M.U.R.J.C.C., Rules 14, 16
- service of papers not process, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 5B, 5C; Title 25, chapter 24, M.U.R.J.C.C., Rule 10
- service of process, Title 25, chapter 24, M.U.R.J.C.C., Rule 10
- subpoenas for witnesses, request for, Title 25, chapter 24, M.U.R.J.C.C., Rule 9
- substitution, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 11
- trial date, notice, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 20
- unknown person as defendant, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D

Partner or family member assault or stalking victims, order for protection, 40-15-201, 40-15-203, 40-15-301 — 40-15-303
Pleadings, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 7
- amendment, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 8, 10B, 14B
- appeal
  - filing of pleadings for trial, 25-33-301, 25-33-303
  - transmittal, 25-33-104
- clerical mistakes, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 22B
- filing, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 4D, 5, 7F; Title 25, chapter 24, M.U.R.J.C.C., Rule 10
- judgment on, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
- jury trial, demand for, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 15B

CITY COURTS (Continued)
Pleadings (Continued)

- parties
  - real party in interest, failure to name, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 10B
  - representatives, naming, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 10A
- service, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 5, 9C; Title 25, chapter 24, M.U.R.J.C.C., Rule 10
- service of process by publication, filing for, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
- transmittal when change of venue, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C

Police, chief of — attendance, 7-32-4105
Postponement, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D; Title 25, chapter 24, M.U.R.J.C.C., Rules 7, 9, 18
Pretrial conferences, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 14, 19; Title 25, chapter 24, M.U.R.J.C.C., Rule 16
Records, 3-11-206
- clerical mistakes, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 22B
- disincorporation of city or town, transfer, 7-2-4914

Rules for the Justice and City Courts, Uniform, Title 25, chapter 24
- scope, Title 25, chapter 24, M.U.R.J.C.C., Rule 1

Rules of Civil Procedure, Const., VII, 2; Title 25, chapter 23
- civil actions, applicability, 3-11-302
- landlord's action for possession or unlawful holdover, applicability, 70-24-429
- scope of rules, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 1
- small claims court, inapplicability, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 1

Search warrant applications, filing, 3-11-102
Security, See **Appeals to district court**, undertaking on
Separation or addition of claims or parties, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 12C
Service of papers not process, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 5, 8C, 9C; Title 25, chapter 24, M.U.R.J.C.C., Rules 8, 10, 18
- mail, additional time when service by, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 6C

Service of process, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D; Title 25, chapter 24, M.U.R.J.C.C., Rules 8, 9, 10
- disobedience as contempt, 3-11-303
- jurisdiction acquired by, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4B
- "person" defined, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4A

Sessions, establishment, 3-11-101
Severance or addition of issues, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 12C
Stay of proceedings, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
Subpoenas, Title 25, chapter 24, M.U.R.J.C.C., Rules 8, 9, 10
Summons, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 4C, 4D, 7; Title 25, chapter 24, M.U.R.J.C.C., Rules 8, 10
- landlord's action for possession or unlawful holdover, tenant's response, 70-24-429

Survival of action, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 11A
Time
- computation and extension, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 5A, 6; Title 25, chapter 24, M.U.R.J.C.C., Rule 21
- dismissal of complaint, effect, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3B
- execution of judgment, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 23B

Transfer of interest in action, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 11A
Trial
- notice of, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 3C, 20
- order of, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 19
- place of, See **Venue**
- postponement, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D; Title 25, chapter 24, M.U.R.J.C.C., Rule 18
- severance or addition of issues, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 12C

Undertakings, See **Appeals to district court**

CITY COURTS (Continued)

Venue, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3A
    change of, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C
    improper, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 3A, 3B, 21A
Verdict
    forms, Title 25, chapter 24, M.U.R.J.C.C., Rule 19
    judgment in accordance with, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
    jury instructions, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 19
    prevention, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 18D
Warrants, Title 25, chapter 24, M.U.R.J.C.C., Rules 8, 10
Witnesses, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14B; Title 25, chapter 24, M.U.R.J.C.C., Rule 9

CITY ELECTRICIAN, 7-33-4103, 7-33-4127

CITY ENGINEER
    See also generally **CITY OFFICERS OR EMPLOYEES; ENGINEERS AND LAND SURVEYORS; PUBLIC OFFICERS OR EMPLOYEES**
Municipal commission form of government
    election by council, 7-3-4254
    powers of council, 7-3-4252
Parking commissions, cooperation with, 7-14-4632
Special improvement districts, duties, See **SPECIAL IMPROVEMENT DISTRICTS**
Street lighting districts
    compensation, 7-12-4325
    expense records, 7-12-4309
Streets, name changes — preparation of plats, 7-14-4112
Water and Wastewater Operators' Advisory Council, representation on, 2-15-2105

CITY FINANCE
Accountability, Const., VIII, 12
Accounting and cost systems, 7-3-4432, 7-6-4140, 7-6-4205
    accountant, 7-3-4434
    alternative accounting methods, 7-6-601 — 7-6-604, 7-6-4271, 7-6-4272
Accounts
    books, 7-3-4431
    city-county consolidated government, 7-3-1301, 7-3-1304, 7-3-1305
    inactive, procedure to close, 7-6-4124
    overdue, interest on, 7-6-401 — 7-6-403
    supervision, 7-6-4141
Actions
    bonds
        funds, enforcement of officers' liability, 7-7-122
        general obligation, to test validity, 7-7-104
        issuance and sale, to restrain — limitation, 7-7-105
        refunding revenue bond provisions, enforcement, 7-7-4633
        revenue bond provisions, enforcement, 7-7-4429
    claims, on account of, 7-6-4301, 7-6-4311
    officers, enforcement of liability, 7-7-122
    service consolidation or transfer, effect of adoption, 7-11-309
Affidavits
    bond issues, petition requirement, 7-7-4224
    tax assessments, aggrieved persons, 7-6-4411
Aircraft registration account money, allocation to, 67-3-205
Anticipation notes, Title 7, chapter 6, part 11, See **LOCAL GOVERNMENT, Notes, tax and revenue anticipation**

CITY FINANCE (Continued)

Appropriations, 7-6-4207
    accounts, closed when, 7-6-4240
    bond issue proceeds, 7-6-4237, 7-7-4431
    bonds, refunding general obligation — provisions concerning, 7-7-4316
    budget amendments, 7-6-4271
    emergency expenditures, 7-6-4272
    exceeding, effect and liability, 7-6-4234, 7-6-4237
    health, local boards of, 50-2-110 — 50-2-112
    housing authorities, 7-15-4417
    installment purchase contracts, payment provisions, 7-5-4306
    interlocal cooperation
        agreements, 7-11-108
        commission, 7-11-223
    lapse, 7-6-4240
    libraries, state aid, 22-1-326
    library depreciation reserve fund, 22-1-306
    limitation, 7-6-4270
    ordinances for, 7-1-4123, 7-5-4203
    parking commissions, 7-14-4613, 7-14-4624, 7-14-4643
    planning boards, 76-1-307, 76-1-401, 76-1-402
    public funds, authority, 7-1-4123
    recreation programs, public, 7-16-4108
    requirement, 7-6-4208
    reversion, 7-3-184
    rural fire districts, 7-33-2129
    sewer systems, public, 7-13-4203
    study commissions, 7-3-184
    transfers, 7-6-4271
Assessments, See **Taxation**; See also **SPECIAL IMPROVEMENT DISTRICTS**; **STREET LIGHTING DISTRICTS**; **STREET MAINTENANCE DISTRICTS**
Audits, 7-6-604, 7-6-4140; Title 2, chapter 7, part 5
Band concerts, public, 7-16-4112, 7-16-4113
Band fund, public recreation expenditures from, 7-16-4107, 20-7-801
Baths, public, 7-16-4111
Beer tax proceeds, allocation, 16-1-406
Bond issues
    action to restrain, 7-7-105
    amortization, tax levy for, 2-9-316, 15-1-402
    amount, limitation, 7-7-4201
    authorization, 7-7-4101, 7-7-4104
    building and loan associations, investment in, 32-2-406
    bus services, for, 7-14-4401, 7-14-4402
    citizen bonds, See **General obligation bonds**
    city-county buildings, joint — effect on bonding authority, 7-8-204
    city-county consolidated governments
        amount, limitation, 7-7-107
        authority, 7-3-1232, 7-3-1321, 7-5-201
        investment in, 7-3-1322
        void when, 7-3-1321
        water or sewer system, 7-7-108
    city-county consolidation plans, provisions concerning, 7-3-143
    coal severance tax bonds, 85-1-605; Title 17, chapter 5, part 7
    commission-chairman form of government, execution, 7-3-503
    commission-executive form of government, execution, 7-3-203
    commission-manager form of government, 7-3-304, 7-3-4313

CITY FINANCE (Continued)
Bond issues (Continued)

- consolidation, Title 17, chapter 5, part 16
- county merger, provisions concerning, 7-3-144
- economic development, Title 17, chapter 5, part 15
- elections, challenges, 7-7-105, 7-7-106
- expenditures, proceeds to finance, 7-6-4237
- fund, See **Sinking fund**
- general obligation bonds, See **General obligation bonds**
- government, form of — effect of change, 7-3-106, 7-3-152
- industrial development projects and revenue bonds, See **INDUSTRIES AND INDUSTRIAL DEVELOPMENT**, **Development projects**
- initiative powers, nonapplicability when, 7-5-131
- insurers, deposits — securities eligible for, 33-2-603
- interest and principal
  - initiative powers, nonapplicability when, 7-5-131
  - payment, 7-6-4121
  - rate of interest, 17-5-101 — 17-5-104
- judgment or settlement liability, payment, 2-9-316, 7-6-4453
- natural gas systems, funding, 7-13-4102, 7-13-4103
- notes, sale in anticipation of federal or state revenue, 7-7-109
- notice of public bond sale, publication, 17-5-106
- parking areas and facilities, 7-14-4502
- pedestrian mall or offstreet parking improvement districts, See **PARKING**, **Improvement districts**
- port authorities, 7-14-1131, 7-14-1133, 7-14-1134
- preparation, 7-3-4461
- proceeds
  - investment, 7-7-4102
  - use, 7-6-4237, 15-1-402
- public baths, for, 7-16-4111
- recreational purposes, 7-16-4104
- redemption, optional method, 17-5-105
- refunding bonds, crossover, 17-5-2101, 17-5-2102
- refunding general obligation bonds, See **Refunding general obligation bonds**
- refunding revenue bonds, See **Refunding revenue bonds, option one**; **Refunding revenue bonds, option two**
- registration, Title 17, chapter 5, part 11
- resort communities, 7-6-1506
- restrain, action to, 7-7-105
- revenue bonds, See **Revenue bonds**
- self-insurance reserve fund, to fund, 2-9-211, 2-9-212
- service consolidation or transfer, effect of adoption, 7-11-309
- sewage and/or water systems, See **Sewage and/or water systems**
- sewer systems, 7-13-4203 — 7-13-4205
- sinking fund, See **Sinking fund**
- smoke abatement, for, Title 7, chapter 31, part 1; Title 75, chapter 2, See **AIR QUALITY**, **Smoke abatement program**
- special improvement districts, See **SPECIAL IMPROVEMENT DISTRICTS**, **Bonds and warrants**
- state, bonds held by — redemption prior to maturity, 17-6-213
- street lighting districts, 7-12-4341, 7-12-4342
- tax
  - levies to pay, 7-6-4259, 7-6-4453
  - protest refunds, for, 15-1-402
- tort claims, payment of judgment or settlement liability, 2-9-316
- town meeting form of government, execution, 7-3-606

CITY FINANCE (Continued)
Bond issues (Continued)

- urban renewal, See **URBAN RENEWAL, Bonds**
- validation, Title 17, chapter 5, part 2
- void when, 7-3-1321
- water or sewer systems, for, 7-7-108, 7-7-4202

Bond register, 7-7-103
Borrowing, See **Indebtedness**; **Loans**
Budget

- alternative accounting method, requirements, 7-6-604
- amendment procedure, 7-6-4271
- appropriations, See **Appropriations**
- boards and commissions, appointed, 7-6-4259
- citation of municipal budget law, 7-6-4201
- city-county consolidated governments, 7-3-1301, 7-3-1315, 7-5-201
- commission-chairman form of government, 7-3-503
- commission-executive form of government, 7-3-203, 7-3-215
- commission-manager form of government, 7-3-304
- copies to department of commerce, 7-6-4205
- definitions, 7-6-4202
- emergency expenditures, 7-6-4272
- expenditures, See **Expenditures**
- final
  - approval and adoption, 7-6-4267
  - receipt and expenditures of money prior to adoption, 7-6-4264
- general obligations, amount, 7-7-4104
- hard-rock mining impact payments, 90-6-323
- initiative powers, nonapplicability, 7-5-131
- installment purchase contracts, 7-5-4306
- interlocal cooperation agreements, 7-11-105
- planning boards, 76-1-401, 76-1-402
- preliminary annual, 7-6-4260, 7-6-4262
  - balanced, 7-6-4262
  - due date, 7-6-4263
  - hearing on proposed, 7-6-4266
  - notice of, 7-6-4265
- resort community tax revenues, effect, 7-6-1507
- revenues, See **Revenues**
- scope of provisions, 7-6-4203
- self-government units, mandatory provisions, 7-1-114
- service consolidation or transfer, 7-11-304
- strong mayor form of government, 7-3-4101
- study commissions, 7-3-184
- supplies and equipment, purchase from government agencies when, 7-5-4303
- surety bond premiums, 2-9-805
- tax levy, See **Levies**
- town meeting form of government, 7-3-606
- urban renewal
  - activities, inclusion, 7-15-4220
  - agency, departments, or offices, 7-15-4281
- violation of provisions, 7-6-4206

Bus services, 7-14-4401, 7-14-4402, 7-14-4404
Capital improvement program fund, 7-6-4134, 7-6-4135
Carriers, imposition of tax on — prohibited when, 61-10-215
Cash basis, business conducted on — when, 7-6-4121
Charges for services — limit on fund balance, exceptions, audits, reduction, and reports, 17-2-301 — 17-2-304

CITY FINANCE (Continued)

City clerk, duties, See **CITY OR TOWN CLERK**
City road fund, 7-14-2512, 7-14-4113, 61-3-203
City treasurer, duties, See **CITY TREASURER**
Claims
  budget appropriations, exceeding — disapproval, 7-6-4234
  commission-manager form of government, 7-3-4433
  detention centers
    administrators, false claims, 7-32-2249
    costs of holding persons, 7-32-2222, 7-32-2242
  good faith dispute, 7-6-403
  inactive funds, against, 7-6-4124
  officers and employees, membership fees or expenses, 7-5-4141
  park commissioners, board of — audit and allowance, 7-16-4227
  payment, 7-3-1314, 7-6-4302, 7-16-4227, 15-1-301
    authorization, 7-6-4121
    fiscal yearend, 7-6-4240
  presentation, 7-6-4301, 7-6-4311
  prompt payment, 7-6-401 — 7-6-403
  public officers, dealings in, 2-2-204 — 2-2-207
Coal severance tax bond revenues, 17-5-701, 17-5-703; Title 90, chapter 6, part 7
Commerce, Department of, See also **CITIES AND TOWNS**
  alternative accounting method, requirements, 7-6-603, 7-6-604
  audits, Title 2, chapter 7, part 5
  budget, copies to, 7-6-4205
  resort area or community, designation, 7-6-1501, 16-4-420
  role, 7-6-4140, 7-6-4260
Commission-manager form of government, Title 7, chapter 3, parts 43 and 44, See **MUNICIPAL COMMISSION-MANAGER GOVERNMENT**
Consolidated governments, self-government units — operation, 7-5-201, See also **CITY-COUNTY CONSOLIDATION, OPTION TWO**
Contracts, See **CITIES AND TOWNS**
Councils, duties, See **CITY OR TOWN COUNCILS**
Court charges, deposit and use, 46-18-236
Day-care facilities, 7-16-2108, 7-16-4114
Debts, See **Indebtedness**
Debt service fund, 7-7-109
  budget amendment authority for expenditure, 7-6-4271
  hard-rock mining local government facility impact bonds, 90-6-310
  port authorities, 7-14-1135
Deposit of public money, See **Public money**
Detention centers
  administrators, false claims, 7-32-2249
  costs of holding persons, payment, 7-32-2222, 7-32-2242
Detention programs for youth, 7-6-501, 7-6-502
Developmental disabilities, persons with — contributions to facilities in or out of jurisdiction, 53-20-208
Disbursements, See **Expenditures**
Disincorporating cities and towns
  financial condition, certification, 7-2-4911
  indebtedness
    effect on, 7-2-4915 — 7-2-4917
    tax levy to pay, 7-2-4918
  receivables, collection, 7-2-4916, 7-2-4917
  unencumbered cash, 7-2-4912
Drug forfeiture account, 3-10-601, 44-12-206, 46-5-308

CITY FINANCE (Continued)

Duties imposed by state, new, 1-2-112, 1-2-114, 1-2-115, 7-5-201
Elections
  bond issues, See **Bond issues**
  bus services, for funding, 7-14-4402, 7-14-4404
  electors, qualifications, 7-7-4103
  emergency warrants, funding, 7-6-4272
  exceeding maximum mill levy, for authorization, 7-6-4431
  general obligation bonds, for issuance, See **General obligation bonds**
  natural gas systems, for funding, 7-13-4102
  public baths, indebtedness for, 7-16-4111
  recreational purposes, indebtedness for, 7-16-4104
  revenue bonds, See **Revenue bonds**
  smoke abatement bond issues, Title 7, chapter 31, part 1; Title 75, chapter 2, See **AIR QUALITY**, **Smoke abatement program**
  special improvement districts, concerning, 7-12-4243, 7-12-4244
  tax levy, additional, See **Levies**, additional levies
  urban renewal
    bond issues, required when, 7-15-4218
    financing activities, 7-15-4220
Emergency expenditures and liabilities, 7-6-4272
  appropriation authority increase, hearing not required, 7-6-4271
  civil defense, 10-3-405
  interstate emergency services mutual aid agreements, 10-3-1105, 10-3-1115
  supplies, 7-3-4434
  tax levy, additional — effect on, 7-6-4439
Emergency warrants, See **Warrants**
Enterprise funds, budget amendment authority for expenditure, 7-6-4271
Exclusion of land
  liability of excluded territory for indebtedness, 7-2-4809
  tax levy, jurisdiction, 7-2-4810
Expanding industry taxable value decrease, value-added manufacturing, 15-24-2403
Expenditures, See also **Appropriations**; **Bond issues**; **Budget**; **Emergency expenditures and liabilities**; **Warrants**
  accountability, Const., VIII, 12
  bond proceed appropriation, exceeding, 7-6-4237
  city-county consolidated governments, 7-3-1301, 7-3-1315
  indebtedness limits exceeded, payment of expenses, 7-6-4438
  limitations, 7-6-4238, 7-6-4270
  payment
    authority, 7-1-4124, 7-6-4207, 7-6-4208
    cash basis, 7-6-4121
  reports regarding, 7-6-4140, 7-6-4141
  tax-financed, restrictions, 7-6-4238
Federal assistance
  industrial infrastructure development, 7-15-4301
  private dwellings, rehabilitation, 7-15-4103
  street maintenance district work and improvements, 7-12-4429
  urban renewal, 7-15-4233, 7-15-4252, 7-15-4255, 7-15-4281, 7-15-4301
Federal in-lieu payments for taxes, Title 7, chapter 6, part 1, See **COUNTY FINANCE**, **In-lieu payments for taxes**
Finance, Department of, 7-3-1248, 7-3-1301, 7-3-1304, 7-3-1306, 7-3-1307, 7-3-1309, See **CITY-COUNTY CONSOLIDATION, OPTION TWO**
Finance officer, See **CITY TREASURER**, generally
Financial reports, 7-6-4140, 7-6-4141; Title 2, chapter 7, part 5

CITY FINANCE (Continued)

Financial statement, 7-6-604
  city-county consolidated government, 7-3-1303
  commission form of government, 7-3-4266
  filing and exception, 7-6-604
  mayor, duties, 7-5-4102
Fire hydrant maintenance district assessments, 7-12-4611, 7-12-4612
Fiscal impact, legislation affecting
  estimate of impact required, 5-4-210
  fiscal note requirements, 5-4-201, 5-4-203
Fiscal year, 7-3-1302, 7-6-604, 7-6-4101
Flood control projects as tax base protection, Title 76, chapter 5, part 11, See **FLOODS, Control projects**
Funds generally, See also specific fund in this main category, **Appropriations**; **Budget**
  city-county consolidated governments, 7-3-1213, 7-3-1301, 7-3-1316 — 7-3-1320
  inactive, procedure to close, 7-6-4124
  investment, 7-6-4603, 17-6-204; Const., VIII, 13
  reports regarding, 7-6-4140, 7-6-4141
  special, 7-6-4438
  tax levy, See **Levies**
  transfer, 7-6-4123, 7-6-4437
Gambling
  activities, fees or taxes permitted when, 23-5-171
  bingo and keno tax revenue, 23-5-409
  card game tables, live — permit fee revenue, 23-5-306
  penalties, deposit, 23-5-136
  video gambling machine gross income tax revenue, 23-5-610, 23-5-612
Gasoline and vehicle fuels taxes, allocation, 15-70-101, 15-70-102
General fund
  developmental disabilities, persons with — contributions to facilities in or out of jurisdiction, 53-20-208
  general obligations, amount and payment, 7-7-4104
  health, local boards of — appropriations for, 50-2-110, 50-2-112
  inactive accounts, closing, 7-6-4124
  judgments or settlements, payment, 2-9-316, 7-6-4209
  liquor license tax money, 16-1-405
  local government study commissions, reversion of unexpended funds, 7-3-184
  pedestrian malls, payment of damages due to creation, 7-14-4703
  police officers
    group insurance premiums, 7-32-4117
    retirement fund, dissolution — transfer from, 19-19-202
  public money, interest from deposit and investment, 7-6-204
  refunding revenue bonds and interest, no recourse for payment, 7-7-4606
  sewer system appropriations, 7-13-4203
  sinking fund, transfers from, 7-7-4274
  smoke abatement bond issue elections, expenses, 7-31-111
  special improvement districts
    bid forfeitures, deposit, 7-12-4145
    federal property within, improvements fronting — costs paid from, 7-12-4173
    revolving fund
      loans to, 7-12-4222, 7-12-4225
      transfers from, 7-12-4227 — 7-12-4229
  street lighting district assessments paid from, when, 7-12-4326
  tax sale property, proceeds from sale or lease, 15-17-319
  tax protest refunds, 15-1-402
  tobacco possession or consumption by minors, fines from violations, 45-5-637

CITY FINANCE (Continued)
General fund (Continued)

- undertakings, transfer of revenue when, 7-7-4425, 7-7-4428

General obligation bonds
- accounts, See **Sinking fund**
- amortization bonds, 7-7-4208, 7-7-4209, 7-7-4251, 7-7-4255, 7-7-4275
- amount, limitation, 7-7-4201
- cancellation, 7-7-4272, 7-7-4273
- capital appreciation bonds, 7-7-4208, 7-7-4214
- citizen bonds, 7-7-4211 — 7-7-4213
- copies, 7-7-4258
- coupons, 7-7-4255, 7-7-4256, 7-7-4262, 7-7-4272
- delivery, 7-7-4259, 7-7-4272
- disincorporation of cities, statement concerning, 7-2-4911
- election
  - call for, procedure, 7-7-4223
  - electors, majority vote required to authorize bonds, 7-7-4235
  - exception, 7-7-4221
  - notice, 7-7-4227
  - petition, 7-7-4223 — 7-7-4226
  - port authorities, applicability, 7-14-1134
  - resolution for, 7-7-4226
  - revenue bonds, provisions regarding, 7-7-4427
  - water and sewer systems, required for, 7-7-4222
- fund, See **Sinking fund**
- industrial districts, 7-15-4290
- interest and principal
  - amortization bonds, 7-7-4209, 7-7-4275
  - late payments, 7-7-4263
  - payment, 7-7-4204, 7-7-4262, 7-7-4265
  - rate of interest, 7-7-4251, 7-7-4254, 7-7-4263
  - serial bonds, 7-7-4210
  - statement of amount due and payable, 7-7-4264, 7-7-4265
- issuance, 7-7-4212, 7-7-4255
- nature, 7-7-4204
- open-space land purposes, for, 76-6-109
- outstanding, purchase, 7-7-4270
- printing, 7-7-4256
- proceedings
  - citizen bonds, 7-7-103, 7-7-4212, 7-7-4213
  - review and report, 7-7-101 — 7-7-103
- purpose, single — what constitutes, 7-7-4203
- redemption, 7-7-4206, 7-7-4251, 7-7-4265, 7-7-4268, 7-7-4269, 17-6-213
- refunding bonds, See **Refunding general obligation bonds**
- refunding by exchange for amortization bonds, 7-7-4275
- registration, 7-7-4257, 7-7-4272
- sale
  - citizen bonds, 7-7-4211, 7-7-4213, 7-7-4251
  - notice of, 7-7-4236, 7-7-4275
    - form, 7-7-4251
    - publication, 7-7-4252
  - procedure, 7-7-4211 — 7-7-4213, 7-7-4254
  - proceeds, disposition, 7-7-4260
- serial bonds, 7-7-4208, 7-7-4210, 7-7-4251, 7-7-4255
- sinking fund, See **Sinking fund**
- state, held by
  - amortization bonds, refunding by exchange for, 7-7-4275

CITY FINANCE (Continued)
General obligation bonds (Continued)
  state, held by (Continued)
    redemption, 17-6-213
  tax levy for, 7-7-4261, 7-7-4264, 7-7-4265
    insufficient, 7-7-4266
  term, 7-7-4205
  types, 7-7-4208, 7-7-4214
  urban renewal, 7-15-4218, 7-15-4290, 7-15-4302
  validity, action to test — limitation, 7-7-104
  water and sewer systems, for, 7-7-4202, 7-7-4222
  zero-coupon bonds, 7-7-4208, 7-7-4214
Governmental facilities, state — closure or retrenchment, impact statement, 39-2-1003
Grants
  budget amendment authority for expenditure, 7-6-4271
  industrial infrastructure development, 7-15-4301
  notes, issuance and sale in anticipation of, 7-7-109
  port authorities, 7-14-1126, 7-14-1133, 7-14-1136
  power to make, 7-1-4124
  reclamation and development, See **RECLAMATION, Reclamation and development grants program**
  rehabilitation of private dwellings, 7-15-4103
  renewable resource grants and loans, Title 85, chapter 1, part 6
  special services, for, 7-3-1311
  urban blight, prevention and elimination, 7-15-4252
  urban renewal, for, 7-15-4258, 7-15-4281, 7-15-4301
  water pollution abatement or prevention, 7-7-4405
Health, local boards of — funding, 50-2-110 — 50-2-112
Housing authorities
  donations to, 7-15-4417, 7-15-4418
  payments from, 7-15-4465
Indebtedness, See also **Borrowing**; **Loans**
  annexation
    apportionment, 7-2-102
    effect of, 7-2-4716
  authorization, 7-7-4101; Const., VIII, 10
  bonded, limitation, 7-7-4201
  bonds, See **Bond issues**
  borrowed money, use of surplus for redemption, 7-6-4237
  boundary alterations, apportionment, 7-2-102
  bus services, for, 7-14-4401, 7-14-4402
  cash basis, city to conduct business on — when, 7-6-4121
  city-county consolidated governments, 7-3-1310, 7-3-1313, 7-3-1321, 7-7-108
    consolidation plans, provision for, 7-3-143, 7-3-1102
  county merger, provisions concerning, 7-3-144
  disincorporating cities and towns
    effect, 7-2-4915 — 7-2-4917
    tax levy to pay, 7-2-4918
  electors, qualifications to vote, 7-7-4103
  excluded territory, liability, 7-2-4809
  general obligation bonds, See **General obligation bonds**
  general obligations, 7-7-4104
  good faith in payment, 7-2-4916
  government, form of — effect of change, 7-3-106, 7-3-152
  interlocal program for services, affected by — consideration, 7-11-226
  limits, Const., VIII, 10
    exceeded, tax levy for municipal and administrative purposes, 7-6-4438
    hard-rock mining local government facility impact bonds, applicability, 90-6-310

CITY FINANCE (Continued)
Indebtedness (Continued)

- multimunicipality organization, effect, 7-3-4312
- natural gas systems, for, 7-13-4102, 7-13-4103
- outstanding, change of evidence of, 7-7-107, 7-7-4201
- payment, authority, 7-1-4124, 7-6-4207
- public baths, for, 7-16-4111
- purposes for incurring, 7-7-4101, 7-7-4104; Const., VIII, 10
- recreational purposes, 7-16-4104
- refunding general obligation bonds, See **Refunding general obligation bonds**
- renewable resource grants and loans, Title 85, chapter 1, part 6
- resort community bond issues, nature of indebtedness, 7-6-1506
- rural fire districts, annexation — effect, 7-33-2129
- service consolidation or transfer, effect of adoption, 7-11-309
- water and sewer systems, for, See **Sewage and/or water systems**

Industrial development projects and revenue bonds, See **INDUSTRIES AND INDUSTRIAL DEVELOPMENT, Development projects**
Industrial districts, Title 7, chapter 15, parts 42 and 43, See **URBAN RENEWAL**
Infrastructure
- facilities, projects, or services — development and maintenance, 7-6-2335
- projects, Title 90, chapter 6, part 7

In-lieu payments for taxes (PILT), Title 7, chapter 6, part 1, See **COUNTY FINANCE**
Insurance, See **GOVERNMENTAL LIABILITY**
Interlocal cooperation
- agreements
  - financing, 7-11-105
  - self-insurance reserve fund, for, 2-9-211
- commission, funding, 7-11-223

Internal service funds, budget amendment authority for expenditure, 7-6-4271
Investments
- bond proceeds, 7-7-4102
- capital improvement program fund, in, 7-6-4135
- libraries, depreciation reserve fund, 22-1-307
- 9-1-1 emergency telephone system funds, 10-4-303, 10-4-312
- public money, 7-6-202, 7-6-204, 7-6-4603
- repurchase agreements, 7-6-213, See also **Repurchase agreements**
- sinking fund, 7-3-1317, 7-3-1319, 7-3-1322, 7-7-123, 7-7-124, 7-15-4281, 7-15-4306
- special improvement districts, See **SPECIAL IMPROVEMENT DISTRICTS**
- state, by — when, 17-6-204; Const., VIII, 13
- tax and revenue anticipation note proceeds, 7-6-1102
- tax protest fund money, 15-1-402
- urban renewal
  - bonds, 7-15-4306
  - funds, 7-15-4281
- warrants, in, 7-6-4603

Judgments
- manner of payment, 2-9-316, 7-6-4209, 7-6-4453
- urban renewal property, effect on, 7-15-4260
- water supply systems, condemnation proceedings, 7-13-4404

Levies
- additional
  - bonded indebtedness, judgments, tax protest refunds, or special improvement district revolving funds — for, 7-6-4453
  - bus services, for, 7-14-4404
  - election requirements, 7-6-4431, 7-6-4432, 7-6-4434, 7-6-4436
  - emergency provisions, how affected, 7-6-4439
  - libraries, for, 22-1-304

CITY FINANCE (Continued)
Levies (Continued)
    additional (Continued)
        police retirement fund contributions, 19-19-301
        proceeds, use, 7-6-4437
    aging and aged persons, activities for, 7-16-101
    aircraft, exemption, 67-3-204
    airports, 67-10-401, 67-10-402, 67-11-201, 67-11-301, 67-11-303
    all-purpose levy
        authority, 7-6-4451, 19-9-209, 19-13-214, 19-18-503
        certification, 7-6-4454
        change from method, 7-6-4455
        distribution, 7-6-4134
        exclusions, 7-6-4453, 15-1-402
        increase, 1-2-112
        libraries, levy for — nonapplicability, 22-1-304
        maximum, 7-6-4452
    ambulance services, for, 7-34-102
    annexation, following, 7-2-4716
    annual, fixing, 7-3-1223, 7-6-4407
    authority, 7-1-4123, 7-6-4401, 7-6-4421
    band concerts, 7-16-4113
    bond amortization, for, 2-9-316, 15-1-402
    bond sinking or interest fund, 7-6-4232
    business equipment tax rate reduction reimbursement, 15-1-112
    business incubators, exemption — applicability, 15-24-1802
    bus services, 7-14-4404
    citizen bonds, for payment, 7-7-4265
    city-county consolidated governments, 7-5-201, See **CITY-COUNTY CONSOLIDATION, OPTION TWO**
    day-care facilities, for, 7-16-2108, 7-16-4114
    detention programs for youth, 7-6-501, 7-6-502
    disincorporating cities or towns, to pay indebtedness, 7-2-4918
    elderly persons, activities for, 7-16-101
    election for approval
        additional levy, 7-6-4431, 7-6-4432, 7-6-4434, 7-6-4436, 7-6-4437, 7-14-4404, 7-34-102, 22-1-304
        expenditures, tax-financed — restrictions, 7-6-4238
        port authorities, when, 7-14-1134
        resort tax, 7-6-1502 — 7-6-1504
    emergency, 10-3-405
    emergency warrants, to fund, 7-6-4272
    excluded territory, jurisdiction, 7-2-4810
    firefighter's group insurance, for, 7-33-4130
    fixing, 7-6-4232, 7-6-4407
    fund requirements, 7-6-4232, 7-6-4261
    general municipal or administrative purposes, indebtedness limits exceeded — use of levy, 7-6-4438
    general obligation bonds, for payment, 7-7-4261, 7-7-4264 — 7-7-4266
    general obligations, for payment — no obligation, 7-7-4104
    historic properties, tax abatement — applicability, 15-24-1603
    increase, 1-2-112, 15-10-203, 15-10-204
    industrial park exemption, applicability, 15-24-1902
    insufficient, 7-7-4266
    insurance and reserve funds, for, 2-9-211, 2-9-212
    judgments or settlements, for payment, 2-9-316, 7-6-4209
    libraries, for, 22-1-304, 22-1-316, 22-1-403
        state aid, distribution withheld when, 22-1-326

CITY FINANCE (Continued)
Levies (Continued)

- local economic development organization, building and land tax exemption — applicability, 15-24-2002
- maximum, exceeding — authorization, 1-2-112, 7-6-4431, 22-1-304
- multiple separate levies, 7-6-4451, 7-6-4453, 19-9-209
- open-space land purposes, for, 76-6-109
- park maintenance districts, 7-12-4001
- pedestrian mall or offstreet parking improvement districts, 7-14-4713, 7-14-4734
- personal property tax revenue reduction, reimbursement, 15-1-111
- planning boards, for, See **PLANNING BOARDS, Tax levies**
- police officers, group insurance premiums, 7-32-4117
- port authorities, 7-14-1111, 7-14-1131, 7-14-1134, 67-10-402
- protest refunds, for, 7-6-4453, 15-1-402
- recreational purposes, 7-16-4105
- reduction, 7-6-1507
- restrain, action to, 7-7-105
- revenue bond undertakings, for, 7-7-4424, 7-7-4428
- self-government units, restrictions, 7-1-112, 7-1-114
- service districts, multijurisdictional, 7-11-1106, 7-11-1112
- smoke abatement bonds, for payment, 7-31-116
- special levies, 1-2-112, 2-9-316, 7-6-4438, 19-13-214, 19-18-503, 19-18-504
- special taxes, authority for, 7-3-1311, 7-6-4406, 7-6-4453, 7-7-4265, 19-18-503, 19-18-504
- state mandates, 1-2-112
- tort claim judgments, payment, 2-9-316
- transportation services, 7-14-111
- value-added manufacturing, expanding industry taxable value decrease, 15-24-2403
- volunteer fire departments, for, 7-33-4111
- water supply systems, authority for, 7-13-4406
- weed extermination or removal, 7-22-4101

Liabilities
- annexation, apportionment, 7-2-102
- appropriation for, See **Appropriations**
- bond proceeds appropriation, exceeding, 7-6-4237
- boundary alterations, apportionment, 7-2-102
- budget appropriations, effect and liability of exceeding, 7-6-4234
- city-county consolidation, 7-3-1314, 7-3-1315, 7-3-1320
  - effect, 7-3-1103, 7-3-1209
- emergency, See **Emergency expenditures and liabilities**
- limitation, 7-6-4270
- park commissioners, board of — limitation on incurred, 7-16-4226

Libraries, 7-6-4259; Title 22, chapter 1, part 3
License fees
- city-county consolidated governments, 7-3-1301
- collection, 3-11-103, 7-6-4402, 7-6-4404, 7-21-4102
- itinerant vendors, limitation, 7-21-2302

Liquor license tax proceeds, allocation, 16-1-404, 16-1-405
Loans, See also **Borrowing; Indebtedness**
- disaster, 10-3-314
- notes, issuance and sale in anticipation of, 7-7-109
- port authorities, 7-14-1126, 7-14-1136
- power concerning, 7-1-4124
- private dwellings, rehabilitation, 7-15-4103
- renewable resource grants and loans, Title 85, chapter 1, part 6

Local government study commissions, 7-3-184
Mill levies, See **Levies**
Motor fuel excise tax revenue, 7-14-302, 7-14-303

CITY FINANCE (Continued)

Motor vehicles
  fees, 61-3-203
  tax, imposition prohibited when, 61-10-215
Municipal Budget Law, Title 7, chapter 6, part 42, See **Budget**
Municipal court judges, training expenses, 3-6-202
Municipal Revenue Bond Act of 1939, Title 7, chapter 7, part 44, See **Revenue bonds**
National guard armories, funding, 10-1-108
Natural gas systems, funding, 7-13-4102, 7-13-4103
9-1-1 emergency telephone system funds, distribution and use limitations, 10-4-302, 10-4-303, 10-4-311, 10-4-312
Notes and obligations
  annexation of contiguous municipalities, effect, 7-2-4302
  appropriations, in excess, 7-6-4237, See **Appropriations**
  bond issues, See **Bond issues**; See also specific bond
  city-county consolidation
    certification, 7-3-1315
    effect on, 7-3-143, 7-3-1103, 7-3-1209
    plans, provision for, 7-3-1102
    void when, 7-3-1321
  commission chairman form of government, execution, 7-3-503
  commission-executive form of government, execution, 7-3-203
  commission-manager form of government, execution, 7-3-304
  county merger, requirements, 7-3-144
  disincorporation
    effect, 7-2-4915, 7-2-4916
    statement regarding, 7-2-4911
  general obligation bonds, See **General obligation bonds**
  general obligations, provisions for, 7-7-4104
    election not required, 7-5-4304, 7-7-4104
  good faith in discharge, 7-2-4916
  government, form of — effect of change, 7-3-106, 7-3-152
  issuance, indebtedness incurred for, 7-7-4101, 7-7-4104
  park commissioners, board of, 7-16-4227
  refunding bonds, See **Refunding revenue bonds, option two**
  registration, Title 17, chapter 5, part 11
  revenue bonds, See **Revenue bonds**
  revenue from undertakings to pay, 7-7-4425
  sale in anticipation of revenue and taxes, 7-7-109; Title 7, chapter 6, part 11, See **LOCAL GOVERNMENT, Notes, tax and revenue anticipation**
  self-insurance reserve fund, to fund, 2-9-211, 2-9-212
  service consolidation or transfer, effect of adoption, 7-11-309
  short-term, Title 7, chapter 6, part 11, See **LOCAL GOVERNMENT, Notes, tax and revenue anticipation**
  tax-financed, restriction, 7-6-4238
  town meeting form of government, execution, 7-3-606
  void when, 7-3-1321
Offstreet parking improvement districts, method of financing, 7-14-4711, See also **PARKING, Improvement districts**, generally
Park fund, 7-16-4107, 7-16-4225, 20-7-801
Parking
  areas and facilities, 7-14-4502
  commissions
    appropriations to, 7-14-4613, 7-14-4624
    in-lieu payments from, 7-14-4633

CITY FINANCE (Continued)
Parking (Continued)

meters, revenues from, 7-14-4502, See **SPECIAL IMPROVEMENT DISTRICTS, Supplemental revolving fund**
Park maintenance districts, fee assessment or tax levy, 7-12-4001
Payments in lieu of taxes (PILT), Title 7, chapter 6, part 1, See **COUNTY FINANCE, In-lieu payments for taxes**
Pedestrian mall or offstreet parking improvement districts, method of financing, 7-14-4711, 7-14-4713, See also **PARKING, Improvement districts**
Port authorities, Title 7, chapter 14, part 11, See **PORT AUTHORITIES**
Property tax relief fund, 7-16-1507
Protest fund, 15-1-402
Public band concerts, 7-16-4112, 7-16-4113
Public baths, 7-16-4111
Public library fund, 22-1-304, 22-1-309
Public money
- appropriation, authority, 7-1-4123
- city-county consolidated governments, depository banks, 7-3-1306, 7-3-1316 — 7-3-1319
- custodian, 7-3-4431, 7-6-4141
- deposit, 7-6-206, 7-6-4601
  - demand deposits, 7-6-205
  - reports by financial institutions, 7-6-201, 7-6-211
  - interest, 7-6-203, 7-6-204, 7-6-4602
  - liability, 7-6-212
  - repurchase agreements, 7-6-201, 7-6-206, 7-6-213, See also **Repurchase agreements**
  - security, 7-6-201, 7-6-207
    - substitutions, 7-6-208
  - time or savings deposits, 7-6-201, 7-6-206
- investment, 7-6-202, 7-6-204, 7-6-4603

Receipts
- issuance, 7-6-4104
- reports regarding, 7-3-1304
- state payments, 17-8-311

Records, 7-6-4141
- retention schedules, 7-5-4124
- tax, destruction when, 15-1-104

Recreation
- elderly persons, activities for, 7-16-101
- facilities, 7-16-4103 — 7-16-4105, See also **Revenue bonds**, undertakings
- public programs, 7-16-4107, 7-16-4108

Refunding bonds
- cancellation, 7-7-4273
- parking commissions, See **PARKING COMMISSIONS**
- sewage and/or water systems, See **Sewage and/or water systems**
- urban renewal, 7-15-4301

Refunding general obligation bonds
- advance refunding bonds, 7-7-4316
- applicability of other provisions, 7-7-4302
- authorization, 7-7-4301
- election, issuance without, 7-7-4221, 7-7-4275
- interest rate, 7-7-4304
- issuance, 7-7-4304, 7-7-4311
- proceeds, disposition, 7-7-4312
- sale, 7-7-4302, 7-7-4311
- term, 7-7-4303

Refunding revenue bonds, option one
- conservation district bonds, authorization and validity, 76-15-506

CITY FINANCE (Continued)
Refunding revenue bonds, option one (Continued)

- escrow fund, 7-7-4504, 7-7-4505
- issuance, 7-7-4501, 7-7-4502
- reserves or revenues, use, 7-7-4505
- sale, 7-7-4503

Refunding revenue bonds, option two

- actions for enforcement of provisions, 7-7-4633
- breach of covenants, conditions, or obligations, 7-7-4622, 7-7-4633
- citation of revenue bond refinancing act of 1937, 7-7-4601
- covenants, permissible, 7-7-4610, 7-7-4622
- default, 7-7-4622, 7-7-4630, 7-7-4632, 7-7-4633
- definitions, 7-7-4602
- details relating to, 7-7-4610
- enterprise, 7-7-4602
  - insurance, 7-7-4622, 7-7-4631
  - management, 7-7-4629, 7-7-4631
  - record, books of, 7-7-4629
  - revenues
    - lien on, 7-7-4623, 7-7-4629, 7-7-4632
    - pledge, 7-7-4606, 7-7-4622, 7-7-4623, 7-7-4628
    - receiver, duties, 7-7-4631
- exchange, 7-7-4625, 7-7-4627
- fiscal agent, use, 7-7-4624
- injunction, 7-7-4633
- interest and principal
  - exchange of bonds, 7-7-4627
  - payment, 7-7-4606, 7-7-4623, 7-7-4628, 7-7-4629
    - default, 7-7-4630
  - rate of interest, 7-7-4610
- interpretation of provisions, 7-7-4604
- issuance, 7-7-4610
  - additional bonds, limitations, 7-7-4622
  - authorization, 7-7-4605
  - resolution for, 7-7-4609, 7-7-4610, 7-7-4621 — 7-7-4623, 7-7-4628, 7-7-4629
- lien of, 7-7-4622, 7-7-4629
- nature, 7-7-4606
- negotiability, 7-7-4608
- receiver, 7-7-4630 — 7-7-4632
- receivership, 7-7-4630
- refinancing and refunding, authority, 7-7-4605
- sale, 7-7-4622, 7-7-4625, 7-7-4626
- scope of provisions, 7-7-4603
- security for, 7-7-4623, 7-7-4628, 7-7-4629
- taxation, exemption from — when, 7-7-4607
- trustees, 7-7-4622, 7-7-4630, 7-7-4633
- validity, presumptions of, 7-7-4609

Reports, 7-6-4140, 7-6-4141; Title 2, chapter 7, part 5
Repurchase agreements, 7-6-213

- public money deposited in, 7-6-201, 7-6-202, 7-6-206

Resort area districts

- authorized, 7-6-1532
- board of directors
  - administration and expenditure of tax revenue, powers, 7-6-1542
  - canvass of vote, 7-6-1545
  - composition, qualifications, and term of office, 7-6-1543
  - election and term, 7-6-1544

CITY FINANCE (Continued)
Resort area districts (Continued)
- board of directors (Continued)
  - meetings, 7-6-1547
  - vacancy, 7-6-1546
- definitions, 7-6-1531
- dissolving
  - question of, election — conduct of, 7-6-1549
  - referendum on, 7-6-1548
  - resolution, 7-6-1550
- election
  - conduct, 7-6-1537
  - qualification to vote, 7-6-1538
  - required, 7-6-1536
- incorporation, certificate, 7-6-1540
- petition to create, 7-6-1533
  - hearing, 7-6-1534, 7-6-1535
  - notice of petition, 7-6-1534
- powers, 7-6-1541
- resolution creating, 7-6-1539
- tax revenue
  - administration and expenditure, 7-6-1505, 7-6-1542
  - use, 7-6-1509

Resort community bond issues, 7-6-1506
Resort tax
- administration, 7-6-1505, 7-6-1509
- authority for, 7-6-1502
- definitions, 7-6-1501, 7-6-1505
- election required and procedure, 7-6-1503, 7-6-1504, 7-6-1508
- enforcement, 7-6-1505
- establishment of resort area, 7-6-1501, 7-6-1508
- property tax relief, 7-6-1506, 7-6-1507
- rate, limitation, 7-6-1503
- revenues, use, 7-6-1506, 7-6-1507, 7-6-1509, 7-7-4424, 7-7-4428

Retirement, See specific retirement system
Revenue, accountability, Const., VIII, 12
Revenue Bond Act of 1939, Title 7, chapter 7, part 44, See **Revenue bonds**
Revenue Bond Refinancing Act of 1937, Title 7, chapter 7, part 46, See **Refunding revenue bonds, option two**
Revenue bonds
- citation of municipal revenue bond act of 1939, 7-7-4401
- cost, determination, 7-7-4422
- conservation district bonds, authorization and validity, 76-15-506
- cooperation among municipalities, 7-7-4406
- covenants, 7-7-4428, 7-7-4432
- definitions, 7-7-4402
- details relating to, 7-7-4432
- disincorporation of cities, statement concerning, 7-2-4911
- election, 7-7-4426, 7-7-4427, 7-14-4642
- enforcement of provisions, 7-7-4429
- industrial districts, 7-15-4290
- industrial establishments, agreements or contracts with, 7-7-4405
- interim receipts or certificates, 7-7-4435
- interpretation of provisions, 7-7-4403
- issuance, authorization, 7-7-4421, 7-7-4426, 7-14-4641
- liens arising from, 7-7-4431
- nature, 7-7-4423
- parking commissions, issuance, See **PARKING COMMISSIONS**

CITY FINANCE (Continued)
Revenue bonds (Continued)

- pollution abatement, 7-7-4405
- public fund deposits, security for, 17-6-103
- refunding, See **Refunding revenue bonds, option one**; **Refunding revenue bonds, option two**
- reserves, creation and maintenance, 7-7-4421, 7-7-4424, 7-7-4425, 7-7-4428
- sale, 7-7-4433, 7-7-4434, 7-7-4428
- security for, 17-6-103
- sewage and/or water systems, See **Sewage and/or water systems**
- solid waste management systems, for, 7-7-4402, 75-10-112
- state agencies, role, 7-7-4407
- undertakings, 7-7-4402
  - authorization, 7-7-4404, 7-7-4426
  - pollution abatement, 7-7-4405
  - rates, fees, and charges, 7-7-4404, 7-7-4424, 7-7-4428
  - refinancing, 7-7-4602, 7-7-4605
  - revenue from, use, 7-7-4424, 7-7-4425, 7-7-4428
  - self-supporting, required, 7-7-4424
- urban renewal, 7-15-4218, 7-15-4290
- validity, presumptions of, 7-7-4430
- water pollution abatement, for, 7-7-4405

Revenues

- anticipation notes, Title 7, chapter 6, part 11, See **LOCAL GOVERNMENT**, **Notes, tax and revenue anticipation**
- beer tax proceeds, allocation, 16-1-406
- bond payments, pledged for, 7-15-4290, 7-15-4301
- bonds for, See **Refunding revenue bonds, option one**; **Refunding revenue bonds, option two**; **Revenue bonds**
- gasoline and vehicle fuels taxes, allocation, 15-70-101, 15-70-102
- liquor license tax proceeds, allocation, 16-1-404, 16-1-405
- motor fuel excise tax, 7-14-302, 7-14-303
- notes, sale in anticipation of, 7-7-109
- parking meters, 7-14-4502, See also **SPECIAL IMPROVEMENT DISTRICTS**, **Supplemental revolving fund**
- resort community tax, 7-6-1506
- table wine tax proceeds, allocation, 16-1-411
- tax, See **Taxation**

Sanitary coupon bond fund, 7-31-114, 7-31-115, See **AIR QUALITY**, **Smoke abatement program**

Sanitary coupon bonds, 7-31-112, See **AIR QUALITY**, **Smoke abatement program**

Self-government units

- consolidated units, operation, 7-5-201
- mandatory provisions, 7-1-114
- powers requiring delegation, 7-1-112

Self-insurance reserve fund, funding, 2-9-211, 2-9-212

Service consolidation or transfer

- adoption, effect, 7-11-309
- financing, 7-11-304

Sewage and/or water systems, Title 7, chapter 13, parts 42 and 43

- bonds, election required, 7-7-4222
- coal severance tax bond revenue, 17-5-701, 17-5-703; Title 90, chapter 6, part 7
- consolidated governments, 7-7-108
- fire hydrant maintenance district assessments, collection, 7-12-4612
- pollution abatement, for, 7-7-4405
- sinking fund, income and revenue for, 7-13-4307
- special improvement districts, See **SPECIAL IMPROVEMENT DISTRICTS**

CITY FINANCE (Continued)
Sewage and/or water systems (Continued)

  tax against property, delinquent rates as, 7-13-4309
Short-term obligations, Title 7, chapter 6, part 11, See **LOCAL GOVERNMENT**, **Notes, tax and revenue anticipation**
Sinking and interest fund, See **Sinking fund**
Sinking fund
  accounts
    closing, 7-7-4274
    maintenance, 7-7-4261
  advance refunding bonds, 7-7-4316
  board, 7-3-1322
  citizen bonds, 7-7-4261, 7-7-4265
  city-county consolidated government, 7-3-1317, 7-3-1319, 7-3-1322
  deposits to, 7-7-4264, 7-7-4265
  interest credited to, 7-7-123, 7-7-4102
  investment, 7-3-1317, 7-3-1319, 7-3-1322, 7-7-123, 7-15-4281, 7-15-4306
    limitation, 7-7-124
  officers' liability, 7-7-121, 7-7-122
  outstanding bonds, purchase, 7-7-4270
  payments from, 7-6-4121, 7-7-4262, 7-7-4268
  sewage and/or water system, for payment of bonds, See **Sewage and/or water systems**
  sewer system indebtedness, 7-13-4207
  smoke abatement bonds, 7-31-116
  tax levy for, 7-6-4232
  transfers, 7-7-4274
  trustees, 7-3-4436
Smoke abatement, bond issues for, Title 7, chapter 31, part 1; Title 75, chapter 2, See **AIR QUALITY, Smoke abatement, local control**
Solid waste management systems, 7-7-4402, 75-10-112
Special improvement districts, See **SPECIAL IMPROVEMENT DISTRICTS**
State
  financial aid, payment stopped when, 7-1-4148
  funds
    invested by, when, 17-6-204; Const., VIII, 13
    remission, 1-2-112
    transportation, public — for, 7-14-102
  mandates to local government, 1-2-112, 1-2-114, 1-2-115, 7-5-201
  payments to local government entities, 17-8-311
  private dwellings, rehabilitation assistance, 7-15-4103
Street fund
  abandoned vehicle sale proceeds, 61-12-407
  flood control or water conservation project costs, allocation, 76-5-1112
Street lighting districts, Title 7, chapter 12, part 43, See **STREET LIGHTING DISTRICTS**
Street maintenance districts, Title 7, chapter 12, part 44, See **STREET MAINTENANCE DISTRICTS**
Streets and alleys
  alley approach, curb, and gutter fund, 7-14-4109
  snow and ice or weed removal, assessment, 7-3-4453
Strong mayor form of government, 7-3-4101
Swimming pools, 7-16-4103 — 7-16-4105
Table wine tax proceeds, allocation, 16-1-411
Taxable valuation
  all-purpose annual levy, 7-6-4452
  bonded indebtedness, limitation, 7-7-4201
  bus services, total indebtedness for, 7-14-4402

CITY FINANCE (Continued)
Taxable valuation (Continued)

- consolidated governments, bond issues — limitation, 7-7-107
- electrical generation property, taxable value — consideration, 7-7-107, 7-7-4201, 7-7-4202, 7-16-4104
- fire hydrant maintenance district assessments, 7-12-4611
- funds, basis for determining levy for, 7-6-4232
- industrial districts, adjustment of base when, 7-15-4293
- large scale mineral development, reallocation, 90-6-403, 90-6-404
- recreational purposes, total indebtedness for, 7-16-4104
- smoke abatement bonds, limitation on amount, 7-31-107
- telecommunications property, taxable value — consideration, 7-7-107, 7-7-4201, 7-7-4202, 7-16-4104
- urban renewal, adjustment of base when, 7-15-4293
- water or sewer systems, total indebtedness for, 7-7-108, 7-7-4202

Taxation

- annexation
  - collection upon, 7-2-103
  - levies, subject to, 7-2-4716
- anticipation notes, Title 7, chapter 6, part 11, See **LOCAL GOVERNMENT**, **Notes, tax and revenue anticipation**
- assessments
  - authority to levy, 7-1-4123, 7-3-4313, 7-6-4406
  - budget amendment authority for expenditure, 7-6-4271
  - certification, 7-3-4431
  - city-county consolidated governments, 7-3-1301, 7-3-1309
  - collection, 7-3-4431, 7-6-4402, 7-6-4403, 7-6-4404
    - jurisdiction of city court, 3-11-103
    - restrain, action to, 7-7-105
  - commission-manager form of government, See **MUNICIPAL COMMISSION-MANAGER GOVERNMENT**
  - conservation easements, property subject to, 76-6-208
  - delinquent, 7-3-4431, 7-6-4422, 7-6-4423, 15-17-318 — 15-17-320
  - determination, 7-6-4409
  - equalization, 7-6-4411
  - fire hydrant maintenance districts, 7-12-4611, 7-12-4612
  - initiative powers, nonapplicability, 7-5-131
  - notice, inclusion in property tax and assessment notices, 15-16-101
  - open-space land purposes, for, 76-6-109
  - pedestrian mall or offstreet parking improvement districts, See **PARKING, Improvement districts**
  - public improvements, 7-3-4442
  - utility connections, 7-3-4443
- auctions, 30-11-516
- authority for, 7-3-1104, 7-6-4401, 7-6-4421
- band concerts, public, 7-16-4113
- baths, public, 7-16-4111
- boundary alterations, collection upon, 7-2-103
- business equipment tax rate reduction reimbursement, 15-1-112
- business trusts, 35-5-205
- city clerk, duties, See **CITY OR TOWN CLERK**
- city-county consolidated governments, powers, 7-3-1104, 7-5-201, See also **CITY-COUNTY CONSOLIDATION, OPTION TWO**
- city-county consolidation plans, effect on, 7-3-143
- city or town councils, duties, See **CITY OR TOWN COUNCILS**
- city treasurer, duties, See **CITY TREASURER**

CITY FINANCE (Continued)
Taxation (Continued)

- collection, 7-3-4431, 7-6-4401 — 7-6-4404
  - city-county consolidated governments, 7-3-1203, 7-3-1312
  - county, by, 7-6-4413, 7-6-4414
  - jurisdiction of city court, 3-11-103
- conservation easements, property subject to, 76-6-208
- county merger, effect on, 7-3-144
- curb tax, 61-10-215
- delinquent
  - anticipated, effect on rate of levy, 7-6-4232
  - collection by municipality, 7-6-4422
  - tax sales, 15-17-318 — 15-17-320
    - when county collects tax, 7-6-4414
    - when municipality collects tax, 7-6-4423
- detention programs for youth, 7-6-501, 7-6-502
- exemptions
  - airports, 67-10-406, 67-11-306
  - business incubators, 15-24-1802
  - fire department relief association benefits, 19-18-612
  - fraternal benefit societies, when, 33-7-410
  - industrial park, 15-24-1902
  - local economic development organization, building and land, 15-24-2002
  - mausoleum-columbarium authorities, 35-21-820
  - police officers' retirement benefits, 19-19-504
  - public employees' retirement benefits or refunds, 19-2-1004
  - teachers' retirement benefits, contributions, and funds, 19-20-706
  - university system optional retirement program — contracts, benefits, and contributions, 19-21-212
  - urban renewal, 7-15-4261, 7-15-4307
  - volunteer firefighters' pension benefits, 19-17-407
  - water and wastewater authorities, regional, 75-6-328
- firearms, prohibited, 45-8-351
- gambling
  - activities, taxes permitted when, 23-5-171
  - bingo and keno tax revenue, 23-5-409
- garbage removal, for, 7-14-4106
- general municipal or administrative purposes, distribution of money for, 7-6-4408
- indebtedness, for, 7-3-1313
- industrial districts, tax increment financing, Title 7, chapter 15, parts 42 and 43, See **URBAN RENEWAL, Industrial districts**
- in-lieu payments for, 7-14-4633, See also **COUNTY FINANCE, In-lieu payments for taxes**
- insurers
  - premium tax in lieu of, 33-2-705
  - state, preemption, 33-2-707
- levies, See **Levies**
- libraries
  - county library system, cities exempt when, 22-1-313
  - levies for
    - federations, 22-1-403
    - joint city-county libraries, 22-1-316
    - public libraries, 22-1-304
      - state aid, distribution withheld when, 22-1-326
- motor fuel tax, See **COUNTY FINANCE, Taxation**
- motor vehicles, imposition prohibited when, 61-10-215
- open-space land purposes, for, 76-6-109

CITY FINANCE (Continued)
Taxation (Continued)

- parking commissions, in-lieu payments, 7-14-4633
- parking tax, 61-10-215
- park purposes, for, 7-16-4225, 7-16-4226
- payments in lieu of (PILT), 7-14-4633, See also **COUNTY FINANCE, In-lieu payments for taxes**
- personal property tax revenue reduction, reimbursement, 15-1-111
- planning boards, for, See **PLANNING BOARDS, Tax levies**
- port authorities, 67-10-402
- property tax, 7-6-1507, 15-1-402, 61-10-215
- property tax record, 7-6-4409, 7-6-4410, 7-6-4412
- protest, payments under, 15-1-402
- protests lost, bond issues to repay, 7-7-4101, 7-7-4201, 7-7-4221, 15-1-402
- rate, fixing, 7-6-4232
- records
    - destruction, 15-1-104
    - examination, 15-1-201, 15-1-301
- recreational facilities, for, 7-16-4105, 7-16-4225, 7-16-4226
- resort tax, See **Resort tax**
- retirement, See specific retirement system
- revenue, department of — studies, 2-7-104
- self-government units, restrictions, 7-1-112, 7-1-114
- sewage and/or water system rates, arrearages as tax, 7-13-4309
- special improvement districts, See **SPECIAL IMPROVEMENT DISTRICTS**
- special service districts, 7-3-1311
- special taxes, 7-3-1311, 7-6-4406, 7-6-4453, 7-22-4101, 19-18-503, 19-18-504, 22-1-304, 22-1-316
- street lighting districts, Title 7, chapter 12, part 43, See **STREET LIGHTING DISTRICTS**
- tax increment financing, Title 7, chapter 15, parts 42 and 43, See **URBAN RENEWAL, Industrial districts**; **Tax increment financing**
- tax sales, 15-17-318 — 15-17-320
    - bids, 7-5-4102
    - parking improvement districts, 7-14-4713, 7-14-4734
    - refunds, 15-17-326
    - special improvement districts, 7-12-4182 — 7-12-4184, 7-12-4227, 7-12-4228
    - voided sale, 15-17-326
    - when county collects tax, 7-6-4414
    - when municipality collects tax, 7-6-4423, 15-17-326
- town clerk, duties, See **CITY OR TOWN CLERK**
- transportation services for the elderly and persons with disabilities, 7-14-111
- urban renewal, tax increment financing, Title 7, chapter 15, parts 42 and 43, See **URBAN RENEWAL**
- waste removal, for, 7-14-4106
- water conservation projects as tax base protection, Title 76, chapter 5, part 11, See **FLOODS, Control projects**
- water supply systems, authority to levy for, 7-13-4406

Tax increment financing, Title 7, chapter 15, parts 42 and 43, See **URBAN RENEWAL, Industrial districts**; **Tax increment financing**
Tort claims, payment, 2-9-316
Town clerk, duties, See **CITY OR TOWN CLERK, Town clerk**
Transportation
- public, state funds, 7-14-102
- services for the elderly and persons with disabilities, 7-14-111

Trust funds, budget amendment authority for expenditure, 7-6-4271
Urban renewal, Title 7, chapter 15, parts 42 and 43, See **URBAN RENEWAL**

CITY FINANCE (Continued)

Volunteer fire departments, tax levy for, 7-33-4111
Warrants
  building and loan associations, investment in, 32-2-406
  cancellation, 7-6-4303, 7-7-4273
  city-county consolidated governments, 7-3-1249, 7-3-1308, 7-3-1314, 7-3-1321, 7-3-1322
  claims, payment, 7-3-1308, 7-3-1314, 7-3-4433, 7-6-4302
  commission-manager form of government, 7-3-4431, 7-3-4433
  emergency, payment, 7-6-4261, 7-6-4272
  interest
    emergency warrants, 7-6-4272
    purchased warrants, 7-6-4603
    unpaid warrants, 7-6-4501
  investments in, 7-3-1322, 7-6-2701, 7-6-4501, 7-6-4502, 7-6-4603, 7-7-123
  issuance, 7-3-4433, 7-6-4104, 7-6-4272
  lost, stolen or destroyed, 7-6-4304
  park commissioners, board of — issuance, 7-16-4228
  payment, 7-6-4104, 7-6-4302, 7-6-4502
  public fund deposits, security for, 17-6-103
  public officers, dealings in, 2-2-204 — 2-2-207
  redemption, 7-6-4504
  registration, 7-6-4272, 7-6-4503
    payment in order of, 7-6-4104, 7-6-4504
    purchased warrants, 7-6-4603
  salary or compensation, not issued when, 7-3-1249
  sanitary coupon bond fund, 7-31-115
  smoke abatement bonds and obligations, 7-31-116
  special improvement districts, See **SPECIAL IMPROVEMENT DISTRICTS, Bonds and warrants**
  street improvements, construction — payment, 7-14-4109
  street lighting districts, 7-12-4341, 7-12-4342
  void when, 7-3-1321
Water and sewer systems, See **Sewage and/or water systems**
Water conservation projects as tax base protection, Title 76, chapter 5, part 11, See **FLOODS, Control projects**
Youth, community-based services — funding and services, 41-3-1132
Youth detention programs, funding, 7-6-501, 7-6-502

CITY FINANCE OFFICER
  See **CITY TREASURER**, generally

CITY JAILER, 7-4-4101
  See also **DETENTION CENTERS, Administrator**

CITY JUDGES
  See **CITY COURTS, Judges**

CITY MARSHAL
  See also generally **CITY OFFICERS OR EMPLOYEES; PUBLIC OFFICERS OR EMPLOYEES**
Appointment, 7-4-4103, 7-32-301, 7-32-302
Election of, 7-2-4107
Executive officer of city or town, 7-4-4114
Residency requirements, 7-32-301, 7-32-302
Street commissioner, ex officio, 7-4-4103

CITY OFFICERS OR EMPLOYEES, 7-1-4121
  See also specific officer or form of government; **PUBLIC OFFICERS OR EMPLOYEES**, generally
Absence of officer from city or town, lack of consent, 7-4-4111
Actions
  bond funds, enforcement of officers' liability, 7-7-122
  ratification, 7-1-4124
Appointive office, abolishment, 7-4-4105, 7-4-4106
Appointment of officers, 7-4-4101 — 7-4-4103, 7-4-4303
  oath, filing, 7-1-4137
  removal of appointee, 7-4-4113
  term of office, 7-4-4107
  vacancy, to fill, 7-4-4112
  void, declaration — effect, 7-4-4111
Appropriations, exceeding — liability, 7-6-4234
Bonds
  citizen bonds, purchase prohibited, 7-7-4211
  execution, 7-7-4257
  funds, liability, 7-7-121, 7-7-122, 20-9-445, 20-9-446
  official bonds, 7-4-4109, 7-4-4111; Title 2, chapter 9, parts 5 and 8, See **SURETY BONDS, City officers and employees**; **Official bonds**
  urban renewal, validity and sufficiency of signatures, 7-15-4305
Books and papers, 7-4-4303
Boundaries of local government, alteration — transcript of records, 7-2-101
Child support enforcement, cooperation, 40-5-206
Citations for municipal infractions, issuance, 7-1-4150
City-county consolidated governments, See **CITY-COUNTY CONSOLIDATION, OPTION TWO**
City-county consolidation, effect, 7-3-1212
Claims against municipalities, review prior to submission, 7-6-4301
Collective bargaining, 39-31-103, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
Commission-chairman form of government, 7-3-503, 7-3-517
Commission-executive form of government, 7-3-213, 7-3-224
Commission form of government, 7-3-401, 7-3-418, 7-3-431
Commission-manager form of government, 7-3-304, 7-3-305, 7-3-318
Compensation, See **Salaries and compensation generally**
Conflict of interest, 7-5-4109, 7-15-4239
Consolidation of offices, 7-4-4106
Conventions and meetings, attendance, 7-5-4142
Criminal conviction of officer, effect, 7-4-4111
Death of
  employee, designation of person to receive warrants or paychecks, 7-4-4211
  officer, effect, 2-9-513, 7-4-4111
Deferred compensation, Title 19, chapter 50
Disincorporation of cities and towns
  receivables, collection, 7-2-4917
  release of property, 7-2-4913
Duties generally, 7-4-4101 — 7-4-4103, 7-4-4110, 7-5-4110, 7-5-201
Election of, 7-4-4101 — 7-4-4103
  new municipalities, 7-1-4116, 7-2-4106, 7-2-4107
  reclassified municipalities, 7-1-4116
  vacancy, to fill, 7-4-4112
  void, declaration — effect, 7-4-4111

CITY OFFICERS OR EMPLOYEES (Continued)

Employment, 7-1-4124
  preference to veterans and persons with disabilities, Title 39, chapters 29 and 30, See **LABOR AND EMPLOYMENT**, **Disabilities, persons with**; **Veterans**
Enumeration of officers, 7-4-4101 — 7-4-4103
Ethics, Code of, Title 2, chapter 2, part 1; Const., XIII, 4
Executive officers, 7-4-4114, 10-3-605
Facsimile signatures or seals, 7-1-4140
Fire department personnel not considered as public officers, 7-33-4113
Group life insurance, See **INSURANCE, LIFE**, **Group life**; **Groups and group requirements**
Hours of work, 7-5-4111, 39-3-406, 39-4-107
Housing authority commissioners, restriction, 7-15-4431
Inactive accounts, claims filed against, 7-6-4124
Incentive awards program, Title 7, chapter 4, part 5
Industrial district ordinance containing tax increment provisions, filed with, 7-15-4284
Interlocal cooperation commission
  information to, 7-11-227
  members, qualifications, 7-11-208
Local government study commissions
  candidacy or appointment, 7-3-176, 7-3-177
  consultants for, 7-3-183
Mayor
  appointments by, 7-4-4101 — 7-4-4103, 7-4-4107
  powers relating to officers, 7-4-4303
Meetings and conventions, attendance, 7-5-4142
Mental illness of officer, effect, 7-4-4111
Municipal commission government, See **MUNICIPAL COMMISSION GOVERNMENT**
Municipal commission-manager government, See **MUNICIPAL COMMISSION-MANAGER GOVERNMENT**
Neglect of duty by officer, 7-4-4111, 15-1-301
Oath of officers, 7-1-4137, 7-4-101
Oaths, administering, 7-1-4136
Office hours, 7-4-102
Offices, joint city-county, 7-8-201
Organizations of municipal officers, membership in, 7-5-4141
Parking commissions, 7-14-4621, 7-14-4625, 7-14-4650, 7-14-4664
Property, authority for acceptance of gift or devise, 7-8-103
Public Employees' Retirement System, optional membership, 19-3-412
Public servants, as, 7-1-4138
Qualifications for office generally, 7-4-4104
Recall Act, Title 2, chapter 16, part 6, See **RECALL**
Records, destruction when, 7-5-4124
Removal from office, 7-4-4111, 7-4-4113, 7-4-4303
Reports by officers, 7-1-4145, 7-5-4112
Residence of officer, change, 7-4-4111
Resignation by officer, 7-4-4111
Retirement, See **RETIREMENT AND RETIREMENT SYSTEMS**; See also specific retirement system
Salaries and compensation generally, 7-4-4101 — 7-4-4103, 7-4-4201, 7-5-4110
  decedent's warrants or paychecks, designation of person to receive and reissuance, 7-4-4211
  overtime compensation exclusions, 39-3-406
Self-government local governments, 7-1-114, 7-5-201
Service consolidation or transfer, effect, 7-11-304
Strong mayor municipal government, 7-3-4101
Surplus property, federal — authority, 18-5-205

CITY OFFICERS OR EMPLOYEES (Continued)

Suspension of officer, 7-4-4303
Tax information, failure to provide, 15-1-301
Term of officers, 7-1-4121, 7-4-4107, 7-4-4112
Town meeting form of government, 7-3-603, 7-3-604, 7-3-606
Underground storage tank installations or closures, inspection, 75-11-213
Unemployment insurance coverage, Title 39, chapter 51, See **UNEMPLOYMENT INSURANCE, Governmental entities**
Urban renewal provisions, 7-15-4206, 7-15-4232, 7-15-4284, See also **URBAN RENEWAL, Municipalities**
Vacancy in office, 2-9-513, 2-9-524, 7-1-4137, 7-4-4111, 7-4-4112
Warrants or checks, duplicate — issuance, 7-6-4304
Workers' compensation, Title 39, chapter 71, See **WORKERS' COMPENSATION, Public employers**
Work week or work period, 7-5-4111, 39-3-406, 39-4-107

CITY OR TOWN CLERK, 7-15-4206, 7-15-4402
  See also generally **CITY OFFICERS OR EMPLOYEES**; **PUBLIC OFFICERS OR EMPLOYEES**
Airport influence area, designation map filed with, 67-4-201
Aldermen, filing of oaths, 7-3-4217
Annexation
  notices, publication, 7-2-4312, 7-2-4405
  order, certification, 7-2-4714
  protests, 7-2-4313, 7-2-4314, 7-2-4405
  request for, filing, 7-2-4403
  resolution, certification, 7-2-4407, 7-2-4607
Appointment, 7-3-434, 7-4-4101 — 7-4-4103
Assessments
  pedestrian mall or offstreet parking districts, list of unpaid, 7-14-4717 — 7-14-4719, 7-14-4722
  special improvement districts, 7-12-4167, 7-12-4178, 7-12-4122
  street lighting districts, 7-12-4310, 7-12-4328 — 7-12-4330
  street maintenance districts, 7-12-4425 — 7-12-4427
Assessor, ex officio, 7-4-4102, 7-4-4103
Attachment of property controlled by city, service of writ upon, 27-18-406
Bonds
  city officers and employees, filing and recording, 2-9-803
  general obligation
    attestation, 7-7-4255
    bids delivered to, 7-7-4251
    copies, 7-7-4258
    election, petition requesting, 7-7-4224, 7-7-4225
    printing, 7-7-4256
    redemption, order of, 7-7-4269
  official, filing of statement for release of surety, 2-9-523
  special improvement district, signing, 7-12-4203
  street lighting district, signing, 7-12-4342
Budget, Title 7, chapter 6, part 42, See **CITY FINANCE**
Business improvement districts, submission of protests against, 7-12-1113
City officers and employees
  bonds, filing and recording, 2-9-803
  oaths, filing, 7-1-4137
City or town councils
  election of clerk, 7-3-4254
  meetings and proceedings, 7-4-4501, 7-4-4511

CITY OR TOWN CLERK (Continued)
City or town councils (Continued)

  member of, 7-4-4103
  proceedings and financial statement, copies, 7-3-4266
Civil service commissioners, oath filed with, 7-3-4257
Claims, 7-6-4301, 7-6-4302
Clerk-treasurer, 7-4-4101, 7-4-4102
Commission form of government, 7-3-434
Commissions, records, 7-4-4501, 7-4-4511
Condominiums, declaration of submission — copy filed with, 70-23-305
Contracts, duties, 7-4-4501, 7-4-4511
Councilmen, filing of oaths, 7-3-4217
Duties, 7-4-4501, 7-4-4502
Election of, 7-3-434
Engineers
  registered professional, copy of roster filed with, 37-67-318
  special improvement districts, certification of expenses, 7-12-4121
  street lighting districts, certification of expenses, 7-12-4309
Exclusion of land
  notice, publication, 7-2-4805
  petition, filing, 7-2-4803
  protests, 7-2-4806, 7-2-4807
  resolution, certification, 7-2-4808
Federal government, filing of maps or plats by, 2-1-202
Fees, 7-4-4502
Finance administrator, as — when, 7-3-122
Fines, receipt deposited with, 46-17-303
Fire departments, annual reports, 19-18-511
Firefighters
  physical examinations filed with, 7-33-4108
  retired, list kept by, 7-33-4125
Fire hydrant maintenance districts, duties, 7-12-4603, 7-12-4604
Gambling
  bingo and keno tax revenue, 23-5-409
  card game tables, live — permit fee revenue, 23-5-306
Housing authorities
  "city clerk" defined, 7-15-4402
  commissioners, duties, 7-15-4431, 7-15-4438
  creation, petition for — filed with, 7-15-4403
  dissolution, resolution for — certification, 7-15-4423
Industrial district ordinance containing tax increment provisions, filing, 7-15-4284
Land surveyors, registered professional — copy of roster filed with, 37-67-318
Liability, 7-6-212, 7-6-4234
Licenses
  issuance, 7-21-4103, 49-3-204
  records, 7-4-4501, 7-4-4511
Mayors, oath — filing, 7-3-4217
Multijurisdictional service districts, submission of protests against, 7-11-1107
Oaths
  filing, 7-3-4217, 7-3-4257
  taking and administering, 7-4-4501
Ordinances
  book, 7-4-4503, 7-4-4513
  duties, 7-4-4501, 7-4-4511
  filed with, 7-3-4222
  recording, 7-5-4201
  street maintenance district improvements, notice, 7-12-4406

CITY OR TOWN CLERK (Continued)

Park Commissioners, Board of
    claims, procedures, 7-16-4227
    warrants, signing, 7-16-4228
Pedestrian mall or offstreet parking districts, list of unpaid assessments, 7-14-4717 — 7-14-4719, 7-14-4722
Permits, records, 7-4-4501, 7-4-4511
Planning boards, certification of members, 76-1-221
Police commission, decisions from appeals by police officers filed with, 7-32-4164
Police retirement fund board of trustees, member of, 19-19-201
Property valuation statements delivered to, 20-9-122
Public officers, signatures filed with, 2-16-114
Records administrator, as, 7-3-122
Records, duties, 7-4-4502, 7-4-4512
Resolutions
    duties, 7-4-4501, 7-4-4511
    special improvement districts, Title 7, chapter 12, parts 41 and 42, See **SPECIAL IMPROVEMENT DISTRICTS**
    street lighting districts, 7-12-4310, 7-12-4328 — 7-12-4330
    street maintenance district assessments, 7-12-4425 — 7-12-4427
Rural special improvement districts, resolutions of intention or creation filed with, 7-12-2102
Smoke abatement
    bonds, attestation, 7-31-112
    contracts deposited with, 7-31-103
Special improvement districts, Title 7, chapter 12, parts 41 and 42, See **SPECIAL IMPROVEMENT DISTRICTS**
Street grade changes, appraisers' reports of damages
    certification, 7-14-4204
    filing, 7-14-4201, 7-14-4203
Street lighting districts, Title 7, chapter 12, part 43, See **STREET LIGHTING DISTRICTS**
Street maintenance districts, Title 7, chapter 12, part 44, See **STREET MAINTENANCE DISTRICTS**
Street parking improvement districts, abandonment — notice of intention or protests, 7-12-4502
Subdivision plat ordinances, filing, 76-1-606
Taxation
    annual levy, certification of resolution, 7-6-4407
    assessments
        collection, 7-6-4403
        grievances, affidavit filed with, 7-6-4411
    collection, 7-4-4103, 7-6-4403
    records, examination — statement of expenses, 15-1-301
    special improvement districts, resolutions
        filed with, 7-12-4176
        notice, 7-12-4177
        preparation, 7-12-4122
    street lighting district resolutions, preparation, 7-12-4310
    tax sales, refund on voided sale — chargebacks, 15-17-326
Technical codes to be adopted, copy filed with, 7-5-4202
Town clerk
    bonds
        general obligation
            accounts, maintenance, 7-7-4261, See **CITY FINANCE, Sinking fund**
            cancellation of bonds, coupons, or warrants, 7-7-4272, 7-7-4273

CITY OR TOWN CLERK (Continued)
Town clerk (Continued)
    bonds (Continued)
        general obligation (Continued)
            delivery, 7-7-4259, 7-7-4272
            payment of principal and interest, 7-7-4262
            purchase of outstanding bonds, 7-7-4270
            redemption, 7-7-4268
            registration, 7-7-4257
            sale proceeds, disposition, 7-7-4260
            statement of amount due and payable, 7-7-4264
        investment of proceeds, 7-7-4102
        refunding general obligation, disposition of proceeds, 7-7-4312
        sinking fund, invested in — custody, 7-7-123
    contracts, cash deposits held by — when, 7-6-4121
    death of city employee, reissuance of warrant or paycheck to designee, 7-4-4211
    disincorporating cities and towns, unencumbered cash, 7-2-4912
    duties generally, 7-4-4511, 7-4-4512, 7-6-4404
    liability, 7-6-212, 7-6-4234
    police retirement fund, disposition of state payments, 7-32-4120
    public money
        deposit, 7-6-201, 7-6-211, 7-6-4601
            interest requirements, 17-6-104
            liability, 7-6-212
            report by financial institution, 7-6-211
            security, 7-6-207
        investment, 7-6-4603
    sewer charges, list of property and amount of arrearages, 7-13-4309
    sinking fund, interest on investment credited to, 7-7-123
    smoke abatement bond sales, proceeds, 7-31-114
    special improvement district assessments and taxes
        certification, 7-12-4181
        collection, 7-12-4182, 7-12-4183
    state payments to local government entities, 17-8-311
    taxation
        collection, 7-6-4404
        delinquent, certification, 7-6-4423
        special improvement districts, 7-12-4181 — 7-12-4183
    warrants
        call for payment, 7-6-4502
        cancellation when, 7-6-4303
        death of city employee, reissuance to designee, 7-4-4211
        payment, 7-6-4302
        public money invested in, procedures, 7-6-4603
        registration, 7-6-4503, 7-6-4603
        unpaid, 7-6-4303, 7-6-4501
Urban renewal
    agency
        annual report, availability, 7-15-4237
        commissioners, certificate of appointment filed with, 7-15-4234
    "clerk" defined, 7-15-4206
    tax increment
        base values, reporting, 7-15-4287
        plan or ordinance containing provisions, filing, 7-15-4284
Utility rate hearing decisions filed with, 69-7-112
Video gambling machine gross income tax revenue, 23-5-610, 23-5-612
Warrants, Title 7, chapter 6, part 45, See **CITY FINANCE**

CITY OR TOWN COUNCILS
  See also **CITIES AND TOWNS**
Abolishment
  city offices, 7-4-4105
  council, of, 7-3-1212
Absence
  members, 7-5-4121
  president, 7-4-4403
Accounts and accounting
  alternative accounting method, Title 7, chapter 6, part 6
  inactive, procedure to close, 7-6-4124
Aircraft landing fields and parking areas, acquisition, 7-14-4801
Airport establishment, as governing body, 67-10-202
Alcoholic beverages
  intoxication, power regarding, 7-32-4302
  local licenses and fees established by, 16-4-503
Aldermen, See also **CITY OFFICERS OR EMPLOYEES**
  appointment, 7-4-4112
  commission form of government, for, Title 7, chapter 3, part 42, See **MUNICIPAL COMMISSION GOVERNMENT**, **Councilmen**
  election of, 7-2-4107, 7-4-4101 — 7-4-4103, 7-4-4402
  qualifications, 7-4-4401
  residence in ward, change, 7-4-4111
  term of office, 7-4-4402
  vacancy in office, filling, 7-4-4112
Alleys, See **Streets and alleys**
Animals
  cruelty to, prohibiting and punishment, 7-23-4104
  running at large, control, 7-23-4101
  streets and public grounds, regulation, 7-14-4102
Annexation
  approval, 7-2-4201, 7-2-4203, 7-2-4302
  commissioners, appointment, 7-2-4302
  control, 7-2-4202
  election, 7-2-4601, 7-2-4603
  map or plat, approval, 7-2-4203
  protest not available, 7-2-4502
  resolution
    annexation, of, 7-2-4314, 7-2-4606
    intent, of, 7-2-4312
Appraisers, appointment when, 7-14-4201, 7-14-4203
Assessments, See **Taxation**
Attendance of members, compelling, 7-5-4121
Auction, purchases at — when, 7-5-4310
Bonds
  authority, 7-7-4101, 7-7-4301, 7-16-4104
  bus services, for, 7-14-4401
  city officers and employees, purchase, 2-9-804
  general obligation, See **General obligation bonds**
  interest payments, 7-6-4121
  natural gas systems, for, 7-13-4102
  parking areas and facilities, to finance, 7-14-4502
  park lands, acquisition, 7-16-4104
  proceeds, investment, 7-7-4102

CITY OR TOWN COUNCILS (Continued)
Bonds (Continued)

- recreational facilities, for, 7-16-4104
- refunding general obligation, issuance and sale, 7-7-4275, 7-7-4301, 7-7-4302, 7-7-4311
- sewer systems, 7-13-4203 — 7-13-4205
- sinking fund, See **Sinking fund**
- smoke abatement
  - contractor's bonds, 7-31-104
  - issuance, Title 7, chapter 31, part 1, See **AIR QUALITY**
- special improvement districts, Title 7, chapter 12, parts 41 and 42, See **SPECIAL IMPROVEMENT DISTRICTS**

Bonfires, regulation, 7-33-4206
Borrowing, authority, 7-7-4101, 7-13-4102, 7-14-4401, 7-14-4402, 7-16-4104
Budget, Title 7, chapter 6, part 42, See **CITY FINANCE**
Buildings
- construction, lease, and management, 7-8-4101
- damaged structures, repair, 7-15-4125
- fire escapes, 7-15-4124
- materials, inspection, 7-15-4123
- partition fences and party walls, 7-15-4126

Business, conduct, 7-5-4121
Businesses, licenses and regulation, 49-3-204; Title 7, chapter 21, part 42
Bus services, provisions for, 7-14-4401, 7-14-4403, 7-14-4405
Cash basis, authorization to conduct city business on, 7-6-4121
Cemeteries, powers, 7-35-4101, 7-35-4102
Census, power to take, 7-5-4107
City attorney
- appointment, approval, 7-4-4602
- duties, 7-4-4604
- removal or suspension, 7-4-4603
- special or additional counsel, 7-4-4605

City clerk, See **CITY OR TOWN CLERK**
City-county consolidation, effect, 7-3-1212
City engineer
- appointment when, 7-12-4119
- contractor's delinquency reported by, 7-12-4152
- employed by, when, 7-14-4112

City officers or employees
- absence from city or town, consent, 7-4-4111
- bonds, official — purchase, 2-9-804
- duties prescribed by, 7-4-4101 — 7-4-4103, 7-4-4110
- police, chief of — salary increases, 7-4-4202
- removal from office, 7-4-4113
- reports, 7-5-4112
- salaries, determination, 7-4-4201, 7-5-4110
  - fixed by, 7-4-4101 — 7-4-4103, 7-4-4201, 7-4-4202
- vacancy in office, appointment to fill, 7-4-4112

City offices, abolishment or consolidation, 7-4-4105, 7-4-4106
City road fund, use, 7-14-4113
Claims
- payment, authority, 7-6-4121, 7-12-4170, 7-12-4307
- presentation to, 7-6-4301, 7-6-4302, 7-6-4311

Classification of cities or towns
- advance in, 7-1-4114, 7-1-4115
- exceptions from system, 7-1-4112
- legislative actions prior to, repeal, 7-1-4117
- reduction in, 7-1-4118

CITY OR TOWN COUNCILS (Continued)

Clerk, See **CITY OR TOWN CLERK**
Commission form of government, powers, 7-3-4208, 7-3-4213, See also **MUNICIPAL COMMISSION GOVERNMENT, Council**
Commission-manager form of government, powers, 7-3-4305, 7-3-4310
Commissions granted by, records, 7-4-4501, 7-4-4511
Commodities, regulation, Title 7, chapter 21, part 42
Conflict of interest, 7-5-4109
Consolidation of city offices, 7-4-4106
Contracts, See also **CITIES AND TOWNS, Contracts; PUBLIC CONTRACTS**
  action concerning, 7-5-4302
  bids, 7-14-4405
    auction, purchases at — in lieu of, 7-5-4310
  bus services, for, 7-14-4401, 7-14-4405
  conflict of interest, 7-5-4109
  emergencies, 7-5-4303
  highway construction, 7-14-4108
  installment purchase contracts, 7-5-4306
  modification or alteration, 7-5-4308
  power to make and execute, 7-5-4301
  printing, 7-5-4108, See also **PUBLIC CONTRACTS, Printing**
  rural fire district services, 7-33-2107
  smoke abatement, Title 7, chapter 31, part 1, See **AIR QUALITY**
  special improvement districts, Title 7, chapter 12, parts 41 and 42
  street construction, 7-14-4108
  street lighting districts, Title 7, chapter 12, part 43
  transportation, department of — with, 7-14-4108
  votes, recording, 7-5-4121
Councilmen, See **Aldermen**
Counsel, special or additional — employment, 7-4-4605
Dance houses, regulation, 7-21-4210
Detention centers, establishment and maintenance, 7-32-4201
Detention hospitals, establishment, 7-34-4101
Discipline of members, 7-5-4103
Disorderly conduct, power regarding, 7-32-4302, 7-32-4304
Ditches and drains, regulation, 7-31-4103
Dogs, control and licensing, 7-23-4101, 7-23-4102
Emergencies and emergency powers
  contracts, 7-5-4303
  succession of officials, 10-3-604 — 10-3-606
Eminent domain, power of, 7-5-4106, 7-14-4501, 7-14-4801, 7-16-4106
Exclusion of land
  hearing, 7-2-4807
  petition, 7-2-4803
  power concerning, 7-2-4805, 7-2-4802
  resolution, 7-2-4807
Explosives, regulation, 7-33-4205
Factories, regulation, 7-21-4204
Fences, partition — regulation, 7-15-4126
Fire
  alarm system, maintenance, 7-33-4201
  equipment, provision for, 7-33-4202
  hazards, inspection, 7-31-4103, 7-33-4204
  industries with fire-causing potential, regulation, 7-33-4207
  inflammable materials, regulation, 7-33-4205
  protection, mutual aid agreements, 7-33-4112

CITY OR TOWN COUNCILS (Continued)

Fire Department Relief Association disability and pension fund, special tax levy for, 19-18-504
Fire departments and firefighters
  chief engineer, appointment, 7-33-4105
  chief of
    appointment, consent, 7-33-4106, 7-33-4122
    disciplinary rules by, approval, 7-33-4104
  employment in, rules governing, 7-33-4121
  establishment and maintenance, 7-33-4201
  number of firefighters, determination, 7-33-4103
  reduction in number of firefighters, 7-33-4125
  suspension of personnel, 7-33-4124
  volunteer
    provision for, 7-33-4109
    tax levy for, 7-33-4111
Fire hydrant maintenance districts, duties, 7-12-4602, 7-12-4603, 7-12-4605, 7-12-4606, 7-12-4611, 7-12-4612
Fireworks, regulation, 7-33-4206, 50-37-102
Flood control projects, duties, Title 76, chapter 5, part 11, See **FLOODS**, **Control projects**
Flood plain and floodway delineation programs, notification, 76-5-201
Foodstuffs, regulation, 7-21-4202
Franchises, granting, 7-5-4321, 7-5-4322
Fraud, suppression, 7-31-4104
Funds, transfer procedures, 7-6-4123
Gas mains, See **Utilities**
General obligation bonds
  amortization bonds, refunding by exchange for, 7-7-4275
  canceled bonds, coupons, or warrants — presentation to, 7-7-4272, 7-7-4273
  election, call for, 7-7-4223
  issuance, resolution for, 7-7-4255
  printing, 7-7-4256
  purchase of outstanding bonds, 7-7-4270
  sale
    notice and publication, 7-7-4251, 7-7-4252
    procedures, 7-7-4254
    resolution for, 7-7-4236
  statement of amount due and payable, presentation to, 7-7-4264
  tax levy for, 7-7-4265
Gunpowder, regulation of storage and handling, 7-33-4205
Gutters, See **Streets and alleys**
Health, boards of — provision for, 7-31-4101
Hospitals, detention — establishment, 7-34-4101
Houses and lots, numbering, 7-15-4101
Housing authorities
  dissolution, resolution for, 7-15-4423
  elderly families, low-rent housing for — approval of application for assistance, 7-15-4457
  funding, initial, 7-15-4417
  implementation of provisions, resolution for, 7-15-4420
  unsanitary or unsafe dwelling accommodations, determination, 7-15-4406, 7-15-4407
Indebtedness, authority, 7-7-4101, 7-7-4301, 7-13-4102, 7-14-4401, 7-16-4104
Intoxication, power regarding, 7-32-4302
Investments
  bond proceeds, 7-7-4102
  sinking fund, 7-7-123
  special improvement district surplus reserves, 7-12-4226

CITY OR TOWN COUNCILS (Continued)

Irrigation ditches, regulation, 7-31-4103
Junk shops, regulation, 7-21-4207, 7-21-4208
Lease agreements for bus services, 7-14-4401, 7-14-4405
Liability
  incurring, limitations, 7-6-4234
  insufficient tax levies, for, 7-7-4266
Library board of trustees, appointment, 22-1-308
Licenses, See also **CITIES AND TOWNS, Licenses and permits**; specific subject under **CITIES AND TOWNS**
  alcoholic beverages, 16-4-503
  discrimination in issuance prohibited, 49-3-204
  enumeration, 7-21-4201
  powers generally, 7-21-4101
  records, 7-4-4501, 7-4-4511
  vehicles, generally, 7-21-4205
  wage brokers, 31-1-302
Livestock running at large, control, 7-23-4101
Markets and market houses, establishment and supervision, 7-21-4209
Mayors, See also **MAYORS**
  appointments by, advice and consent, 7-4-4101 — 7-4-4103, 7-4-4303, 7-4-4602
  duties, 7-5-4102
  meetings called by, when, 7-5-4122
  pardons granted by, reporting, 7-4-4305
  special improvement districts, municipalities not having mayors, 7-12-4120
Meetings, 7-4-4501, 7-4-4511, 7-5-4102, 7-5-4122
Mendicancy, control, 7-32-4304
Metropolitan sanitary and/or storm sewer districts, Title 7, chapter 13, part 1, See **SEWAGE DISPOSAL AND SEWER SYSTEMS**
Motor vehicles, regulation, 7-14-4103
Museums, powers, Title 7, chapter 16, part 41, See also **MUSEUMS**
Natural gas systems, See **Utilities**
Nuisances
  control, 7-5-4104
  weeds, 7-22-4101
Obscenity, suppression, 7-31-4104, 7-32-4302
Officers, 7-4-4403, 7-5-4121
Opium and opiates, regulation of sales and use, 7-31-4102
Ordinances, See **Resolutions**; See also **CITIES AND TOWNS, Ordinances and resolutions**
Park Commissioners, Board of — recreational facilities, control and management placed with, 7-16-4103
Parking
  areas and facilities
    aircraft, for, 7-14-4801
    bond issues to finance, 7-14-4502
    powers, 7-14-4501
  commissions, duties, See **PARKING COMMISSIONS, Legislative body**
  street parking improvement districts, abandonment, 7-12-4503
    protests, 7-12-4503
    resolution of intention, 7-12-4501
Parks, authority, 7-16-4101
Pawn, secondhand, and junk shops — regulation, 7-21-4207, 7-21-4208
Permits granted by, records, 7-4-4501, 7-4-4511
Pipeline construction, permission required, 69-13-103

CITY OR TOWN COUNCILS (Continued)

Planning boards
  establishment, 76-1-105
  growth policy, use, 76-1-605, 76-1-606
  members, appointment, 76-1-201, 76-1-211, 76-1-221
  subdivision plats, advice regarding, 76-1-606
  vacancies filled by, when, 76-1-222
  zoning commission, city-county board as, 76-1-108
Poisons, regulation of sales, 7-31-4102
Police
  appointments, confirmation, 7-32-4108, 7-32-4113
  arrests by, authorization, 7-32-4301
  chief of
    reports by and duties, 7-32-4105
    salary increases, 7-4-4202
  disability retirement, determination of eligibility, 19-19-402
  injury or sickness, salary and allowance, 7-32-4131
  number of officers, power to determine, 7-32-4106
  ordinances for governance, powers, and duties, 7-32-4103, 7-32-4104
  police commission, appointments to and compensation set by, 7-32-4151, 7-32-4152
  reinstatement, recommendations concerning, 7-32-4110
  retired officers, rules for utilization, 7-32-4107
  telegraph, maintenance, 7-32-4311
Pornography, suppression, 7-31-4104, 7-32-4302
Powers generally, 7-5-4101
President, 7-4-4403, 7-12-4120
Presiding officer, 7-5-4102
Printing contracts, 7-5-4108, See also **PUBLIC CONTRACTS**, **Printing**
Proceedings
  journal of, 7-5-4102, 7-5-4123
  property transfers, entry in, 7-8-101
  recording, 7-4-4501, 7-4-4511
  rules, 7-5-4103
  warrants, cancellation of unpaid and outstanding — entry, 7-6-4303
Property
  athletic fields and civic stadiums, for, 7-16-4106
  condemn, power to, 7-5-4106, 7-14-4501, 7-14-4801, 7-16-4106
  disposal or lease, 7-8-4201
  gifts, authority, 7-14-4501, 7-14-4801, 7-16-4106
  governmental entities, transfer between, 7-8-101
  parking commissions, approval for acquisition, 7-14-4622
  private, acquisition, 7-12-4131
  special improvement districts, 7-12-4167, 7-12-4168, 7-12-4170, 7-12-4227, 7-12-4228
  street lighting districts, Title 7, chapter 12, part 43
Public baths, establishment and maintenance, 7-16-4110
Public grounds
  authority, 7-14-4101, 7-14-4102
  lighting and cleaning, 7-14-4105
  maintenance, 7-14-4107, 7-14-4121
  obstructions, prevention and regulation, 7-14-4102, 7-14-4104
  regulation, 7-14-4121
  waste removal, 7-14-4105, 7-14-4106
Public money
  depository, designation, 7-6-4601
  investment, 7-6-4603
Public utilities, See **Utilities**

CITY OR TOWN COUNCILS (Continued)

- **Quorum**, 7-5-4121
- **Railroads**
  - lighting and crossing requirements, 7-14-4302
  - regulation, 7-14-4301 — 7-14-4303
  - special improvement districts, repairs due to operation of, 7-12-4135
  - street railroads, regulation, 7-14-4303
- **Records**
  - journals of proceedings, 7-5-4123
  - retention schedules and destruction when, 7-5-4124
- **Recreational facilities**, powers, Title 7, chapter 16, part 41
- **Reports**, required by, 7-5-4112
- **Resolutions**
  - housing, 7-15-4420, 7-15-4423, See also **Housing authorities**
  - passage, 7-5-4201
  - penalties for violations, imposition, 7-5-4207
  - powers, 7-5-4101
  - votes, recording, 7-5-4121
- **Riots**, power regarding, 7-32-4302
- **Rules**, 7-5-4103, 7-16-4103
- **Rural fire districts**, contracts for services, 7-33-2107
- **Secondhand shops**, 7-21-4207, 7-21-4208
- **Sewage and/or water systems**, services, 7-12-4612, 7-13-4311, 7-13-4312
- **Sewer systems**
  - appropriation, 7-13-4203
  - bond issues, 7-13-4203 — 7-13-4205
  - construction, 7-13-4202
  - funds, 7-13-4204, 7-13-4207
  - rental charges, 7-13-4204 — 7-13-4206
- **Shoplifting**, control, 7-32-4303
- **Sidewalks**, See **Streets and alleys**
- **Signs and awnings**, control of erection, 7-21-4206
- **Sinking fund**
  - investment, 7-7-123
  - sewer system indebtedness, 7-13-4207
  - transfers, designation, 7-7-4274
- **Smoke abatement**, Title 7, chapter 31, part 1, See **AIR QUALITY**
- **Social facilities**, powers, Title 7, chapter 16, part 41
- **Solid waste management districts**, Title 7, chapter 13, part 2, See **SOLID WASTE MANAGEMENT**
- **Special improvement districts**, Title 7, chapter 12, parts 41 and 42, See **SPECIAL IMPROVEMENT DISTRICTS**
- **Street lighting districts**, Title 7, chapter 12, part 43, See **STREET LIGHTING DISTRICTS**
- **Street maintenance districts**, Title 7, chapter 12, part 44, See **STREET MAINTENANCE DISTRICTS**
- **Streets and alleys**
  - authority, 7-14-4101, 7-14-4102
  - cleaning, 7-14-4105, 7-14-4106
  - commissioners, election, 7-3-4254
  - condemnation, power of, 7-5-4106
  - construction
    - alley approaches, determination, 7-14-4111
    - assessments for cost, 7-14-4110
    - city road fund, use, 7-14-4113
    - contracts, 7-14-4108

CITY OR TOWN COUNCILS (Continued)
Streets and alleys (Continued)
  construction (Continued)
    sidewalks, curbs, and gutters, 7-14-4109
  eminent domain, 7-5-4106
  grade
    damage caused by change, appointment of appraisers, 7-14-4201, 7-14-4203
    establishment or change, 7-12-4131, 7-14-4201
  lighting, 7-14-4105
  lighting districts, Title 7, chapter 12, part 43
  maintenance and repair, 7-14-4107, 7-14-4113
  motor vehicles, regulation, 7-14-4103
  name, change, 7-14-4112
  obstructions, prevention and regulation, 7-14-4102, 7-14-4104
  property, private — acquisition, 7-12-4131
  right-of-way, acquisition, 7-14-4108
  sidewalks, curbs, and gutters
    assessments for costs, 7-14-4110
    authority, 7-14-4101, 7-14-4102
    construction, 7-14-4109, 7-14-4122
    obstructions, prevention and regulation, 7-14-4102, 7-14-4104
    regulation, 7-13-4105, 7-14-4102, 7-14-4105, 7-14-4123
    repair, 7-14-4122, 7-15-4125
  special improvement districts, creation for, 7-12-4103
  vacation
    actions regarding, validation, 7-5-2503
    authority, 7-14-4101
    petition for, notice, and approval, 7-14-4114
Subdivision plats, approval for filing, 7-14-4112, 76-1-606
Swimming pools, powers, Title 7, chapter 16, part 41, See **SWIMMING POOLS AND SWIMMING AREAS**
Taxation
  assessments
    authority, 7-6-4406
    delinquent, waiver of penalty and interest, 15-16-102
    fire hydrant maintenance districts, 7-12-4611, 7-12-4612
    sidewalk, curb, gutter, and alley approach construction costs, 7-14-4110
    special improvement districts, Title 7, chapter 12, parts 41 and 42
    street lighting districts, Title 7, chapter 12, part 43
    unpaid, declaration of delinquency, 7-6-4423
  authority, 7-6-4401, 7-6-4421, 7-14-4106, 19-18-504
  collection, authority, 7-6-4421
  general municipal or administrative purposes, distribution of money for, 7-6-4408
  levies
    annual, resolution to fix, 7-6-4407
    authority, 7-6-4421, 7-16-4105
    band concerts, for, 7-16-4113
    fire department relief association disability and pension fund, for, 19-18-504
    fixing, 7-6-4232
    general municipal and administrative purposes, designation of amounts for expense purposes, 7-6-4438
    insufficient, liability, 7-7-4266
    mills and fractions of mills, computation in, 15-10-201
    recreational facilities, for, 7-16-4105
    smoke abatement bonds, payment, 7-31-116
    special, making, 7-6-4438, 7-7-4265
    volunteer fire departments, for, 7-33-4111
    waste removal on streets and public grounds, 7-14-4106

CITY OR TOWN COUNCILS (Continued)
Taxation (Continued)

special improvement districts, Title 7, chapter 12, parts 41 and 42
Town clerk, duties, 7-4-4511
Transportation, Department of — contracts with, 7-14-4108
Trees, 7-16-4102, 7-12-4136
Urban renewal duties, Title 7, chapter 15, parts 42 and 43, See **URBAN RENEWAL, Local governing body**
Utilities
  erection of poles, wires, rods, and cables — regulation, 7-13-4106
  lines and facilities, powers regarding, 69-4-101
  mains, authority regarding construction, 7-13-4101
  natural gas systems, acquisition, 7-13-4102, 7-13-4103
  power systems, inspection and measurement, 7-13-4104
  sewage and/or water systems, 7-12-4612, 7-13-4311, 7-13-4312
  sewer systems, Title 7, chapter 13, part 42
  special improvement districts, 7-12-4132, 7-12-4133, 7-12-4164
  underground conversion, duties, Title 69, chapter 4, part 3
  vaults, cisterns, hydrants, pumps, sewers, and gutters — regulation, 7-13-4105
Vacancy in positions, 7-4-4112
Vacation
  parks, 7-16-4101
  streets, See **Streets and alleys**
Vagrancy, control, 7-32-4304
Votes, recording, 7-5-4121
Warrants
  cancellation when, 7-6-4303
  payment, direction for, 7-6-4501
  public money invested in, 7-6-4603
  special improvement districts, Title 7, chapter 12, parts 41 and 42
Water
  conservation and flood control projects, Title 76, chapter 5, part 11, See **FLOODS, Control projects**
  mains, See **Utilities**
  regulation, powers, 7-13-4401
Water supply systems, powers, 7-13-4402, 7-13-4405
Weed management, 7-22-4101
Zoning, Title 76, chapter 2, part 3, See **ZONING**

CITY PHYSICIAN, 7-3-4254
  See also generally **CITY OFFICERS OR EMPLOYEES; PUBLIC OFFICERS OR EMPLOYEES**

CITY PLANNING BOARDS
  See **PLANNING BOARDS**

CITY SURVEYOR
  See also generally **CITY OFFICERS OR EMPLOYEES; PUBLIC OFFICERS OR EMPLOYEES**
Appointment, 7-3-437, 7-4-4101
Commission form of government, selection, 7-3-437
Duties, 7-4-4110
Election of, 7-3-437

CITY TREASURER
  See also generally **CITY OFFICERS OR EMPLOYEES; PUBLIC OFFICERS OR EMPLOYEES**
Actions, See **Criminal actions**

CITY TREASURER (Continued)

Appointment, 7-3-436, 7-4-4101, 7-4-4102
Bonds
  general obligation
    accounts, maintenance, 7-7-4261, See **CITY FINANCE**, **Sinking fund**
    cancellation of bonds, coupons, or warrants, 7-7-4272, 7-7-4273
    copies, preservation, 7-7-4258
    delivery, 7-7-4259, 7-7-4272, 7-7-4273
    payment of principal and interest, 7-7-4262
    purchase of outstanding bonds, 7-7-4270
    redemption, 7-7-4268, 7-7-4269
    registration, 7-7-4257
    sale proceeds paid to, 7-7-4260
    signing, 7-7-4255
    statement of amount due and payable, 7-7-4264
  proceeds, investment, 7-7-4102
  refunding general obligation, disposition of proceeds, 7-7-4312
  sinking fund, invested in — custody, 7-7-123
  smoke abatement, sale proceeds, 7-31-114
  special improvement districts, 7-12-4203, 7-12-4206
  street lighting districts, redemption, 7-12-4342
City clerks, fees, 7-4-4502
City clerk-treasurer, 7-4-4101, 7-4-4102
City council
  election by, 7-3-4254
  powers of, 7-3-4252
City-county consolidated government, duties of treasurer, 7-3-1249, 46-18-236; Title 7, chapter 3, part 13
Claims, payment, 7-6-4302
Commission-executive form of government, 7-3-217
Commission form of government, selection, 7-3-436
Commission-manager form of government, 7-3-4434
Contracts, cash deposits held by — when, 7-6-4121
Court charges, deposit, 46-18-236
Criminal actions
  bail forfeitures, payment to, 46-9-511
  fines, deposit with, 46-17-303, 46-17-304, 46-17-402
  witnesses' expenses, payment, 46-15-116
Death of city employee, reissuance of warrant or paycheck to designee, 7-4-4211
Disincorporating cities and towns, unencumbered cash, 7-2-4912
Drug violations, forfeitures of property — proceeds of sale, 3-10-601, 44-12-206
Duties generally, 7-6-4402
Election of, 7-2-4107, 7-3-436, 7-3-4254
Finance administrator, as — when, 7-3-122
Fire department relief associations
  disability and pension fund, transfers to, 19-18-106
  ex officio treasurer, as, 19-18-103, 19-18-202
  state contribution, warrant delivered to and payment of, 19-18-512, 19-18-514
Firefighters' unified retirement contributions, remittance, 19-13-605
Funds generally, See **CITY FINANCE**, specific fund
Gambling revenue
  bingo and keno tax, 23-5-409
  card game tables, live — permit fee, 23-5-306
  video gambling machine gross income tax, 23-5-610, 23-5-612
Investment
  bond proceeds, 7-7-4102

CITY TREASURER (Continued)
Investment (Continued)

- warrants, procedures, 7-6-2701, 7-6-4501, 7-6-4502

Libraries
- joint city-county, funds respecting, 22-1-316
- public library fund, payments from, 22-1-304

License fees, collection, 7-21-4102
Motor vehicles
- abandoned, return of sale and transmittal of proceeds, 61-12-407
- fees, 7-14-2512, 7-14-4113
- protest, taxes or fees paid under, 15-15-201

Municipal court fees and fines, deposit, 25-30-102
Municipal court judges, salary — payment, 3-6-203
New cities and towns, election for, 7-2-4107
Office, See **CITY OFFICERS OR EMPLOYEES**, **Offices**
Park Commissioners, Board of — money, maintenance, 7-16-4225
Pedestrian mall or offstreet parking district unpaid assessments
- certification, 7-14-4717, 7-14-4721
- removal of property from list, 7-14-4718

Police officers' retirement systems
- local funds
  - contributions, duties, 7-32-4120, 19-19-302
  - police retirement funds
    - actuarial valuation, information for, 19-19-205
    - excess money, remittance to state treasurer, 19-19-203
  - state payments, 19-19-305, 19-19-506
- state plan, contributions, 19-9-703

Public money
- deposits, 7-6-201, 7-6-4601
  - interest requirements, 17-6-104
  - liability, 7-6-212
  - report by financial institution, 7-6-211
  - security, 7-6-207
- investment procedures, 7-6-4603

Receipts, state payments, 17-8-311
Sewage and/or water systems, charges — collection, 7-13-4309
Sewer rentals, 7-13-4207
Sinking fund investments — custody of bonds, securities, or deposits, 7-7-123
Smoke abatement bond sale proceeds, 7-31-114
Special improvement districts
- assessments
  - collection, 7-12-4182, 7-12-4183, 7-12-4189
  - delinquent, reinstatement, 7-12-4184
- bonds and warrants
  - redemption, 7-12-4206
  - registration, 7-12-4203
- defined, 7-12-4101
- taxes
  - collection, 7-12-4182, 7-12-4183
  - levy
    - certification, 7-12-4181
    - delivery to, 7-12-4178
  - payment under protest, 7-12-4185

State payments to local government entities, 17-8-311
Street lighting districts
- bonds and warrants, redemption, 7-12-4342
- resolution for assessment of installation costs, delivery to, 7-12-4330

CITY TREASURER (Continued)

Taxation
  assessments
    collection, 7-6-4402, 7-12-4182, 7-12-4183
    delinquent, 7-6-4423, 7-12-4184
    pedestrian mall or offstreet parking districts, unpaid, 7-14-4717, 7-14-4718, 7-14-4721
  collection, 7-6-4407, 7-6-4412, 7-12-4182, 7-12-4183
  delinquent, certification, 7-6-4422, 7-6-4423
  levy
    annual, certification of resolution to, 7-6-4407
    special improvement districts, 7-12-4178, 7-12-4181
  property tax record, copy to, 7-6-4412
  protest payments to, 7-12-4185, 15-1-402, 15-8-115
  records, destruction, 15-1-104
  special improvement districts, See **Special improvement districts**
  tax sales
    assignment of municipal interest, 15-17-318
    certificate, 15-17-317, 15-17-318
    refund on voided sale, chargebacks, 15-17-326
Term of office, 7-4-4701
Town treasurer, See **CITY OR TOWN CLERK, Town clerk**
Underground storage tank installation or closure inspection fees, payments, 75-11-213
Urban renewal tax increments, 7-15-4286
Warrants
  death of city employee, reissuance to designee, 7-4-4211
  investment procedures, 7-6-2701, 7-6-4501, 7-6-4502
  payment, 7-6-4302
    call for, 7-6-4502
  public money invested in, procedures, 7-6-4603
  registration, 7-6-4503
  special improvement districts, 7-12-4203, 7-12-4206
  street lighting districts, redemption, 7-12-4342
  unpaid, 7-6-4501

CIVIL ACTIONS
  See generally **CIVIL PROCEDURE**; specific subject heading

CIVIL DEFENSE
  See **EMERGENCIES AND EMERGENCY POWERS**, generally

CIVIL DISORDER
Prohibited activities and exceptions, 45-8-107 — 45-8-109

CIVIL PROCEDURE
  See also specific court; **COURTS GENERALLY; JUDGES AND JUSTICES**
Adjournment during jury's absence, 25-7-303, See also **Continuance or postponement**
Admissions
  counterclaim, judgment for excess upon admission, 25-4-602
  denials, failure as admission, Title 25, chapter 20, M.R.Civ.P., Rule 8(d)
  effect, Title 25, chapter 20, M.R.Civ.P., Rule 36(b)
  original document not required upon proof by, Title 26, chapter 10, M.R.Ev., Rule 1007
  partial admissions, 25-4-601; Title 25, chapter 20, M.R.Civ.P., Rule 8(b)
  postponement, admission of evidence upon motions for, 25-4-502
  presumption of truth, 26-1-601
  pretrial conference, subject of, Title 25, chapter 20, M.R.Civ.P., Rules 16(c), 16(d)
  requests, See **Discovery**
  service of process, proof, Title 25, chapter 20, M.R.Civ.P., Rule 4D

CIVIL PROCEDURE (Continued)
Admissions (Continued)

  - summary judgments, Title 25, chapter 20, M.R.Civ.P., Rule 56(c)
  - voluntary payment of liability claim not admission, 26-1-703
  - withdrawal or amendment, Title 25, chapter 20, M.R.Civ.P., Rule 36(b)
- **Affidavits**
  - copies, 25-10-402
  - defect, 25-4-112
  - evidence, use in, Title 26, chapter 1, part 10
  - indigent persons, waiver of fees, 25-10-404
  - interpleader, affidavit by defendant, Title 25, chapter 20, M.R.Civ.P., Rule 22(b)
  - motions, See **Motions and orders**
  - new trial, service, 25-11-104; Title 25, chapter 20, M.R.Civ.P., Rule 59(c)
  - pleadings, See **Pleadings**
  - service of papers not process, of service, Title 25, chapter 20, M.R.Civ.P., Rules 4D, 5(f)
  - service of process
    - coroner and sheriff as parties, disqualification, 25-3-206
    - of service, Title 25, chapter 20, M.R.Civ.P., Rule 4D
- **Affirmative defenses**, Title 25, chapter 20, M.R.Civ.P., Rule 8(c), See **Defenses**
- **Agreed statement of facts**, See also **SUBMISSION OF CONTROVERSY WITHOUT ACTION**
  - appeal, in lieu of record on appeal, Title 25, chapter 21, M.R.App.P., Rule 9
  - pretrial conference, Title 25, chapter 20, M.R.Civ.P., Rule 16(c)
  - trial upon, 25-7-602
- **Answer**, Title 25, chapter 20, M.R.Civ.P., Rule 7(a), See also **Pleadings**, generally
  - admission, partial, 25-4-601
  - appearance of defendant by, 25-3-401
  - costs, effect of statement of tender before commencement of action, 25-10-107
  - counterclaim, Title 25, chapter 20, M.R.Civ.P., Rules 7(a), 12(a)
  - cross-claims
    - answer to, Title 25, chapter 20, M.R.Civ.P, Rules 7(a), 12(a)
    - answer to claims, cross-claim asserted in, 25-4-404, See **Cross-claim**
  - discovery, request for admissions, Title 25, chapter 20, M.R.Civ.P., Rule 36(a)
  - dismissal of action, motion before service, Title 25, chapter 20, M.R.Civ.P., Rule 41(a)
  - filing, Title 25, chapter 20, M.R.Civ.P., Rule 5(d)
  - form, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 16
  - injunction, preliminary — effect in hearing on, 27-19-303
  - interrogatories, Title 25, chapter 20, M.R.Civ.P, Rules 33(a), 33(b), 33(c), 37(a), 37(d), 58
    - verdict, to accompany, Title 25, chapter 20, M.R.Civ.P., Rule 49(b)
  - property, personal — statement of true value, 25-4-303
  - state, actions against, 2-9-313
  - subpoena, striking of answer for disobedience, 26-2-104
  - third party, Title 25, chapter 20, M.R.Civ.P., Rule 7(a)
  - time to present, Title 25, chapter 20, M.R.Civ.P., Rule 12(a)
- **Appeals**, See **APPELLATE PROCEDURE**
- **Appearance of parties**
  - class actions, Title 25, chapter 20, M.R.Civ.P., Rule 23(c)
  - default, extension of time — stipulation, Title 25, chapter 20, M.R.Civ.P., Rule 55(c)
  - dismissal of action for nonappearance, Title 25, chapter 20, M.R.Civ.P., Rule 41(e)
  - execution
    - proceedings in aid of, 25-14-101 — 25-14-103
    - when only some defendants appear, 25-13-303, 25-15-101
  - failure, See **Default**
  - fees, 25-1-201
  - jurisdiction, acquisition by, Title 25, chapter 20, M.R.Civ.P., Rule 4B
  - notice, requirements after, 25-3-401
  - pretrial conference, Title 25, chapter 20, M.R.Civ.P., Rules 16(a), 16(f)

CIVIL PROCEDURE (Continued)
Appearance of parties (Continued)

  prisoners, prohibited and exceptions, 25-10-109
  user surcharge, imposition, 3-1-317
  written, service, Title 25, chapter 20, M.R.Civ.P., Rule 5(a), See **Service of papers not process**
Arrest, seizure of person or property, Title 25, chapter 20, M.R.Civ.P., Rule 64, See also **ARREST**
Assignment of cases for trial, Title 25, chapter 20, M.R.Civ.P., Rule 40
Assignment of claim, See **Transfer of interest in action**
Attorney's role in action, See **ATTORNEYS AT LAW, Actions, role in**
Bail, See **BAIL**
Bill of costs, See **Costs**
Bills of exceptions, See **Exceptions**
Bonds, See **BAIL**
Briefs, specific provisions
  administrative procedure, contested cases, 2-4-704
  air quality enforcement actions, review, 75-2-411
  cities and towns, annexation with provision of services — review of decisions, 7-2-4742
  county attorneys, assistance, 44-4-103
  gambling, orders by department of justice — review, 23-5-137
  power of attorney, statutory — powers, 72-31-232
  pretrial conference, subject of, Title 25, chapter 20, M.R.Civ.P., Rule 16(c)
  public service commission orders, review, 69-3-404
  youth court, appeals, 41-5-111
Calendar, See **DISTRICT COURTS, Calendar**, precedence; **SUPREME COURT, Calendar precedence**
Certiorari, writ of, Title 27, chapter 25
Change of venue, See **Venue**; See also **VENUE**
Charge of jury, 25-7-301, See **JURIES AND JURORS, Instructions to jury**
City and Justice Court Rules of Civil Procedure, Title 25, chapter 23, See **CITY COURTS; JUSTICES' COURTS**
Claim upon which relief can be granted, See **Pleadings**, statement of claim
Class actions
  appeals permitted, Title 25, chapter 21, M.R.App.P., Rule 1
  compromise, Title 25, chapter 20, M.R.Civ.P., Rule 23(e)
  conduct of, order in, Title 25, chapter 20, M.R.Civ.P., Rule 23(d)
  consumer contracts, plain language in — actions for noncompliance, 30-14-1112
  criteria for, Title 25, chapter 20, M.R.Civ.P., Rule 23(b)
  deferred deposit lender provisions, enforcement, 31-1-724
  dismissal, Title 25, chapter 20, M.R.Civ.P., Rule 23(e)
  joinder of parties, exclusion, Title 25, chapter 20, M.R.Civ.P., Rule 19(d)
  order and notice for action, Title 25, chapter 20, M.R.Civ.P., Rule 23(c)
  prerequisites, Title 25, chapter 20, M.R.Civ.P., Rule 23(a)
  security for costs, Title 25, chapter 20, M.R.Civ.P., Rule 23(f)
  shareholders, derivative actions by, Title 25, chapter 20, M.R.Civ.P., Rule 23.1
  taxation, declaratory judgment actions, 15-1-407
  unfair trade practices, actions excluded, 30-14-133
  unincorporated associations, actions concerning, Title 25, chapter 20, M.R.Civ.P., Rule 23.2
Clerical mistakes, Title 25, chapter 20, M.R.Civ.P., Rule 60(a)
Commencement of action, 25-1-102, 27-2-102, See also generally **Motions and orders; Pleadings; Summons; STATUTES OF LIMITATION**
  complaint, by, 27-2-102; Title 25, chapter 20, M.R.Civ.P., Rule 3, See **Complaint**
  fee, 25-1-201
  new action for same cause, 27-2-407
  pendency, 25-1-103

CIVIL PROCEDURE (Continued)

Complaint, Title 25, chapter 20, M.R.Civ.P., Rule 7(a), See also **Pleadings**, generally
  answer, See **Answer**
  attachment, filing not public when request for, 27-18-111
  commencement of action by, 27-2-102; Title 25, chapter 20, M.R.Civ.P., Rule 3
  forms, Title 25, chapter 20, M.R.Civ.P., Appendix, Forms 2 — 14; Form 17; Form 18
  parties, 25-5-101, See **Parties to action**
  personal injury, pleading of damages, 25-4-311 — 25-4-314
  prisoners, filing, 25-10-404
  real property description in, 25-4-201
  service, Title 25, chapter 20, M.R.Civ.P., Rule 4D, See **Service of process**
  state involvement, notice to attorney general, 25-1-501
  subpoena, striking of complaint for disobedience to, 26-2-104
  third parties, Title 25, chapter 20, M.R.Civ.P., Rules 7(a), 14(a)
    state, liability claims against — nonapplicability, 2-9-301
  title, form, Title 25, chapter 20, M.R.Civ.P., Rule 10(a)
  unknown parties defendant, 25-3-504
  wrongful death, pleading of damages, 25-4-311 — 25-4-314
Compromise
  abolished causes of action, 27-1-605
  admissibility, Title 26, chapter 10, M.R.Ev., Rule 408
  class actions, Title 25, chapter 20, M.R.Civ.P., Rules 23(e), 23.1, 23.2
  joint debtor, by, 25-15-201
  jury, costs of impaneling after, 3-15-205
  offer, Title 25, chapter 20, M.R.Civ.P., Rule 68
    admissibility, Title 25, chapter 20, M.R.Civ.P., Rule 68; Title 26, chapter 10, M.R.Ev., Rule 408
    service, Title 25, chapter 20, M.R.Civ.P., Rule 5(a)
  pretrial conference, subject of, Title 25, chapter 20, M.R.Civ.P., Rule 16(c)
Confession of defendant or judgment, See **JUDGMENTS AND DECREES**, **Confession of judgment**
Consolidation of actions, Title 25, chapter 20, M.R.Civ.P., Rule 42(a)
Constitutional questions, See **CONSTITUTIONAL CHALLENGES**
Contempt of court, See **CONTEMPT**
Continuance or postponement
  costs, 25-10-203
  defense, for, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  deposition of witnesses upon, 25-4-504
  evidence
    absence, grounds to postpone, 25-4-501
    admission, no postponement, 25-4-502
  grounds, 25-4-501, 25-4-503
  jury
    absence, during, 25-7-303
    costs of impaneling after settlement, 3-15-205
    selection, continuance for, 3-15-501
  motion for, 25-4-501
  nonjudicial day, to, 3-1-303
  pleadings, for amendments, Title 25, chapter 20, M.R.Civ.P., Rule 15(b)
  summary judgment, unavailability of affidavits, Title 25, chapter 20, M.R.Civ.P., Rule 56(f)
Costs
  admission
    partial, award upon, 25-4-601
    requests, for determination of sufficiency of answers or objections, Title 25, chapter 20, M.R.Civ.P., Rule 36(a)
  allowable costs generally, 25-10-201; Title 25, chapter 20, M.R.Civ.P., Rule 54(d)

CIVIL PROCEDURE (Continued)
Costs (Continued)

- appeals, on, 25-10-503
- arrest, prejudgment, 27-16-208
- attachment, prejudgment, 27-18-204, 27-18-411, 27-18-603
- attorney's fees, 25-10-301, 25-10-302, See **ATTORNEYS' FEES**
- bill of costs, 25-10-201, 25-10-501
  - attorney's fees, exceptions when, 25-10-302
  - objection, 25-10-502
  - officers' fees, 25-10-406
  - reporter's fee, 25-1-202
- class actions, Title 25, chapter 20, M.R.Civ.P., Rule 23(f)
- clerk of the district court fees, 25-1-201, See also **CLERK OF THE DISTRICT COURT, Costs**; **Fees**
- compromise, Title 25, chapter 20, M.R.Civ.P., Rule 68
- county, against, 25-10-405, 25-10-703, 25-10-711
- deaf persons, interpreters for, 49-4-509
- defendant, to
  - of course, 25-10-102
  - several defendants, 25-10-106
  - tender before commencement of action, 25-10-107
- deposition expenses, 25-10-201; Title 25, chapter 20, M.R.Civ.P., Rules 30(b), 30(d), 30(f), 30(g), 30(h), 37(a), 37(b), 37(d)
- developmental disabilities, persons with — admission to residential facility, hearings, 53-20-118
- discovery, Title 25, chapter 20, M.R.Civ.P., Rules 26(b), 26(f), 37(a), 37(b), 37(d)
- discretionary, when, 25-10-103
  - appeals, 25-10-104
- dismissal of action, previous — effect, Title 25, chapter 20, M.R.Civ.P., Rule 41(d)
- elections
  - campaign practices violations, prosecution, 13-37-124
  - contests, 13-36-205
  - recount, court-ordered, 13-16-307
- employment, nature of — deception, misrepresentation, or false advertising, 39-2-303
- estate and probate matters, See **ESTATES AND PROBATE, Costs and expenses**
- excess costs caused by unreasonable multiplication of proceedings, satisfaction, 37-61-421
- governmental entities, payment by, 15-1-222, 25-10-405, 25-10-701 — 25-10-703, 25-10-711
- hazardous substances, misbranded or banned — condemnation actions, 50-30-307
- health care information violations, actions for relief, 50-16-553
- indemnity, recovery — entitlement, 28-11-315
- injunction, action for, 25-10-101, 25-10-102, 27-19-406
- interpreters, 49-4-509; Title 25, chapter 20, M.R.Civ.P., Rule 43(f)
- irrigation districts, taxable acreage — proceedings to fix amount, 85-7-1844
- judge, motion for substitution, 3-1-804
- judgment, See **JUDGMENTS AND DECREES**
- jurors' fees, 3-15-203, 3-15-205
- livestock seized and killed, action by dissatisfied owner, 81-3-223
- mandamus, writ of, 27-26-402, 27-26-403
- master, Title 25, chapter 20, M.R.Civ.P., Rule 53(a)
- mentally ill persons, commitment period — petition for extension, 53-21-128
- mining, wage violations, 39-3-518
- money, recovery of — change of venue, 25-10-204
- motions, sustained or overruled, 25-10-202
- officers' fees, prepayment, 25-10-403
  - bill of costs, 25-10-201
  - collection after judgment, 25-10-406
  - copies furnished by party, no charge, 25-10-402

CIVIL PROCEDURE (Continued)
Costs (Continued)
    officers' fees, prepayment (Continued)
        governmental entities, requirements, 25-10-405
        indigent persons or prisoners, 25-10-404
        itemization, 25-10-401
    oil and gas, wage violations, 39-3-518
    plaintiff, to — of course, 25-10-101
    pretrial conference or orders, noncompliance, Title 25, chapter 20, M.R.Civ.P., Rule 16(f)
    prevailing party, award to, Title 25, chapter 20, M.R.Civ.P., Rule 54(d)
    prisoner's attendance at proceedings, 25-10-109
    probate matters, See **ESTATES AND PROBATE**, **Costs and expenses**
    production of evidence, Title 25, chapter 20, M.R.Civ.P., Rule 45(b)
    public officers, no personal liability, 25-10-701
        mandamus, writ of, 27-26-403
    quo warranto proceedings, 25-10-101, 25-10-102, 27-28-104, 27-28-205, 27-28-503
    rabies control, injunction, 50-23-106
    representative, party acting as, 25-10-108
    review other than appeal, 25-10-105
    secretary of state, acceptance of service of process, 25-10-206; Title 25, chapter 20, M.R.Civ.P., Rule 4D
    security, See **Security**
    service of process, 25-3-203, 25-10-206, 25-10-402
    state, against, 15-1-222, 25-10-405, 25-10-702, 25-10-711, 70-19-303
    substitution of judge, securing witnesses, 25-10-205
    summons, service with complaint, Title 25, chapter 20, M.R.Civ.P., Rule 4D
    transcript of proceedings, 3-5-604, 25-1-201, 25-10-201
    transfer of papers, 25-10-204
    undertakings as security, See **Security**
    unemployment insurance, collection of delinquent taxes, 39-51-1303
    user surcharge, 3-1-317
    venue, change, 25-2-205, 25-10-204
    wage claim proceedings, 39-3-214, 39-3-518
    witnesses, See **WITNESSES**, **Fees**
Counterclaim, See also **Pleadings**
    amendment, set up by, 27-2-408; Title 25, chapter 20, M.R.Civ.P., Rule 13(f)
    answer to, Title 25, chapter 20, M.R.Civ.P., Rules 7(a), 12(a)
    compulsory, Title 25, chapter 20, M.R.Civ.P., Rule 13(a)
    contracts, 25-4-403
        admission by plaintiff, 25-4-602
        state, actions against, 18-1-411
    default judgment, entitlement, Title 25, chapter 20, M.R.Civ.P., Rule 55(d)
    designation, improper, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
    dismissal of action, Title 25, chapter 20, M.R.Civ.P., Rules 41(a), 41(c)
    extent, Title 25, chapter 20, M.R.Civ.P., Rule 13(c)
    forms, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 16; Form 17
    interpleader by, Title 25, chapter 20, M.R.Civ.P., Rule 22(a)
    issue of fact arising from, mode of trial, 25-7-104
    joinder of additional parties, Title 25, chapter 20, M.R.Civ.P., Rule 13(h)
    joinder of claims, Title 25, chapter 20, M.R.Civ.P., Rule 18(a)
    judgment when separate trials, Title 25, chapter 20, M.R.Civ.P., Rule 13(i)
    money, recovery of — content of verdict, 25-7-502
    numerous defendants, effect, Title 25, chapter 20, M.R.Civ.P., Rule 5(c)
    omission, Title 25, chapter 20, M.R.Civ.P., Rule 13(f)
    permissive, Title 25, chapter 20, M.R.Civ.P., Rule 13(b)
    personal injury, damages may not be stated, 25-4-311
    remedies, provisional — right to, 27-15-102
    representative, against or by, 25-4-401, 25-4-402

CIVIL PROCEDURE (Continued)
Counterclaim (Continued)

- separate trials, effect, Title 25, chapter 20, M.R.Civ.P., Rule 42(b)
- state involvement, 25-1-501; Title 25, chapter 20, M.R.Civ.P., Rule 13(d)
- state, liability claims against — nonapplicability, 2-9-301
- summary judgment, application for, Title 25, chapter 20, M.R.Civ.P., Rules 56(a), 56(b)
- supplemental pleading, presentation by, Title 25, chapter 20, M.R.Civ.P., Rule 13(e)
- survival, 25-4-401, 25-4-402, 27-1-502
- third parties, Title 25, chapter 20, M.R.Civ.P., Rule 14
- wrongful death, damages may not be stated, 25-4-311

Cross-claim, See also **Pleadings**, generally
- answer to claims, cross-claim to be asserted in, 25-4-404
- answer to cross-claim, Title 25, chapter 20, M.R.Civ.P., Rule 7(a)
  - time to present, Title 25, chapter 20, M.R.Civ.P., Rule 12(a)
- coparty, against, Title 25, chapter 20, M.R.Civ.P., Rule 13(g)
- default judgment, entitlement, Title 25, chapter 20, M.R.Civ.P., Rule 55(d)
- dismissal of action, Title 25, chapter 20, M.R.Civ.P., Rule 41(c)
- form, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 16
- interpleader by, Title 25, chapter 20, M.R.Civ.P., Rule 22(a)
- joinder of additional parties, Title 25, chapter 20, M.R.Civ.P., Rule 13(h)
- joinder of claims, Title 25, chapter 20, M.R.Civ.P., Rule 18(a)
- judgment when separate trials, Title 25, chapter 20, M.R.Civ.P., Rule 13(i)
- numerous defendants, effect, Title 25, chapter 20, M.R.Civ.P., Rule 5(c)
- personal injury, damages may not be stated, 25-4-311
- separate trials, effect, Title 25, chapter 20, M.R.Civ.P., Rule 42(b)
- state involvement, notice to attorney general, 25-1-501
- state, liability claims against — nonapplicability, 2-9-301
- summary judgment, application for, Title 25, chapter 20, M.R.Civ.P., Rules 56(a), 56(b)
- third parties, Title 25, chapter 20, M.R.Civ.P., Rule 14(a)
- unknown parties defendant, 25-3-504
- wrongful death, damages may not be stated, 25-4-311

Damages, See **DAMAGES**
Deaf persons, interpreters for, Title 49, chapter 4, part 5
Death, effect on action
- attorney, See **ATTORNEYS AT LAW**
- party, See **Parties to action**
- survival of action, See **Survival of action**
- witness, Title 25, chapter 20, M.R.Civ.P., Rule 32(a)

Declaratory judgments, See **JUDGMENTS AND DECREES**
Default, See also **JUDGMENTS AND DECREES**, **Default judgment**
- contract actions, effect of plaintiff's admission on counterclaim, 25-4-602
- entry, Title 25, chapter 20, M.R.Civ.P., Rule 55(c)
- findings of fact, waiver by, 25-7-601
- mandamus, writ of — prohibited by, 27-26-401
- service of papers not process when, Title 25, chapter 20, M.R.Civ.P., Rule 5(a)
- setting aside, Title 25, chapter 20, M.R.Civ.P., Rule 55(c)

Defenses, See also **Pleadings**
- affirmative, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
  - pleadings and replies, numerous defendants — filing and service, Title 25, chapter 20, M.R.Civ.P., Rule 5(c)
  - products liability actions, 27-1-719
  - royalty interest in land, suits challenging title to, 15-17-326
  - school districts, physical restraint of pupils — actions concerning, 20-4-302
  - unclaimed property, claims for — holder's defenses, 70-9-807
  - warranties on new motor vehicles, claims for nonconformities, 61-4-506
- assignment of right to action, 27-1-503
- class actions, Title 25, chapter 20, M.R.Civ.P., Rule 23(d), See **Class actions**

CIVIL PROCEDURE (Continued)
Defenses (Continued)
- ditch company employees, liability actions, 27-1-731
- forms, Title 25, chapter 20, M.R.Civ.P., Rules 8(b), 10(b); Appendix, Form 16; Form 17
- frivolous, elimination, Title 25, chapter 20, M.R.Civ.P., Rule 16(c)
- health care information, production by process of discovery not waiver, 50-16-536
- judgment as a matter of law, Title 25, chapter 20, M.R.Civ.P., Rules 50(a), 52(c)
- local government licensing violations, actions relating to, 7-21-2117
- manner of presentation, 25-7-301; Title 25, chapter 20, M.R.Civ.P., Rule 12(b)
- negligence actions, 27-1-703, 27-1-705
- physical or mental condition of party, assertion, Title 25, chapter 20, M.R.Civ.P., Rule 35(b)
- preliminary hearings, Title 25, chapter 20, M.R.Civ.P., Rule 12(d)
- pretrial conference, subject of, Title 25, chapter 20, M.R.Civ.P., Rule 16(c)
- products liability actions, 27-1-719
- service, Title 25, chapter 20, M.R.Civ.P., Rule 12(a)
- spouse, right to defend, 25-5-202
- statute of limitations, pleading, 25-4-301
- survival, 27-1-501, 27-1-503
- third party claims, Title 25, chapter 20, M.R.Civ.P., Rule 14(a)

Definitions
- action, 25-1-102, 27-1-102, 27-1-103, 27-2-101, 30-1-201, 70-19-101, 70-24-103; Title 25, chapter 20, M.R.Civ.P., Rule 2
- filing with the court, Title 25, chapter 20, M.R.Civ.P., Rule 5(e)
- generally, 1-1-202
- issue, 25-7-101
- master, Title 25, chapter 20, M.R.Civ.P., Rule 53(a)
- new trial, 25-11-101
- notice, 25-3-101
- pending action, 25-1-103
- person, Title 25, chapter 20, M.R.Civ.P., Rule 4A
- prisoner, 25-10-404
- process, 1-1-202, 25-3-101

Delivery to party, Title 25, chapter 20, M.R.Civ.P., Rule 67
- counterclaim, right of defendant upon, 27-15-102
- interpleader by substitution, for, Title 25, chapter 20, M.R.Civ.P., Rule 22(b)
- judgment for, 25-13-203
- order when, 25-8-101, 25-8-102
- presumption of satisfaction, 26-1-602

Demurrers, abolishment, Title 25, chapter 20, M.R.Civ.P., Rule 7(c), See also **Pleadings**, statement of claim

Denials, See also **Pleadings**
- admissions, in requests for, Title 25, chapter 20, M.R.Civ.P., Rule 36(a)
- conditions precedent, of, Title 25, chapter 20, M.R.Civ.P., Rule 9(c)
- failure to deny, effect, Title 25, chapter 20, M.R.Civ.P., Rule 8(d)
- form, Title 25, chapter 20, M.R.Civ.P., Rule 8(b)

Deposit in court, Title 25, chapter 20, M.R.Civ.P., Rule 67
- costs, effect on, 25-10-107
- counterclaim, right of defendant upon, 27-15-102
- county treasurer, duties, 25-8-103, 25-8-104
- damages, collateral source deductions — disputed amounts, 27-1-308
- interpleader by substitution, for, Title 25, chapter 20, M.R.Civ.P., Rule 22(b)
- judgment requiring, disobedience, 25-13-203
- order when, 25-8-101, 25-8-102, 25-13-203
- presumption of satisfaction, 26-1-602
- whom deposited with, 25-8-103

CIVIL PROCEDURE (Continued)

Depositions, 1-1-202, See also **Discovery**; **CRIMINAL PROCEDURE**
- absence of witness, 15-1-301, 37-13-201, 81-23-103; Title 25, chapter 20, M.R.Civ.P., Rules 30(e), 32(a)
- admissibility, Title 25, chapter 20, M.R.Civ.P., Rules 30(c), 32(b)
- appeal, pending, Title 25, chapter 20, M.R.Civ.P., Rule 27(b)
- attendance, failure, Title 25, chapter 20, M.R.Civ.P., Rules 30(g), 37(d)
- before action, Title 25, chapter 20, M.R.Civ.P., Rule 27(a)
- certification, Title 25, chapter 20, M.R.Civ.P., Rule 30(f)
  - defect, Title 25, chapter 20, M.R.Civ.P., Rule 32(d)
  - judge or justice, by, 3-1-404
  - written questions, Title 25, chapter 20, M.R.Civ.P., Rule 31(b)
- child custody jurisdiction proceedings, 40-7-119
- child support proceedings, 40-5-175, 40-5-202
- city courts, in — applicability, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 13B
- copies, Title 25, chapter 20, M.R.Civ.P., Rules 30(f), 30(h)
- costs, 25-10-201; Title 25, chapter 20, M.R.Civ.P., Rules 30(b), 30(d), 30(f), 30(g), 30(h), 37(a), 37(b), 37(d)
- court
  - application for order to deponent, Title 25, chapter 20, M.R.Civ.P., Rule 37(a)
  - consent of, Title 25, chapter 20, M.R.Civ.P., Rules 30(a), 30(b)
  - officer to take deposition, appointment, Title 25, chapter 20, M.R.Civ.P., Rules 28(a), 28(b)
  - proceedings to perpetuate testimony not excluded, Title 25, chapter 20, M.R.Civ.P., Rule 27(c)
  - sanctions, Title 25, chapter 20, M.R.Civ.P., Rule 37(b)
  - termination order, Title 25, chapter 20, M.R.Civ.P., Rule 30(d)
- cross-examination of witness, 1-1-202; Title 25, chapter 20, M.R.Civ.P., Rules 27(a), 30(c)
- defects, Title 25, chapter 20, M.R.Civ.P., Rule 32(d)
- discovery, as method of, Title 25, chapter 20, M.R.Civ.P., Rules 26(a), 26(d), 29, 30(a), 35(b), 37(a)
- errors, Title 25, chapter 20, M.R.Civ.P., Rule 32(d)
- evidence, as, Title 25, chapter 20, M.R.Civ.P., Rules 30(c), 32(b)
- evidence, rules of — applicability, Title 25, chapter 20, M.R.Civ.P., Rule 32(a)
- execution, applicability of laws, Title 25, chapter 20, M.R.Civ.P., Rule 69
- exhibits, Title 25, chapter 20, M.R.Civ.P., Rules 30(b), 30(f), 30(h)
- filing, Title 25, chapter 20, M.R.Civ.P., Rules 5(d), 30(h)
- foreign capital depositories, 32-8-301
- foreign jurisdictions, taken
  - for, Title 25, chapter 20, M.R.Civ.P., Rules 28(a), 28(d)
  - in, 26-1-1004; Title 25, chapter 20, M.R.Civ.P., Rules 28(b), 28(e)
- hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 804
- illness of witness, Title 25, chapter 20, M.R.Civ.P., Rules 30(e), 32(a)
- incompetent persons, Title 25, chapter 20, M.R.Civ.P., Rules 27(a), 32(d)
- irregularities, Title 25, chapter 20, M.R.Civ.P., Rule 32(d)
- jury, may not take into jury room, 25-7-404
- justices' courts, in — applicability, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 13B
- letters rogatory, Title 25, chapter 20, M.R.Civ.P., Rule 28(b)
- licensing boards, authority, 37-1-307
- minors, Title 25, chapter 20, M.R.Civ.P., Rule 27(a)
- motions and orders for
  - audio-visual or tape recorded depositions, editing, Title 25, chapter 20, M.R.Civ.P., Rule 30(h)
  - depositions, Title 25, chapter 20, M.R.Civ.P., Rules 27(a), 27(b), 37(a), 37(b)
  - evidence on by deposition, Title 25, chapter 20, M.R.Civ.P., Rule 43(e)
  - oral examination, termination or suspension, Title 25, chapter 20, M.R.Civ.P., Rule 30(d)

CIVIL PROCEDURE (Continued)
Depositions (Continued)
  motions and orders for (Continued)
    recording, designation of method, Title 25, chapter 20, M.R.Civ.P., Rule 30(b)
    transcription, for, Title 25, chapter 20, M.R.Civ.P., Rule 30(h)
    transcripts to be furnished by party taking, Title 25, chapter 20, M.R.Civ.P., Rule 30(h)
  new trial, decision on — reference to, Title 25, chapter 20, M.R.Civ.P., Rule 59(d)
  notice, 1-1-202
    appeal, pending, Title 25, chapter 20, M.R.Civ.P., Rule 27(b)
    audio-visual or tape recorded deposition, for taking, Title 25, chapter 20, M.R.Civ.P., Rule 30(h)
    defect, Title 25, chapter 20, M.R.Civ.P., Rule 32(d)
    foreign jurisdictions, depositions for or in, Title 25, chapter 20, M.R.Civ.P., Rules 28(b), 28(d), 28(e)
    oral examination, Title 25, chapter 20, M.R.Civ.P., Rule 30(b)
    petition, Title 25, chapter 20, M.R.Civ.P., Rule 27(a)
    proof of service, Title 25, chapter 20, M.R.Civ.P., Rules 5(d), 45(d)
    receipt of, Title 25, chapter 20, M.R.Civ.P., Rules 30(f), 31(b)
    special notice, Title 25, chapter 20, M.R.Civ.P., Rule 30(a)
    stipulation of, Title 25, chapter 20, M.R.Civ.P., Rule 29
    taking of deposition, Title 25, chapter 20, M.R.Civ.P., Rule 30(g)
    tax investigations, 15-1-301
    written questions, Title 25, chapter 20, M.R.Civ.P., Rules 5(d), 31(a), 31(b), 31(c)
  oath or affirmation, 1-1-202; Title 25, chapter 20, M.R.Civ.P., Rules, 30(c), 30(h)
  objections
    admissibility, Title 25, chapter 20, M.R.Civ.P., Rule 32(b)
    audio-visual and tape recorded depositions, Title 25, chapter 20, M.R.Civ.P., Rule 30(h)
    defect or irregularity, Title 25, chapter 20, M.R.Civ.P., Rule 32(d)
    recording, Title 25, chapter 20, M.R.Civ.P., Rule 30(c)
  oral examination, upon, Title 25, chapter 20, M.R.Civ.P., Rules 30(b), 30(c), 37(a)
    defects and irregularities, Title 25, chapter 20, M.R.Civ.P., Rule 32(d)
    discovery, method of, Title 25, chapter 20, M.R.Civ.P., Rule 26(a)
    filing, Title 25, chapter 20, M.R.Civ.P., Rule 5(d)
    notice, Title 25, chapter 20, M.R.Civ.P., Rule 30(b)
    order for, Title 25, chapter 20, M.R.Civ.P., Rule 27(a)
    submission to witness following transcription, Title 25, chapter 20, M.R.Civ.P., Rule 30(e)
    termination, limitation, or suspension, Title 25, chapter 20, M.R.Civ.P., Rule 30(d)
    when taken, Title 25, chapter 20, M.R.Civ.P., Rule 30(a)
  organizations, deposition of, Title 25, chapter 20, M.R.Civ.P., Rules 30(b), 31(a), 32(a), 37(a), 37(b), 37(d)
  paternity proceedings, 40-6-107
  perpetuation of testimony
    action for, Title 25, chapter 20, M.R.Civ.P., Rule 27(c)
    before action, Title 25, chapter 20, M.R.Civ.P., Rule 27(a)
    pending appeal, Title 25, chapter 20, M.R.Civ.P., Rule 27(b)
    postponement of trial, 25-4-504
  persons before whom taken, Title 25, chapter 20, M.R.Civ.P., Rule 30(c)
    administrative proceedings, hearing examiners or agency members, 2-4-611
    arbitrators, 27-5-215
    banking board, state, 32-1-205
    changes to deposition entered by, Title 25, chapter 20, M.R.Civ.P., Rule 30(e)
    clerk of the court, 25-4-504
    commerce, department of, 81-23-103
    disqualification for interest, Title 25, chapter 20, M.R.Civ.P., Rules 28(c), 32(d)
    environmental quality council, 75-1-312
    foreign countries, within, Title 25, chapter 20, M.R.Civ.P., Rule 28(b)
    foreign states, in, 26-1-1004
    governor, 90-4-305

CIVIL PROCEDURE (Continued)
Depositions (Continued)
- persons before whom taken (Continued)
  - inheritance tax appraiser, 72-16-412
  - insurance, commissioner of, 33-11-121
  - insurers, liquidators, 33-2-1365
  - judges and justices, 3-1-404, 25-4-504
  - labor and industry, commissioner of or his deputy, 39-1-103, 39-3-210
  - labor and industry, department of, 50-71-106
  - legislative statutory or interim committees, 5-11-107
  - licensing boards, 37-1-307
  - medical examiners, board of, 37-13-201
  - notaries public, 1-5-416, 1-5-418, 25-4-504
  - objections to, Title 25, chapter 20, M.R.Civ.P., Rule 30(c)
  - "official proceeding" defined, 45-2-101
  - public employees' retirement board, 19-2-403, 19-2-406
  - public health and human services, department of, 40-5-202
  - public service commission, 69-3-328
  - quiet title, by heirs of entrymen, 70-28-211
  - revenue, department of, 15-1-301
  - state, within, Title 25, chapter 20, M.R.Civ.P., Rule 28(a)
  - stipulation, designation by, Title 25, chapter 20, M.R.Civ.P., Rule 29
  - teachers' retirement board, 19-20-901
  - united states, within, Title 25, chapter 20, M.R.Civ.P., Rule 28(a)
  - veterans' affairs, board of, 10-2-103
  - written questions, identification in notice, Title 25, chapter 20, M.R.Civ.P., Rules 31(a), 31(b)
- petition, Title 25, chapter 20, M.R.Civ.P., Rule 27(a)
- place of examination, Title 25, chapter 20, M.R.Civ.P., Rules 27(a), 29, 30(b), 45(d)
- postponement of trial, deposition of witnesses, 25-4-504
- prisoners, of, 26-2-201 — 26-2-203; Title 25, chapter 20, M.R.Civ.P., Rules 30(a), 31(a), 32(a), See also **WITNESSES, Prisoner**
- procedure
  - audio-visual or tape recorded depositions, Title 25, chapter 20, M.R.Civ.P., Rule 30(h)
  - modification, Title 25, chapter 20, M.R.Civ.P., Rule 29
  - stipulation, Title 25, chapter 20, M.R.Civ.P., Rules 28(e), 29, 30(e)
- production of documents and things, Title 25, chapter 20, M.R.Civ.P., Rules 30(b), 30(f), 30(h)
- professional and occupational licensing and regulatory boards, authority, 37-1-307
- protective orders, Title 25, chapter 20, M.R.Civ.P., Rules 26(c), 37(a), 37(d)
- recording, Title 25, chapter 20, M.R.Civ.P., Rules 30(b), 30(c), 30(h)
- revenue, department of — by, 15-1-301
- sealing, Title 25, chapter 20, M.R.Civ.P., Rule 30(f)
  - defect, Title 25, chapter 20, M.R.Civ.P., Rule 32(d)
  - order to open, Title 25, chapter 20, M.R.Civ.P., Rule 26(c)
- service, Title 25, chapter 20, M.R.Civ.P., Rule 27(a)
- signing, Title 25, chapter 20, M.R.Civ.P., Rule 30(e)
  - defect, Title 25, chapter 20, M.R.Civ.P., Rule 32(d)
  - refusal, 26-2-104
- streambed protection, arbitration agreements, 75-7-117
- submission to witness, Title 25, chapter 20, M.R.Civ.P., Rule 30(e)
- subpoena, Title 25, chapter 20, M.R.Civ.P., Rule 45(d)
  - attendance compelled by, Title 25, chapter 20, M.R.Civ.P., Rules 30(a), 30(h), 31(a), 32(a)
  - designation of materials to be produced by, inclusion in notice, Title 25, chapter 20, M.R.Civ.P., Rule 30(b)
  - failure to serve, Title 25, chapter 20, M.R.Civ.P., Rule 30(g)

CIVIL PROCEDURE (Continued)
Depositions (Continued)
  subpoena (Continued)
    foreign states, for depositions
      for, Title 25, chapter 20, M.R.Civ.P., Rule 28(d)
      in, Title 25, chapter 20, M.R.Civ.P., Rule 28(e)
    organizations, designation of deponent, Title 25, chapter 20, M.R.Civ.P., Rules 30(b), 37(a), 37(b), 37(d)
  substitution of parties, effect, Title 25, chapter 20, M.R.Civ.P., Rule 32(a)
  summary judgment
    affidavits
      supplemented or opposed by depositions, Title 25, chapter 20, M.R.Civ.P., Rule 56(e)
      unavailability, Title 25, chapter 20, M.R.Civ.P., Rule 56(f)
    issuance, Title 25, chapter 20, M.R.Civ.P., Rule 56(c)
  telemedicine certificates, physicians holding — appearance and testimony, 37-3-348
  time for, Title 25, chapter 20, M.R.Civ.P., Rules 29, 30(b)
  transcription, Title 25, chapter 20, M.R.Civ.P., Rules 30(b), 30(c), 30(e), 30(h), 32(d)
  use, Title 25, chapter 20, M.R.Civ.P., Rules 27(a), 27(b), 29, 30(h), 32(a)
  "witness" defined, 26-1-101, See **WITNESSES**
  writings, authentication by, Title 26, chapter 10, M.R.Ev., Rule 1007
  written questions, upon, Title 25, chapter 20, M.R.Civ.P., Rules 31(a), 31(b)
    discovery, method of, Title 25, chapter 20, M.R.Civ.P., Rule 26(a)
    filing, Title 25, chapter 20, M.R.Civ.P., Rule 5(d)
    notices, Title 25, chapter 20, M.R.Civ.P., Rules 31(a), 31(b), 31(c)
    objections to, Title 25, chapter 20, M.R.Civ.P., Rule 32(d)
    order for, Title 25, chapter 20, M.R.Civ.P., Rule 27(a)
    permissible, Title 25, chapter 20, M.R.Civ.P., Rule 30(c)
    service, Title 25, chapter 20, M.R.Civ.P., Rule 31(a)
Deposit of money in lieu of undertaking, See **Security**
Directed verdicts, See **Verdict**
Discovery, See also **EVIDENCE**, generally
  accounting profession, professional review committees — proceedings and records, 37-50-403
  administrative procedure, contested cases, 2-4-602
  admissions, request for, Title 25, chapter 20, M.R.Civ.P., Rules 26(a), 36(a)
    effect, Title 25, chapter 20, M.R.Civ.P., Rule 36(b)
    failure to admit, costs, Title 25, chapter 20, M.R.Civ.P., Rule 37(c)
    filing, Title 25, chapter 20, M.R.Civ.P., Rule 5(d)
    form, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 21
    objections, Title 25, chapter 20, M.R.Civ.P., Rules 36(a), 37(c)
  banking board, state — rules for, 32-1-205
  child support
    contempt for noncompliance, 40-5-226
    health and human services, department of — authority, 40-5-202
    tribunals, assistance between, 40-5-146, 40-5-150, 40-5-177
  compelled
    failure to comply with order, Title 25, chapter 20, M.R.Civ.P., Rule 37(b)
    motion for order, Title 25, chapter 20, M.R.Civ.P., Rule 37(a)
  conference, Title 25, chapter 20, M.R.Civ.P., Rule 26(f)
  consumer counsel, powers, 69-2-203
  corporations, dissenting shareholders, 35-1-838
  depositions as method of, Title 25, chapter 20, M.R.Civ.P., Rule 26(a), See **Depositions**
  eminent domain proceedings, 70-30-206
  failure to make, Title 25, chapter 20, M.R.Civ.P., Rule 37
  foreign capital depositories, 32-8-301
  hazardous substance, remedial action upon release — liability, 75-10-747
  health care information, 33-31-113, 50-16-527, 50-16-530, 50-16-535, 50-16-536; Title 25, chapter 20, M.R.Civ.P., Rule 35(b)
  health care professional review committees, proceedings and records, 37-2-201

CIVIL PROCEDURE (Continued)
Discovery (Continued)

- health maintenance organizations, medical information, 33-31-113
- insurers, merger or acquisition of control proceedings, 33-2-1105
- interrogatories, Title 25, chapter 20, M.R.Civ.P., Rule 26(a)
  - appeals, record on — evidence relevant to verdict, Title 25, chapter 21, M.R.App.P., Rule 9
  - availability, Title 25, chapter 20, M.R.Civ.P., Rule 33(a)
  - business records, option to produce, Title 25, chapter 20, M.R.Civ.P., Rule 33(c)
  - depositions taken by, 46-15-202; Title 25, chapter 20, M.R.Civ.P., Rule 27(a)
  - estate property, persons suspected of misappropriation, 72-15-110
  - execution, discharge of imprisoned judgment debtor — by plaintiff, 25-14-305
  - failure to answer, Title 25, chapter 20, M.R.Civ.P., Rules 37(a), 37(d)
  - filing, Title 25, chapter 20, M.R.Civ.P., Rule 5(d)
  - judgments
    - entry of judgment, Title 25, chapter 20, M.R.Civ.P., Rule 58
    - summary judgments, Title 25, chapter 20, M.R.Civ.P., Rules 56(c), 56(e)
  - jury, to, Title 25, chapter 20, M.R.Civ.P., Rule 49(b)
  - masters, statement of accounts, Title 25, chapter 20, M.R.Civ.P., Rule 53(d)
  - objections, Title 25, chapter 20, M.R.Civ.P., Rules 33(a), 33(b), 37(d)
  - scope, Title 25, chapter 20, M.R.Civ.P., Rule 33(b)
  - securities fraud, private actions — defendant's right to, 30-10-317
  - service, Title 25, chapter 20, M.R.Civ.P., Rule 33(a)
- licensing boards, authority, 37-1-307
- limitations, Title 25, chapter 20, M.R.Civ.P., Rules 26(b), 26(f)
- mediator's report and information not subject to and exception, 26-1-813
- megalandfill siting certification prehearing conference, 75-10-926
- methods of, Title 25, chapter 20, M.R.Civ.P., Rules 26(a), 26(c), 26(d)
- motions relating to
  - admissions
    - requests, for determination of sufficiency of answers or objections, Title 25, chapter 20, M.R.Civ.P., Rule 36(a)
    - withdrawal or amendment, Title 25, chapter 20, M.R.Civ.P., Rule 36(b)
  - compelling, motion for order, Title 25, chapter 20, M.R.Civ.P., Rule 37(a)
  - conference, Title 25, chapter 20, M.R.Civ.P., Rule 26(f)
  - filing, Title 25, chapter 20, M.R.Civ.P., Rule 5(d)
  - methods, Title 25, chapter 20, M.R.Civ.P., Rules 26(b), 26(d)
  - physical and mental examinations, pertaining to, Title 25, chapter 20, M.R.Civ.P., Rule 35(a), 35(b)
  - production, motion for, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 20
  - protective orders, Title 25, chapter 20, M.R.Civ.P., Rules 26(c), 37(a)
- negligence actions, settled or released persons, 27-1-703
- physical and mental examinations, Title 25, chapter 20, M.R.Civ.P., Rule 26(a)
  - doctor-patient privilege, 26-1-805
  - order for and notice, Title 25, chapter 20, M.R.Civ.P., Rules 35(a), 37(b)
  - report of examiner, Title 25, chapter 20, M.R.Civ.P., Rule 35(b)
  - waiver of privilege, Title 25, chapter 20, M.R.Civ.P., Rule 35(b)
- plan and schedule, Title 25, chapter 20, M.R.Civ.P., Rule 26(f)
  - failure to participate in framing, sanctions, Title 25, chapter 20, M.R.Civ.P., Rule 37(g)
- pretrial conference
  - completion of discovery, Title 25, chapter 20, M.R.Civ.P., Rule 16(b)
  - discovery conference combined with, Title 25, chapter 20, M.R.Civ.P., Rule 26(f)
- probate proceedings, Title 25, chapter 20, M.R.Civ.P., Rule 1
- production of documents or things or permission to enter on property, Title 25, chapter 20, M.R.Civ.P., Rule 26(a)
  - depositions, annexation to, Title 25, chapter 20, M.R.Civ.P., Rule 5(d)
  - failure to allow inspection, Title 25, chapter 20, M.R.Civ.P., Rules 37(a), 37(d)

CIVIL PROCEDURE (Continued)
Discovery (Continued)
  production of documents or things or permission... (Continued)
    form, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 20
    objections, Title 25, chapter 20, M.R.Civ.P., Rules 34(b), 37(d)
    persons not parties not excluded, Title 25, chapter 20, M.R.Civ.P., Rule 34(c)
    request, Title 25, chapter 20, M.R.Civ.P., Rule 34(b)
    scope, Title 25, chapter 20, M.R.Civ.P., Rule 34(a)
  professional and occupational licensing and regulatory boards, authority, 37-1-307
  protective orders, Title 25, chapter 20, M.R.Civ.P., Rules 26(c), 37(a)
  punitive damage awards, effect on discovery, 27-1-221
  revenue, department of — authority, 72-16-204
  sanctions, Title 25, chapter 20, M.R.Civ.P., Rules 37(b), 37(g)
  scope, Title 25, chapter 20, M.R.Civ.P., Rules 26(b), 26(c)
  securities fraud, private actions, 30-10-315
  sequence and timing, Title 25, chapter 20, M.R.Civ.P., Rule 26(d)
  service of papers relating to, Title 25, chapter 20, M.R.Civ.P., Rule 5(a), See **Service of papers not process**
  signing of requests, responses, and objections, Title 25, chapter 20, M.R.Civ.P., Rule 26(g)
  standing masters, statements of account, 3-5-125
  stipulation to modify procedure, Title 25, chapter 20, M.R.Civ.P., Rule 29
  summary judgment, unavailability of affidavits, Title 25, chapter 20, M.R.Civ.P., Rule 56(f)
  supplementation of responses, Title 25, chapter 20, M.R.Civ.P., Rule 26(e)
  tax appeal board, state — nonapplicability, 15-2-301
  telecommunications services, interconnection of carriers — arbitration proceedings, 69-3-837
  trade secrets, preservation, 30-14-406
  trauma care actions, nonapplicability, 50-6-415
  workforce drug and alcohol test results may not be used, 39-2-211
Dismissal of action
  class action, Title 25, chapter 20, M.R.Civ.P., Rules 23(e), 23.1, 23.2
  death of party, when no substitution, Title 25, chapter 20, M.R.Civ.P., Rule 25(a)
  defendant, motion by, Title 25, chapter 20, M.R.Civ.P., Rule 41(b)
  discovery, for failure to comply with order, Title 25, chapter 20, M.R.Civ.P., Rule 37(b)
  failure to state a claim upon which relief can be granted, Title 25, chapter 20, M.R.Civ.P., Rules 12(b), 12(h), See also **Pleadings**, statement of claim
  findings of the court, Title 25, chapter 20, M.R.Civ.P., Rule 52(a)
  involuntary, Title 25, chapter 20, M.R.Civ.P., Rule 41(b)
  joinder of parties, when compulsory creating improper venue, Title 25, chapter 20, M.R.Civ.P., Rules 19(a), 19(b)
  jurisdiction, when lack of, Title 25, chapter 20, M.R.Civ.P., Rule 12(h)
  misjoinder and nonjoinder of parties not grounds, Title 25, chapter 20, M.R.Civ.P., Rule 21
  motion to dismiss, form, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 15
  nonappearance, for, Title 25, chapter 20, M.R.Civ.P., Rule 41(e)
  previously-dismissed action, costs, Title 25, chapter 20, M.R.Civ.P., Rule 41(d)
  real party in interest, no grounds when prosecution not in name of, Title 25, chapter 20, M.R.Civ.P., Rule 17(a)
  receiver, when appointed, Title 25, chapter 20, M.R.Civ.P., Rule 66
  security not given, 25-10-602
  separate trials, effect, Title 25, chapter 20, M.R.Civ.P., Rule 13(i)
  statute of limitations, effect on, 27-2-407
  substitution of parties, when not made, Title 25, chapter 20, M.R.Civ.P., Rule 25(a)
  summons, failure to serve, Title 25, chapter 20, M.R.Civ.P., Rule 41(e)
  undertaking not filed, 25-10-602
  voluntary, Title 25, chapter 20, M.R.Civ.P., Rules 41(a), 41(c)
District Court Rules, Uniform, Title 25, chapter 19, See **DISTRICT COURTS**, generally
Docketing, See **DISTRICT COURTS**, **Calendar**, precedence; **SUPREME COURT**, **Calendar precedence**

CIVIL PROCEDURE (Continued)

Due process guaranteed, Const., II, 17
Errors, See **Mistakes**
Evidence, See **EVIDENCE**
Exceptions, Title 25, chapter 20, M.R.Civ.P., Rule 46
  abolishment for insufficiency, Title 25, chapter 20, M.R.Civ.P., Rule 7(c)
  masters, reference to, Title 25, chapter 20, M.R.Civ.P., Rule 53(b)
Excusable neglect, 40-5-235; Title 25, chapter 20, M.R.Civ.P., Rules 6(b), 13(f), 60(b); Title 25, chapter 21, M.R.App.P., Rules 5, 7, 10
Execution, See **Process servers or levying officers**; **EXECUTION**
Extension of time, See **Time**
Failure to state a claim upon which relief can be granted, Title 25, chapter 20, M.R.Civ.P., Rules 12(b), 12(h), See also **Pleadings**, statement of claim
Federal court
  administrative rule review committees, participation in proceedings, 2-4-402
  banks, liquidating officer — institution of suits in, 32-1-551
  certification of questions of law, Title 25, chapter 21, M.R.App.P., Rule 44
  consumer counsel, participation in proceedings, 69-2-202
  decisions, publication when, 1-11-204
  injunction to stay proceedings prohibited when, 27-19-103
  insurance, commissioner of — petition for appointment as receiver, 33-2-1380
  judgment
    filing of docket with district court, 25-9-303
    statutes of limitation for action upon, 15-16-701, 27-2-201
  judicial notice, Title 26, chapter 10, M.R.Ev., Rule 202
  removal to, Title 25, chapter 20, M.R.Civ.P., Rule 77(e)
  yellowstone river basin diversions, proceedings, 85-2-807
Fees, See **Costs**
Findings of fact and conclusions of law by the court, Title 25, chapter 20, M.R.Civ.P., Rule 52(a)
  agreed statement of facts, upon, 25-7-602
  amendment, Title 25, chapter 20, M.R.Civ.P., Rules 52(b), 59(a), 62(b)
    time for determining motions, Title 25, chapter 20, M.R.Civ.P., Rule 52(d)
  appeal
    notice, computation of time for filing, Title 25, chapter 21, M.R.App.P., Rule 5
    stay of execution pending, time limitation, Title 25, chapter 21, M.R.App.P., Rule 7
  exceptions, formal — unnecessary, Title 25, chapter 20, M.R.Civ.P., Rule 46
  extension of time, Title 25, chapter 20, M.R.Civ.P., Rule 6(b)
  future damages, separate finding, 25-9-402
  issues omitted, on, Title 25, chapter 20, M.R.Civ.P., Rule 49(a)
  master, findings of, Title 25, chapter 20, M.R.Civ.P., Rules 52(a), 53(e)
  new trial, effect, Title 25, chapter 20, M.R.Civ.P., Rule 59(a)
  partial findings, judgment on, Title 25, chapter 20, M.R.Civ.P., Rule 52(c)
  pretrial conference, subject of, Title 25, chapter 20, M.R.Civ.P., Rule 16(c)
  punitive damage awards set forth in, 27-1-221
  waiver by parties, 25-7-601
Forcible entry and detainer and unlawful detainer, applicability, 70-27-109
Foreign laws, See **FOREIGN LAWS**
Foreign-trade zones, jurisdiction, 30-15-103
Form of action, 25-1-101; Title 25, chapter 20, M.R.Civ.P., Rule 2
Forms, Title 25, chapter 20, M.R.Civ.P., Rule 84; Appendix
Frivolous litigation, 2-2-144, 3-15-205, 15-1-222, 25-10-711, 37-61-421, 40-5-824; Title 25, chapter 20, M.R.Civ.P., Rules 11, 16(c)
Future damages, periodic payment, 25-9-401 — 25-9-406, 25-9-412, See also **DAMAGES**

CIVIL PROCEDURE (Continued)

- **Governmental entities, actions involving**, See also **GOVERNMENTAL LIABILITY, Actions** entries
  - appeals
    - costs, Title 25, chapter 21, M.R.App.P., Rule 33
    - notice of appeal, Title 25, chapter 21, M.R.App.P., Rule 5
  - costs and fees, 25-10-405, 25-10-701 — 25-10-703, 25-10-711; Title 25, chapter 20, M.R.Civ.P., Rule 54(d)
  - depositions, Title 25, chapter 20, M.R.Civ.P., Rules 30(b), 31(a), 32(a)
  - execution, exemptions, 25-13-613
  - informants, privilege, Title 26, chapter 10, M.R.Ev., Rule 502
  - interrogatories, Title 25, chapter 20, M.R.Civ.P., Rule 33
  - pleadings
    - amendments, relation back, Title 25, chapter 20, M.R.Civ.P., Rule 15(c)
    - official documents and acts, Title 25, chapter 20, M.R.Civ.P., Rule 9(d)
  - security, 25-1-402; Title 25, chapter 20, M.R.Civ.P., Rule 62(e)
  - service of process, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  - sovereign immunity, Const., II, 18
  - substitution of successor to public officer, Title 25, chapter 20, M.R.Civ.P., Rule 25(d)
- **Harmless error**, Title 25, chapter 20, M.R.Civ.P., Rule 61, See also **Mistakes**
- **Indigent persons**
  - fees, waiver, 25-10-404
  - user surcharge, waiver, 3-1-317
- **Indispensable parties**, See **Joinder of parties**, compulsory
- **Informants**, testimony by, Title 26, chapter 10, M.R.Ev., Rule 502
- **Injunctions**, See **INJUNCTION, WRIT OF**
- **Interpleader**
  - documents of title, 30-7-603
  - forms, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 14; Form 17; Form 18
  - joinder, cross-claim, or counterclaim — by, Title 25, chapter 20, M.R.Civ.P., Rule 22(a)
  - substitution, by, Title 25, chapter 20, M.R.Civ.P., Rule 22(b)
- **Interpreters**, Title 25, chapter 20, M.R.Civ.P., Rule 43(f)
  - fees, 26-2-504; Title 25, chapter 20, M.R.Civ.P., Rule 43(f)
  - deaf persons, for, Title 49, chapter 4, part 5
  - instruments, proof — power of officers taking, 1-5-304
- **Interrogatories**, See **Discovery**
- **Intervention**, See **Parties to action**
- **Issues**, 25-7-101
  - amendment, Title 25, chapter 20, M.R.Civ.P., Rule 15(b)
  - character as issue, Title 26, chapter 10, M.R.Ev., Rule 404
  - directed verdict, 25-7-302
  - discovery conference, inclusion in motion for, Title 25, chapter 20, M.R.Civ.P., Rule 26(f)
  - fact, 25-7-101
    - counterclaim, arising in, 25-7-104
    - decision by court, 26-1-202
    - decision by jury, 3-15-101, 25-7-103, 26-1-202
    - declaratory judgments, 27-8-302
    - defamation, determination by jury, Const., II, 7
    - entirety of issue, presumption of action on, 26-1-602
    - judgment when death of party, 25-9-103
    - jury, written findings, Title 25, chapter 20, M.R.Civ.P., Rule 49(a)
    - new trial upon, 25-11-101, See **New trial**
    - omission, Title 25, chapter 20, M.R.Civ.P., Rule 49(a)
  - law, 25-7-101
    - attorney general opinions, 2-15-501
    - decision by court, 25-7-102, 26-1-201; Title 26, chapter 10, M.R.Ev., Rule 202

CIVIL PROCEDURE (Continued)
Issues (Continued)
  law (Continued)
    defamation, determination by jury, 26-1-201; Const., II, 7
    foreign law, Title 25, chapter 20, M.R.Civ.P., Rule 44.1
    judgment upon, 25-9-104
  partition, joinder, 70-29-201
  pretrial conference on, Title 25, chapter 20, M.R.Civ.P., Rule 16(c)
  separate trials, 25-2-116, 25-2-117; Title 25, chapter 20, M.R.Civ.P., Rule 42(b), See **Severance**
  state tax appeals board decisions, interlocutory adjudication, 15-2-304, 15-2-305
Joinder of claims, Title 25, chapter 20, M.R.Civ.P., Rules 18(a), 18(b)
  guardianship or protective proceedings, 72-5-102
  paternity actions — with dissolution, annulment, support, or adoption actions, 40-6-109
  remedies, joinder, Title 25, chapter 20, M.R.Civ.P., Rule 18(b)
  wrongful death and survival of action, 27-1-501
Joinder of parties
  child custody jurisdiction and enforcement proceedings, 40-7-105
  class actions, exception as to indispensable parties, Title 25, chapter 20, M.R.Civ.P., Rule 19(d), See **Class actions**
  compulsory, indispensable parties
    failure to join, Title 25, chapter 20, M.R.Civ.P., Rules 12(b), 12(h)
    nonjoinder, pleading for, Title 25, chapter 20, M.R.Civ.P., Rule 19(c)
    omission, allegation of reason, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 22
    tort actions, effect, 27-1-703
    when feasible, Title 25, chapter 20, M.R.Civ.P., Rules 13(h), 19(a)
    when not feasible, Title 25, chapter 20, M.R.Civ.P., Rule 19(b)
  dismissal of action for failure to join parties, Title 25, chapter 20, M.R.Civ.P., Rule 41(b)
  election precinct registers, action to compel entry of name in, 13-2-602
  interpleader, for, Title 25, chapter 20, M.R.Civ.P., Rule 22(a)
  mineral royalties and recovery of payment or delivery of royalty, actions for, 82-10-101
  misjoinder and nonjoinder, Title 25, chapter 20, M.R.Civ.P., Rule 21
  oil and gas, actions concerning
    leases, actions for cancellation or quieting title, 82-1-204
    royalties and recovery of payment or delivery, 82-10-101
  permissive, Title 25, chapter 20, M.R.Civ.P., Rules 13(h), 20(a)
  pretrial conference, Title 25, chapter 20, M.R.Civ.P., Rule 16(b)
  property actions, 25-5-203, 25-5-204, 70-19-303
  real party in interest, Title 25, chapter 20, M.R.Civ.P., Rule 17(a)
  separate trials when, Title 25, chapter 20, M.R.Civ.P., Rule 20(b)
  state, joinder as defendant in actions affecting title to property, 25-5-204
  tort actions, 27-1-703
  transfer of interest, upon, Title 25, chapter 20, M.R.Civ.P., Rule 25(c)
  unknown parties defendant, 25-3-504
Judge or justice, substitute, 3-1-804, 3-1-805, See also main subject headings for specific courts
Judgments and decrees, See **Verdict**; **EXECUTION**; **JUDGMENTS AND DECREES**
Juries and jurors, See **Trial by jury**; **JURIES AND JURORS**
Jurisdiction of courts, lack, See also specific court subject headings; **JURISDICTION**
  foreign judgment, repelled, 26-3-205
  judicial record, impeachment, 26-3-105
Jurisdiction of persons, Title 25, chapter 20, M.R.Civ.P., Rules 4B, 4D, See also **Service of process**; **JURISDICTION**
  indian lands, 2-1-302, 2-1-303
  judicial record, to sustain, 26-3-101
  lack
    defense, Title 25, chapter 20, M.R.Civ.P., Rules 12(b), 12(h)
    dismissal of action, Title 25, chapter 20, M.R.Civ.P., Rule 41(b)

CIVIL PROCEDURE (Continued)
Jurisdiction of persons (Continued)
  lack (Continued)
    foreign judgment, repelled, 26-3-205
  trusts, trust property, and trust parties, 72-35-105
Jurisdiction of subject
  judicial record, to sustain, 26-3-101
  lack
    defense, Title 25, chapter 20, M.R.Civ.P., Rules 12(b), 12(h)
    dismissal of action, Title 25, chapter 20, M.R.Civ.P., Rule 41(b)
    foreign judgment, repelled, 26-3-205
Jurisprudence, maxims of, Title 1, chapter 3
Juries and jurors, See **Trial by jury**; **Verdict**; **JURIES AND JURORS**
Justice and City Court Rules of Civil Procedure, Title 25, chapter 23, See **CITY COURTS**; **JUSTICES' COURTS**
Laches, 1-3-218, 15-17-326, 31-2-342, 33-2-1334, 33-2-1348, 37-42-308, 37-43-307, 40-2-610; Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
Letters rogatory, Title 25, chapter 20, M.R.Civ.P., Rule 28(b)
Levying officers, See **Process servers or levying officers**
Limitation of actions, See **STATUTES OF LIMITATION**
Long arm statutes, See **LONG ARM STATUTES**
Lord Campbell's Act, 27-1-501, See also **Survival of action**
Mandamus, writ of, Title 27, chapter 26
Masters, See **COURTS GENERALLY**
Maxims of jurisprudence, Title 1, chapter 3
Mental examination, See **Discovery**, physical and mental examinations
Mistakes
  clerical, Title 25, chapter 20, M.R.Civ.P., Rule 60(a)
  depositions, Title 25, chapter 20, M.R.Civ.P., Rule 32(d)
  harmless error, Title 25, chapter 20, M.R.Civ.P., Rule 61
  judgment, relief for, 26-3-205; Title 25, chapter 20, M.R.Civ.P., Rule 60(b)
    stay of execution pending appeal, Title 25, chapter 21, M.R.App.P., Rule 7
  paternity, administrative order establishing — set aside when, 40-5-235
  pleading of, Title 25, chapter 20, M.R.Civ.P., Rule 9(b)
  technical error, 25-4-112
Money
  account, of, 30-12-601, 30-12-602
  action to recover, See **MONEY**
  delivery to party, See **Delivery to party**
  deposit in court, See **Deposit in court**
  deposit in lieu of undertaking, See **Security**
Montana Code Annotated, effect of enactment, 1-11-103
Motions and orders, Title 25, chapter 20, M.R.Civ.P., Rule 7(b)
  affidavits
    continuance or postponement of trial, evidence, 25-4-501, 25-4-502
    dismissal of action, form, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 15
    new trial, motion made by, 25-11-104; Title 25, chapter 20, M.R.Civ.P., Rule 59(c)
    on motion, 26-1-1002; Title 25, chapter 20, M.R.Civ.P., Rule 43(e)
    supporting, Title 25, chapter 20, M.R.Civ.P., Rule 6(d)
  appeal of orders, 25-12-101, See **APPELLATE PROCEDURE**
  appearance of defendant by filing motion, 25-3-401
  class action, order for, Title 25, chapter 20, M.R.Civ.P., Rule 23(c)
  clerical mistakes, Title 25, chapter 20, M.R.Civ.P., Rule 60(a)
  clerk of the court, granting by, Title 25, chapter 20, M.R.Civ.P., Rule 77(c)
  consolidation of actions, Title 25, chapter 20, M.R.Civ.P., Rule 42(a)
  contempt to be charged when, 45-7-309
  costs, 25-10-202
  costs to be taxed by court, for, 25-10-502

CIVIL PROCEDURE (Continued)
Motions and orders (Continued)

- criminal code, effect on court's power to enforce, 45-1-104
- default, extension of time — stipulation, Title 25, chapter 20, M.R.Civ.P., Rule 55(c)
- defects, Title 25, chapter 20, M.R.Civ.P., Rules 60, 61
- defenses
  - consolidation, Title 25, chapter 20, M.R.Civ.P., Rule 12(g)
  - presented by, Title 25, chapter 20, M.R.Civ.P., Rule 12(b)
- definite statement of claim, for, Title 25, chapter 20, M.R.Civ.P., Rule 12(e)
- deposit in court or delivery to party, for, 25-8-101
- depositions, See **Depositions**
- discovery, relating to, See **Discovery**
- dismissal of action
  - by defendant, Title 25, chapter 20, M.R.Civ.P., Rule 41(b)
  - by plaintiff or court order, Title 25, chapter 20, M.R.Civ.P., Rule 41(a)
  - failure to state a claim upon which relief can be granted, for, Title 25, chapter 20, M.R.Civ.P., Rules 12(b), 12(h)
  - forms, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 15
  - summons, failure to serve, Title 25, chapter 20, M.R.Civ.P., Rule 41(e)
- district courts always open, Title 25, chapter 20, M.R.Civ.P., Rule 77(a)
- elisor, appointment, 25-3-206
- errors, Title 25, chapter 20, M.R.Civ.P., Rules 60, 61
- evidence
  - conclusive, orders are when, 26-3-201
  - motions, Title 25, chapter 20, M.R.Civ.P., Rule 43(e)
  - presumption created by order, 26-1-601, 26-3-202
- exceptions, formal — unnecessary, Title 25, chapter 20, M.R.Civ.P., Rule 46
- ex parte, Title 25, chapter 20, M.R.Civ.P., Rules 5(a), 6(d)
- failure to state a claim upon which relief can be granted, Title 25, chapter 20, M.R.Civ.P., Rules 12(b), 12(h)
- final order, effect, 26-3-201
- findings of fact and conclusions of law
  - amendment, Title 25, chapter 20, M.R.Civ.P., Rule 52(d)
  - unnecessary when, Title 25, chapter 20, M.R.Civ.P., Rule 52(a)
- harmless error, Title 25, chapter 20, M.R.Civ.P., Rule 61
- injunction enforced as order, 27-19-101
- interpleader by substitution, Title 25, chapter 20, M.R.Civ.P., Rule 22(b)
- intervene, motion to, Title 25, chapter 20, M.R.Civ.P., Rule 24(c)
- joinder of parties, Title 25, chapter 20, M.R.Civ.P., Rule 21
- judge, substitution — for, 25-1-201, 25-10-405
- judge pro tempore or special master, orders by — effect, 3-5-113
- judgment
  - as a matter of law, Title 25, chapter 20, M.R.Civ.P., Rule 50
  - on the pleadings, for, Title 25, chapter 20, M.R.Civ.P., Rules 12(c), 12(d), 12(h)
  - satisfaction, order for entry, 25-9-311
- master's report, action on or objections to, Title 25, chapter 20, M.R.Civ.P., Rule 53(e)
- mistakes, Title 25, chapter 20, M.R.Civ.P., Rules 60(a), 60(b)
- modification, 25-4-103
- new trial, See **New trial**
- notice, defined as, 25-3-101
- obedience
  - disobedience as contempt, 45-7-309
  - parties, when in behalf of persons not parties, Title 25, chapter 20, M.R.Civ.P., Rule 71
- parties, substitution — for, Title 25, chapter 20, M.R.Civ.P., Rules 25(a), 25(b), 25(c)
- pleadings
  - amendment, for, Title 25, chapter 20, M.R.Civ.P., Rule 15(b)
  - motions on, 25-4-204

CIVIL PROCEDURE (Continued)
Motions and orders (Continued)
- pleadings (Continued)
  - service, manner of when numerous defendants, Title 25, chapter 20, M.R.Civ.P., Rule 5(c)
  - statements in, adoption by reference, Title 25, chapter 20, M.R.Civ.P., Rule 10(c)
  - strike, motion to, Title 25, chapter 20, M.R.Civ.P., Rule 12(f)
  - supplemental, for, Title 25, chapter 20, M.R.Civ.P., Rule 15(d)
- postponement, for, 25-4-501
- pretrial conferences
  - filing and hearing, Title 25, chapter 20, M.R.Civ.P., Rule 16(b)
  - order from, Title 25, chapter 20, M.R.Civ.P., Rules 16(c), 16(e), 16(f)
  - subject of, Title 25, chapter 20, M.R.Civ.P., Rule 16(c)
- process, defined as, 25-3-101
- publication, 25-3-502, 25-3-503, 26-1-1011
- relief from order, Title 25, chapter 20, M.R.Civ.P., Rule 60(b)
- sanctions, for, 30-10-316; Title 25, chapter 20, M.R.Civ.P., Rule 11
- service, 25-3-501; Title 25, chapter 20, M.R.Civ.P., Rules 4D, 5(a), 6(d), See also **Service of papers not process**
- severance of action, 25-4-601
- signing, 30-10-316; Title 25, chapter 20, M.R.Civ.P., Rules 7(b), 11
- standing masters, findings and conclusions or orders by — for action upon, 3-5-126
- subpoenas, investigative — for dismissal, 46-4-303
- suppress, motion to, Title 25, chapter 20, M.R.Civ.P., Rules 30(e), 32(d)
- technical form not required, Title 25, chapter 20, M.R.Civ.P., Rule 8(e)
- third-party plaintiffs, for service of summons and complaint, Title 25, chapter 20, M.R.Civ.P., Rule 14(a)
- time, extension, Title 25, chapter 20, M.R.Civ.P., Rule 6(b)
- transfer when judge unable to hear, 25-4-102
- trial by jury, for, Title 25, chapter 20, M.R.Civ.P., Rules 39(a), 39(b), 39(c)
- vacation, 25-4-103
- venue, 25-10-204
  - change of, motion for, 25-2-115, 25-2-117, 25-2-201; Title 25, chapter 20, M.R.Civ.P., Rule 12(b)
- workers' compensation court, 39-71-2910, 39-71-2911, 39-71-2914
- where made, 25-4-101

Multiplication of proceedings, unreasonable — liability for excess costs, 37-61-421
Municipal courts, proceedings in, See **MUNICIPAL COURTS**
New trial, 25-11-101
- affidavits, service, 25-11-104; Title 25, chapter 20, M.R.Civ.P., Rule 59(c)
- appeals
  - notice of appeal, computation of time for filing, Title 25, chapter 21, M.R.App.P., Rule 5
  - order, appeal from permitted, Title 25, chapter 21, M.R.App.P., Rule 1
  - stay of execution pending, time limitation, Title 25, chapter 21, M.R.App.P., Rule 7
- certiorari, writ of — applicability of laws, 27-25-103
- commercial fertilizer violations, enforcement proceedings, 80-10-303
- costs, 25-10-104
- court, on initiative of, Title 25, chapter 20, M.R.Civ.P., Rules 6(b), 59(e), 59(f)
- dissolution of marriage, summary dissolution — waiver of right, 40-4-130, 40-4-134
- extension of time, Title 25, chapter 20, M.R.Civ.P., Rule 6(b)
- findings of fact and conclusions of laws, new or amended, Title 25, chapter 20, M.R.Civ.P., Rule 59(a)
- forcible entry and detainer and unlawful detainer, applicability, 70-27-212
- grounds for, 25-11-102, 25-11-103; Title 25, chapter 20, M.R.Civ.P., Rule 59(a)
  - order, statement in, Title 25, chapter 20, M.R.Civ.P., Rule 59(f)
- harmless error not grounds, Title 25, chapter 20, M.R.Civ.P., Rule 61
- inheritance tax — appraisement, assessment, or determination — order for, 72-16-424

CIVIL PROCEDURE (Continued)
New trial (Continued)

  - liens, applicability of rules
    - construction, 71-3-563
    - crop dusting, 71-3-909
    - farm laborers, 71-3-406
  - mandamus, writ of — applicability of laws, 27-26-103, 27-26-305
  - motion, Title 25, chapter 20, M.R.Civ.P., Rules 6(b), 50(c), 59(a)
    - affidavits, upon, 25-11-104; Title 25, chapter 20, M.R.Civ.P., Rule 59(c)
    - decision on, Title 25, chapter 20, M.R.Civ.P., Rule 59(d)
    - denial, Title 25, chapter 20, M.R.Civ.P., Rules 50(c), 59(d)
      - appeal, computation of time for filing notice, Title 25, chapter 21, M.R.App.P., Rule 5
    - findings of fact and conclusions of law, amendment — motion may be combined with, Title 25, chapter 20, M.R.Civ.P., Rule 52(b)
      - time for determining, Title 25, chapter 20, M.R.Civ.P., Rule 52(d)
    - judgment as a matter of law, motion may be joined with, Title 25, chapter 20, M.R.Civ.P., Rule 50(b)
    - judgment, motion to alter or amend may be combined with, Title 25, chapter 20, M.R.Civ.P., Rule 59(g)
    - mandamus proceedings, 27-26-305, 27-26-306
    - minutes of the court, upon, 25-11-104
    - stay, Title 25, chapter 20, M.R.Civ.P., Rule 62(b)
    - time for, Title 25, chapter 20, M.R.Civ.P., Rule 59(b)
  - motor vehicle financial responsibility proceedings, applicability, 61-6-137
  - order for, Title 25, chapter 20, M.R.Civ.P., Rules 6(b), 49(b), 59(e), 59(f)
    - appeal permitted, Title 25, chapter 21, M.R.App.P., Rule 1
  - quiet title actions by heirs of deceased entrymen, 70-28-202
  - substitution of judge, 3-1-804
  - water rights adjudication decrees, objections — effect, 85-2-233, 85-2-237

Notice, 25-3-101
  - actual and constructive, 1-1-217
  - appearance of defendant, requirements after, 25-3-401
  - class actions, Title 25, chapter 20, M.R.Civ.P., Rules 23(c), 23(d)
    - dismissal or compromise, Title 25, chapter 20, M.R.Civ.P., Rule 23(e)
  - clerical mistakes, of, Title 25, chapter 20, M.R.Civ.P., Rule 60(a)
  - defect, 25-4-112
  - deposit in court, Title 25, chapter 20, M.R.Civ.P., Rule 67
  - depositions, See **Depositions**
  - discovery
    - methods, Title 25, chapter 20, M.R.Civ.P., Rule 26(b)
    - motion for order compelling, Title 25, chapter 20, M.R.Civ.P., Rule 37(a)
    - physical and mental examinations, pertaining to, Title 25, chapter 20, M.R.Civ.P., Rules 35(a), 35(b)
  - dismissal of action, Title 25, chapter 20, M.R.Civ.P., Rule 41(a)
  - extension of time, Title 25, chapter 20, M.R.Civ.P., Rule 6(b)
  - foreign judgment, 26-3-205
  - foreign laws, when issue, Title 25, chapter 20, M.R.Civ.P., Rule 44.1
  - interpleader by substitution, Title 25, chapter 20, M.R.Civ.P., Rule 22(b)
  - master's report, action upon or objections to, Title 25, chapter 20, M.R.Civ.P., Rule 53(e)
  - motion
    - hearing on, Title 25, chapter 20, M.R.Civ.P., Rule 7(b)
    - of, 25-4-102
  - new trial
    - court, on initiative of, Title 25, chapter 20, M.R.Civ.P., Rule 59(e)
    - motion for, amendment, Title 25, chapter 20, M.R.Civ.P., Rule 59(a)
  - order, vacation or modification, 25-4-103
  - pleadings, filing and service, Title 25, chapter 20, M.R.Civ.P., Rule 5(c)

CIVIL PROCEDURE (Continued)
Notice (Continued)

- publication, 25-3-502, 25-3-503, 25-10-201, 26-1-1011, See also **Service of process**
- service, 25-1-301, 25-3-301; Title 25, chapter 20, M.R.Civ.P., Rules 4D, 5(a), 6(e), See **Service of papers not process**
- summons and complaint, service — notice with, Title 25, chapter 20, M.R.Civ.P., Rule 4D
- third-party plaintiffs, notice to parties in action, Title 25, chapter 20, M.R.Civ.P., Rule 14(a)

Oaths, affirmation in lieu of, Title 25, chapter 20, M.R.Civ.P., Rule 43(d)
Objections, Title 25, chapter 20, M.R.Civ.P., Rule 12, See also **Defenses**

- admissions, to, Title 25, chapter 20, M.R.Civ.P., Rules 36(a), 37(c)
- costs, bill of — to, 25-10-502
- declaratory judgment, request for, 27-8-201
- depositions, Title 25, chapter 20, M.R.Civ.P., Rules 30(c), 30(h), 32(b), 32(d)
- health care information, production by process or discovery not waiver, 50-16-536
- interrogatories, Title 25, chapter 20, M.R.Civ.P., Rules 33(a), 33(b)
- jury instructions, Title 25, chapter 20, M.R.Civ.P., Rule 51
- master's report, Title 25, chapter 20, M.R.Civ.P., Rule 53(e)
- production of documents or things or entry onto land, request for, Title 25, chapter 20, M.R.Civ.P., Rule 34(b)
- rulings or orders, to, Title 25, chapter 20, M.R.Civ.P., Rule 46
- subpoena for taking deposition, Title 25, chapter 20, M.R.Civ.P., Rule 45(d)

Offer of judgment, See **Compromise**
Order in proceedings, enforcement, 3-1-111
Orders, See **Motions and orders**
Parties to action

- abbreviations, use, 25-5-102
- abortion proceedings, 50-20-308
- absence from state, effect on statute of limitations, 27-2-402
- airport authorities, 67-11-201
- arbitration proceedings, 27-5-115
- attorneys, authority respecting, 37-61-301, 37-61-401, 37-61-405
- attorneys' fees not allowed when, 37-61-215
- banks
  - closure actions, 32-1-516
  - foreign corporations, 32-1-103
- building and loan associations, 32-2-309, 32-2-401
  - foreign associations, 32-2-261
- business associations generally, 25-5-104
- business improvement district board of trustees, 7-12-1131
- business trusts, 35-5-103
- capacity generally, Title 25, chapter 20, M.R.Civ.P., Rules 9(a), 17(b)
- cemetery associations, 35-20-104
- child abuse and neglect proceedings, 41-3-401, 41-3-406
- child custody jurisdiction proceedings, See **CHILD CUSTODY, Jurisdiction of courts,** generally
- cities and towns, 7-1-4124, 7-12-4152, 7-32-4105
- city-county consolidated governments, 7-3-1203
- class actions, See **Class actions**
- coal severance tax bonds, actions to compel performance, 17-5-713
- commerce, department of, 81-23-406
- commercial fertilizer violations, enforcement proceedings — judicial review, 80-10-303
- community college districts, 20-1-204, 20-15-102, 20-15-226
- conservation districts, 76-15-320, 76-15-810
- contempt when, 3-1-501, See **CONTEMPT**
- cooperative associations, 35-15-103
- corporations, 35-1-115, 35-1-940; Title 25, chapter 20, M.R.Civ.P., Rules 9(a), 23.1
- counties, 7-1-2103, 7-2-4917

CIVIL PROCEDURE (Continued)
Parties to action (Continued)

- county commissioners, board of, 7-12-2139
- county superintendent of schools, 20-1-204
- county water and/or sewer districts, 7-13-2217
- credit union, 32-3-321, 32-3-401
- death, effect, See also **Survival of action**
  - arbitration, effect on, 27-2-405
  - arrest, prejudgment — exoneration of sureties, 27-16-505
  - attachment, effect on, 27-18-308
  - attorney's authority, effect on, 37-61-401
  - commencement of action, prior to, 27-2-404
  - counterclaim, effect, 25-4-401, 25-4-402, 27-1-502
  - defense, survival, 27-1-501
  - execution, 25-13-103
  - municipal courts, notice of appeal to district court — sufficiency, Title 25, chapter 30, part 2, U.M.C.R.App., Rule 4
  - partition proceedings, effect, 70-29-113
  - statutes of limitation, effect, 27-2-404, 27-2-405, 27-2-407
  - substitution upon, Title 25, chapter 20, M.R.Civ.P., Rules 25(a), 25(d)
  - survival of action, 27-1-307, 27-1-501
  - unknown parties defendant, 25-3-504, 25-3-505
  - verdict, after, 25-9-103
- declaratory judgments, 27-8-301
- designation, 25-5-101
- detention center administrators, liability for escape of person in custody, 7-32-2250
- discovery plan, participation, Title 25, chapter 20, M.R.Civ.P., Rule 26(f)
- documents, ex parte request for filing, Title 25, chapter 20, M.R.Civ.P., Rule 5(d)
- drainage districts, 85-8-328
- eminent domain proceedings, 70-30-203, 70-30-207, 70-30-304
- environmental quality, department of, 82-4-423
- exclusion from proceedings not permitted, Title 26, chapter 10, M.R.Ev., Rule 615
- facility siting, actions to recover damages to water supply, 75-20-405
- fictitious names, use, 25-5-103
- forcible entry and detainer and unlawful detainer proceedings, 70-27-111, 70-27-112, 70-27-114
- friend, Title 25, chapter 20, M.R.Civ.P., Rule 17(c)
- grazing districts, 76-16-324
  - trespassing livestock, recovery of excess charge for damages, 76-16-314
- guardian, 27-1-511, 40-15-102; Title 25, chapter 20, M.R.Civ.P., Rules 17(a), 17(c)
- hail insurance, disputed appraisals, 80-2-243
- health facility authority, 90-7-202
- highway revenue bonds, actions to compel performance, 17-5-925
- housing authorities, municipal, 7-15-4451
- housing, board of, 90-6-104
- incompetent persons, representation, Title 25, chapter 20, M.R.Civ.P., Rules 17(c), 25(b)
- indispensable, See **Joinder of parties**
- infants, representation, Title 25, chapter 20, M.R.Civ.P., Rule 17(c)
- insurance
  - comprehensive health association, 33-22-1503
  - guaranty associations, 33-10-105, 33-10-111, 33-10-205, 33-10-222
  - small employer health reinsurance program, 33-22-1819
- insurers
  - farm mutual, 33-4-103
  - reciprocal, 33-5-103
  - rehabilitation proceedings, 33-2-1334
- interpleader, See **Interpleader**

CIVIL PROCEDURE (Continued)
Parties to action (Continued)

- intervention
  - child custody jurisdiction and enforcement proceedings, 40-7-105
  - class actions, Title 25, chapter 20, M.R.Civ.P., Rule 23(d)
  - fee, 25-1-201
  - form, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 19
  - housing discrimination enforcement actions, 49-2-510
  - motion, Title 25, chapter 20, M.R.Civ.P., Rule 24(c)
  - negligence actions, settled or released persons, 27-1-703
  - permissive, Title 25, chapter 20, M.R.Civ.P., Rule 24(b)
  - right, Title 25, chapter 20, M.R.Civ.P., Rule 24(a)
  - state, by, 25-1-501; Title 25, chapter 20, M.R.Civ.P., Rules 24(b), 24(c), 24(d)
  - unknown parties defendant, 25-3-504
  - water disputes, department of natural resources and conservation, 85-2-116
  - water quality, board orders, 75-5-641
- investments, board of, 17-5-1504
- irrigation districts
  - board of commissioners, 85-7-1902, 85-7-2162
  - board of control, 85-7-1612
  - bond issues, determination of validity of proceedings, 85-7-2018
  - proceedings generally, nonsubstantial errors disregarded when, 85-7-2203
  - taxable acreage, fixing, 85-7-1843
- joinder, See **Joinder of parties**
- judges, disqualification or substitution when, 3-1-803, 3-1-804
- jury duty, relationship grounds for challenge in criminal proceeding, 46-16-115
- justice, department of, 75-10-541
- labor and industry, department of, 39-2-305, 39-51-1306
- liens, loggers — enforcement, 71-3-611
- limited liability companies, 35-8-107, 35-8-1203
- local government administrative boards, districts, and commissions — when, 7-1-201
- malpractice, medical, 27-6-702
- megalandfill siting, actions to recover damages to water supply, 75-10-941
- mineral leases, action to compel release, 82-1-202
- mines and mining
  - metal mine reclamation, damage to water supply — recovery of damages, 82-4-355
  - opencut mining reclamation, breach of permit conditions or payment of bond — action for damages, 82-4-434
  - strip and underground mine reclamation
    - violations, recovery of penalty, 82-4-254
    - water supply, damage to — recovery of damages, 82-4-253
  - strip and underground mine siting violations, recovery of penalty, 82-4-141
- minors, 25-5-301, 27-1-511, 40-6-108, 40-6-110, 41-1-202; Title 25, chapter 20, M.R.Civ.P., Rule 17(c)
- mortgages, foreclosure suits, 71-1-222
- motor vehicles
  - accident reports, examination allowed when, 61-7-114
  - manufacturers, distributors, and importers — financing purchase or sale of vehicles, action for injury to business or property, 61-4-406
- multiplication of proceedings, unreasonable — liability for excess costs caused by, 37-61-421
- municipal commission-manager government, 7-3-4313
- natural resources and conservation, department of, 76-15-810
- necessary parties, See **Joinder of parties**
- nonprofit corporations, 35-2-118, 35-2-423, 35-2-729
- oil and gas
  - leases, action to compel release, 82-1-202
  - violations, recovery of damages, 82-11-142

CIVIL PROCEDURE (Continued)
Parties to action (Continued)

- parking commissions, 7-14-4621
- partition proceedings, 70-29-113, 70-29-221
- partnerships, 35-10-312
- paternity proceedings, 40-5-236, 40-5-253, 40-6-107, 40-6-108, 40-6-110, 40-6-115, 40-6-116, 40-6-119
- personal representative, 72-3-527, 72-3-604, 72-3-612, 72-3-613; Title 25, chapter 20, M.R.Civ.P., Rule 17(a)
- pleadings, motions, or other papers — signing, 30-10-316; Title 25, chapter 20, M.R.Civ.P., Rule 11
- port authorities, 7-14-1111
- prohibition, writ of, 27-27-103
- property actions, joint tenants or tenants in common, 70-1-310
- public health and human services, department of, 40-5-202, 50-1-103
- public officers, Title 25, chapter 20, M.R.Civ.P., Rule 25(d)
- public service commission proceedings, 69-3-328, 69-13-203
- rail authorities, 7-14-1624
- railroads
  - grain warehouse or elevator, right-of-way actions, 69-14-904, 69-14-906
  - public service commission actions, enforcement, 69-14-134
- real party in interest, Title 25, chapter 20, M.R.Civ.P., Rule 17(a)
- receiver, 27-20-302, 30-14-132, 35-1-941, 35-2-730
- religious corporations sole, 35-3-205
- representative generally, 25-4-401; Title 25, chapter 20, M.R.Civ.P., Rules 17(a), 17(c)
- revenue, department of, 15-8-115, 15-30-303, 15-31-511, 16-11-143
- school districts and trustees, 20-1-204, 20-6-101, 20-9-437
- seduction, actions for, 27-1-514
- small claims courts, See **SMALL CLAIMS COURTS**
- spouses, 25-5-201, 40-2-106, 40-2-107
  - defense, right of, 25-5-202
  - intentional torts, 40-2-109
- standing masters, proceedings before, 3-5-124 — 3-5-126
- state land easements, purchasers of land, 77-2-103
- state or state officers, 2-15-501, 7-4-2716, 23-2-641, 72-34-206, 77-2-323, 82-4-141, 82-4-254
- subdividers, actions by or against, 76-3-625
- subsequent action, when considered the same, 26-3-103
- substitution
  - death, upon, Title 25, chapter 20, M.R.Civ.P., Rules 25(a), 25(d)
  - deposition, effect upon, Title 25, chapter 20, M.R.Civ.P., Rule 32(a)
  - incompetent persons, for, Title 25, chapter 20, M.R.Civ.P., Rule 25(b)
  - public officer, successor, Title 25, chapter 20, M.R.Civ.P., Rule 25(d)
  - transfer of interest, upon, Title 25, chapter 20, M.R.Civ.P., Rule 25(c)
- taxation
  - corporation license or income tax actions, 15-31-511
  - declaratory judgment actions, 15-1-407
  - individual income tax actions, 15-30-303
  - inheritance tax, collection, 72-16-443
  - property, personal — collection when, 15-16-503
- third parties, See **Third parties**
- trusts, 72-34-206; Title 25, chapter 20, M.R.Civ.P., Rule 17(a)
- unemployment insurance appeals, 39-51-2410
- unincorporated associations, Title 25, chapter 20, M.R.Civ.P., Rule 23.2
- unknown parties defendant, 25-3-504, 25-3-505; Title 25, chapter 20, M.R.Civ.P., Rule 4D
- user surcharge, imposition, 3-1-317
- utilities, rural cooperative, 35-18-106
  - foreign corporations, 35-18-107

CIVIL PROCEDURE (Continued)
Parties to action (Continued)

- wage violation actions, 39-3-208, 39-3-517
- water conservancy district board of directors, 85-9-403
- water use
  - adjudication of rights, preliminary decree hearings, 85-2-233
  - property, acquisition — condemnation proceedings, 85-1-209
- workers' compensation state fund, 39-71-2316

Payment of claim
- defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c), See also **Defenses**
- evidence, as, See **EVIDENCE, Voluntary payment of claim**

Pendency of action, 25-1-103
- Montana code annotated, effect of enactment, 1-11-103
- notices of, index, 7-4-2619

Perpetuation of testimony, See **Depositions**; **EVIDENCE**
"Person" defined, Title 25, chapter 20, M.R.Civ.P., Rule 4A
Physical examination, See **Discovery**, physical and mental examinations
Pleadings
- abolished cause of action, filing prohibited, 27-1-604
- account, pleading of, 25-4-302
- affidavits
  - failure to plead, Title 25, chapter 20, M.R.Civ.P., Rule 55(a)
  - not required when, Title 25, chapter 20, M.R.Civ.P., Rule 11
  - of service, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  - of verification, 25-4-203, 26-1-1002; Title 25, chapter 20, M.R.Civ.P., Rule 11
  - property, personal — of true value, 25-4-303
- agreed statement of facts in lieu of, See **Agreed statement of facts**
- allowed, Title 25, chapter 20, M.R.Civ.P., Rule 7(a)
- ambiguity, Title 25, chapter 20, M.R.Civ.P., Rule 12(e)
- amendments, Title 25, chapter 20, M.R.Civ.P., Rules 15(a), 15(b)
  - class actions, to eliminate allegations as to representation of absent persons, Title 25, chapter 20, M.R.Civ.P., Rule 23(d)
  - evidence, conformance, Title 25, chapter 20, M.R.Civ.P., Rule 15(b)
  - jury trial not waived by, Title 25, chapter 20, M.R.Civ.P., Rule 38(d)
  - pretrial conference on, Title 25, chapter 20, M.R.Civ.P., Rules 16(b), 16(c)
  - relation back, Title 25, chapter 20, M.R.Civ.P., Rule 15(c)
  - time for, calculation, 25-4-204
- attorneys at law, disbarment proceedings — rules regulating, 37-61-307
- concise and direct, to be, Title 25, chapter 20, M.R.Civ.P., Rule 8(e)
- conditions precedent, pleading of, Title 25, chapter 20, M.R.Civ.P., Rule 9(c)
- constitutional questions when state is not a party, Title 25, chapter 20, M.R.Civ.P., Rule 24(d)
- construction, Title 25, chapter 20, M.R.Civ.P., Rule 8(f)
- contract actions against state, 18-1-411
- copies, 25-4-111, 25-10-402
- counterclaim, assertion, 27-2-408
- damages, special, Title 25, chapter 20, M.R.Civ.P., Rule 9(g)
- default, extension of time — stipulation, Title 25, chapter 20, M.R.Civ.P., Rule 55(c)
- defect, 25-4-112; Title 25, chapter 20, M.R.Civ.P., Rules 12(e), 60(a)
- defenses, See also **Defenses**
  - affirmative, 27-1-703, 27-1-705; Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
  - consolidation, Title 25, chapter 20, M.R.Civ.P., Rule 12(g)
  - failure to state, Title 25, chapter 20, M.R.Civ.P., Rule 12(h)
  - omission, Title 25, chapter 20, M.R.Civ.P., Rules 12(g), 12(h)
  - preliminary hearings, Title 25, chapter 20, M.R.Civ.P., Rule 12(d)
  - presentation, Title 25, chapter 20, M.R.Civ.P., Rules 12(a), 12(b)
  - preservation, Title 25, chapter 20, M.R.Civ.P., Rule 12(h)
  - statement required, Title 25, chapter 20, M.R.Civ.P., Rules 8(b), 8(e), 10(b)

CIVIL PROCEDURE (Continued)
Pleadings (Continued)
  defenses (Continued)
    strike, motion to, Title 25, chapter 20, M.R.Civ.P., Rule 12(f)
    waiver, Title 25, chapter 20, M.R.Civ.P., Rule 12(h)
  denials
    conditions precedent, Title 25, chapter 20, M.R.Civ.P., Rule 9(c)
    failure to deny, effect, Title 25, chapter 20, M.R.Civ.P., Rule 8(d)
    form, Title 25, chapter 20, M.R.Civ.P., Rule 8(b)
  enumeration, Title 25, chapter 20, M.R.Civ.P., Rule 7(a)
  error, 25-4-112; Title 25, chapter 20, M.R.Civ.P., Rule 60(a)
  estate and probate proceedings, 72-1-303, 72-3-307, 72-3-308
  evidence, conformance to, Title 25, chapter 20, M.R.Civ.P., Rule 15(b)
  exceptions for insufficiency, abolishment, Title 25, chapter 20, M.R.Civ.P., Rule 7(c)
  extension of time, 25-1-301
  failure to plead, Title 25, chapter 20, M.R.Civ.P., Rule 55(a)
  filing, Title 25, chapter 20, M.R.Civ.P., Rules 5(d), 24(d), 77(a)
  foreign laws, pleading of, Title 25, chapter 20, M.R.Civ.P., Rule 44.1
  form, Title 25, chapter 20, M.R.Civ.P., Rule 10
    caption, 25-4-112; Title 25, chapter 20, M.R.Civ.P., Rule 10(a)
    declaration of invalidity, denomination, 40-1-105
    dissolution of marriage or legal separation, denomination, 40-4-103
    grandparent-grandchild contact, denomination, 40-9-101
    motions, applicability of laws, Title 25, chapter 20, M.R.Civ.P., Rule 7(b)
    names of parties, Title 25, chapter 20, M.R.Civ.P., Rule 10(a)
    paragraphs, Title 25, chapter 20, M.R.Civ.P., Rule 10(b)
    separate statements, Title 25, chapter 20, M.R.Civ.P., Rule 10(b)
    signing, Title 25, chapter 20, M.R.Civ.P., Rule 11
    technical form not required, Title 25, chapter 20, M.R.Civ.P., Rule 8(e)
  fraud, pleading of, Title 25, chapter 20, M.R.Civ.P., Rule 9(b)
  health maintenance organizations, applicability, 33-31-404
  indigent persons, fees — request for waiver, 25-10-404
  insurance, commissioner of — hearings, applicability, 33-1-704
  intervention, claim or defense for which sought, Title 25, chapter 20, M.R.Civ.P., Rules 24(c), 24(d)
  irrigation district proceedings, applicability, 85-7-1006, 85-7-1843, 85-7-2203
  issues arise upon, 25-7-101
  issues not raised in pleading, Title 25, chapter 20, M.R.Civ.P., Rule 15(b)
  judge to whom case assigned to be stamped on, 3-1-804
  judgment
    demand to be included, Title 25, chapter 20, M.R.Civ.P., Rule 8(a)
    joint debtors, liability, 25-15-105
    no recital in, Title 25, chapter 20, M.R.Civ.P., Rule 54(a)
    pleading of, Title 25, chapter 20, M.R.Civ.P., Rule 9(e)
  judgment on the pleadings, Title 25, chapter 20, M.R.Civ.P., Rules 12(c), 12(d), 12(h)
  judicial notice of law, notice in, Title 26, chapter 10, M.R.Ev., Rule 202
  jury trial, demand endorsed upon, Title 25, chapter 20, M.R.Civ.P., Rule 38(b)
  laws of another jurisdiction, pleading of, Title 25, chapter 20, M.R.Civ.P., Rule 9(d)
  local government ordinances and statutes, pleading of, Title 25, chapter 20, M.R.Civ.P., Rule 9(d)
  lost, 25-4-111
  mind, condition of — pleading of, Title 25, chapter 20, M.R.Civ.P., Rule 9(b)
  mistake, pleading of, Title 25, chapter 20, M.R.Civ.P., Rule 9(b)
  negligence actions, 27-1-703, 27-1-705
  new trial, decision on — reference to, Title 25, chapter 20, M.R.Civ.P., Rule 59(d)
  official documents and acts, pleading of, Title 25, chapter 20, M.R.Civ.P., Rule 9(d)
  parties
    capacity or existence at issue, pleading of, Title 25, chapter 20, M.R.Civ.P., Rule 9(a)

CIVIL PROCEDURE (Continued)
Pleadings (Continued)
- parties (Continued)
  - indispensable, pleading of nonjoinder, Title 25, chapter 20, M.R.Civ.P., Rule 19(c)
  - names, 25-5-102, 25-5-103; Title 25, chapter 20, M.R.Civ.P., Rule 10(a)
- partition actions, continuance, 70-29-324
- personal injury, damages for, 25-4-311 — 25-4-314
- place and time, materiality, Title 25, chapter 20, M.R.Civ.P., Rule 9(f)
- power of attorney, statutory — authority, 72-31-232
- property
  - personal, true value, 25-4-303
  - real property conveyances, construction — extrinsic evidence, 70-20-202
- public contract actions against the state, 18-1-411
- quiet title actions by heirs of entrymen, 70-2-202, 70-28-102, 70-28-202, 70-28-212, 70-28-214
- quo warranto proceedings, 27-28-204, 27-28-207
- responsive pleadings, Title 25, chapter 20, M.R.Civ.P., Rule 8(d)
  - ambiguity of pleading to be responded to, Title 25, chapter 20, M.R.Civ.P., Rule 12(e)
  - defenses
    - assertion, Title 25, chapter 20, M.R.Civ.P., Rule 12(b)
    - omission, Title 25, chapter 20, M.R.Civ.P., Rule 12(h)
  - dismissal of action prior to, Title 25, chapter 20, M.R.Civ.P., Rule 41(c)
  - service, 85-8-408; Title 25, chapter 20, M.R.Civ.P., Rule 12(a)
- rules for, 3-2-701, 3-2-706, 37-61-307
- securities, certificated — signatures, admissibility in actions, 30-8-124
- service, Title 25, chapter 20, M.R.Civ.P., Rules 4D, 5(a), 5(c), See also **Service of papers not process**
  - responsive pleadings, time for, 25-4-204; Title 25, chapter 20, M.R.Civ.P., Rule 12(a)
- signing, 30-10-316; Title 25, chapter 20, M.R.Civ.P., Rule 11
- statement of claim, Title 25, chapter 20, M.R.Civ.P., Rule 8(a)
  - alternatives, Title 25, chapter 20, M.R.Civ.P., Rule 8(e)
  - ambiguity or vagueness, Title 25, chapter 20, M.R.Civ.P., Rule 12(e)
  - amendment, Title 25, chapter 20, M.R.Civ.P., Rule 15(b)
  - failure to state, defense, Title 25, chapter 20, M.R.Civ.P., Rules 12(b), 12(h)
  - multiple, Title 25, chapter 20, M.R.Civ.P., Rules 8(e), 10(b)
  - reference, adoption by, Title 25, chapter 20, M.R.Civ.P., Rule 10(c)
  - separate, Title 25, chapter 20, M.R.Civ.P., Rules 8(e), 10(b)
- statement of facts in lieu of pleadings and evidence, See **Agreed statement of facts**
- statute of limitations, pleading on, 25-4-301
- strike, order or motion to, Title 25, chapter 20, M.R.Civ.P., Rules 12(e), 12(f)
  - discovery, for failure to comply with order, Title 25, chapter 20, M.R.Civ.P., Rule 37(b)
- summary judgments, Title 25, chapter 20, M.R.Civ.P., Rules 56(c), 56(d), 56(e)
- supplemental, Title 25, chapter 20, M.R.Civ.P., Rules 13(e), 15(d)
  - service, Title 25, chapter 20, M.R.Civ.P., Rule 5(a)
- third party complaints, See **Third parties**
- title, defect, 25-4-112
- transfer, costs, 25-10-204
- trust proceedings, 72-1-303
- vagueness, Title 25, chapter 20, M.R.Civ.P., Rule 12(e)
- venue, change of — transmittal of pleading, 25-2-203
- verification, 25-4-203, 26-1-1002, 72-31-232; Title 25, chapter 20, M.R.Civ.P., Rule 11
- writings and recordings, original in possession of opponent — notice, Title 26, chapter 10, M.R.Ev., Rule 1004
- written instrument, insertion of copy, 25-4-202; Title 25, chapter 20, M.R.Civ.P., Rule 10(c)
- wrongful death, damages for, 25-4-311 — 25-4-314

Pleas, abolishment, Title 25, chapter 20, M.R.Civ.P., Rule 7(c)
Postponement, See **Continuance or postponement**
Preliminary hearings, Title 25, chapter 20, M.R.Civ.P., Rule 12(d)

CIVIL PROCEDURE (Continued)

Pretrial conference
  admissions, request — final disposition, Title 25, chapter 20, M.R.Civ.P., Rule 36(a)
  discovery conference combined with, Title 25, chapter 20, M.R.Civ.P., Rule 26(f)
  final, Title 25, chapter 20, M.R.Civ.P., Rule 16(d)
  interrogatories, answer, Title 25, chapter 20, M.R.Civ.P., Rule 33(b)
  objectives, Title 25, chapter 20, M.R.Civ.P., Rule 16(a)
  order following, Title 25, chapter 20, M.R.Civ.P., Rule 16(e)
  sanctions, Title 25, chapter 20, M.R.Civ.P., Rule 16(f)
  scheduling and planning, Title 25, chapter 20, M.R.Civ.P., Rule 16(b)
  subjects to be discussed, Title 25, chapter 20, M.R.Civ.P., Rule 16(c)
  substitution of judge, effect, 3-1-804
Process, 1-1-202, 25-3-101, See also **Service of papers not process**; **Service of process**; **Summons**; **WRITS**
  amendment, 3-1-111; Title 25, chapter 20, M.R.Civ.P., Rule 4D
  clerk of the court, granting by, Title 25, chapter 20, M.R.Civ.P., Rule 77(c)
  contempt to be charged when, 3-1-501
  copies, 7-4-2525, 7-32-2141
  counties, effect of name change, 7-2-2509
  court always open for, Title 25, chapter 20, M.R.Civ.P., Rule 77(a)
  execution, See **Service of process**
  fees, collection and disposition, 7-4-2525, 7-32-2121, 7-32-2141
  health care information, for disclosure, 50-16-530, 50-16-535, 50-16-536
  insufficiency, defense, Title 25, chapter 20, M.R.Civ.P., Rules 12(b), 12(h)
  issuance
    attorney general, by, 2-15-501
    chambers, judge's power at, 3-5-311
    clerk of the district court, by, 3-5-501
    clerk of the supreme court, 27-26-303, 27-28-207
    county auditor, by, 7-6-2408
    public service commission, 69-14-113
  military courts, form and execution, 10-1-404
  obedience to, court's power to compel, 3-1-111
  publication, costs, 7-4-2515
  public contract actions against the state, 18-1-411
  servers, See **Process servers or levying officers**
  style, 2-1-101
  territorial extent
    district court, 3-5-304; Const., VII, 4
    justice's court, 3-10-304
    supreme court, Const., VII, 2
Process servers or levying officers
  execution, duties
    city and justices' courts, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 23
    costs, security for, 25-13-403
    delivery of possession of property, when writ requires, 25-13-307
    exemption claim by judgment debtor, 25-13-212
    issuance to, 25-13-401
    multiple defendants, when only some served, 25-13-303
    personal property, execution upon before real property, 25-13-304
    principal debtor, execution upon before surety, 25-13-302
    real property, lien on — judgment as, 25-13-305
    representative, when property in hands of, 25-13-306
    seizure, notice of, 25-13-211
    specific performance, judgment requiring, 25-13-203
    warrant of execution, 25-13-213

- **CIVIL PROCEDURE** (Continued)
- **Process servers or levying officers** (Continued)
  - execution, duties (Continued)
    - writ
      - execution by, 25-13-402
      - issuance to, 25-13-301, 25-13-401
      - return, 25-13-404
  - registration
    - certificate, 25-1-1101 — 25-1-1103, 25-1-1105, 25-1-1111
      - revocation, suspension, or reinstatement, 25-1-1106, 25-1-1112
    - county sheriff, fees — basis for setting, 7-4-2525
    - damages, 25-1-1112
    - exceptions, 25-1-1101
    - fees, 25-1-1103, 25-1-1104
    - handbook, 25-1-1104
    - list of process servers and identification card, 25-1-1105
    - process — execution, service, and return, 25-1-1107, 25-3-201 — 25-3-205, 25-3-301
    - surety bond required and action on, 25-1-1111, 25-1-1112
- **Production of documents and physical objects**, See **Discovery**; See also **EVIDENCE**
- **Prohibition, writ of**, Title 27, chapter 27
- **Psychiatric examination**, See **Discovery**, physical and mental examinations
- **Public proceedings required**, Title 25, chapter 20, M.R.Civ.P., Rule 77(b)
- **Questions of fact or law**, See **Issues**
- **Quo warranto, writ of**, Title 27, chapter 28
- **Receivers**, appointment, See **RECEIVERS**
- **Recesses**, See **Continuance or postponement**; **COURTS GENERALLY**, **Adjournment**
- **Records**
  - authentication, acts of congress relating to, Refer to Annotations to Montana Code Annotated, Vol. 1, Federal materials
  - evidence, as, See **EVIDENCE**, **Public records**; **Writings, recordings, and photographs**
  - federal court, transmittal to, Title 25, chapter 20, M.R.Civ.P., Rule 77(e)
  - mistakes, See **Mistakes**
  - production, See **Discovery**
- **Referees**, See **COURTS GENERALLY**
- **Registers of court proceedings**, Title 3, chapter 5, part 5
- **Removal of action**, See **Transfer of actions**; **Venue**, change of; See also **VENUE, Change of**
- **Res judicata**, Title 25, chapter 20, M.R.Civ.P., Rule 8(c); Title 26, chapter 3
- **Review, writ of**, Title 27, chapter 25
- **Rules of Civil Procedure**, Const., VII, 2; Title 25, chapter 20, See also this heading generally
  - adoption by supreme court, Const., VII, 2; Title 3, chapter 2, part 7, See **SUPREME COURT**
  - amendments, Title 25, chapter 20, M.R.Civ.P., Rule 86(a)
  - applicability, Title 25, chapter 20, M.R.Civ.P., Rules 81, 82
    - banking board, state — hearings and discovery procedure, 32-1-205
    - building code violations, injunctions, 50-60-109
    - certiorari, writ of, 27-25-103
    - child abuse and neglect cases, 41-3-401, 41-3-403
    - child parenting proceedings, 40-4-103, 40-4-219
    - child support proceedings, 40-4-103, 40-4-210, 40-5-202
      - administrative income withholding, payor, 40-5-403
      - debt, service of notice, 40-5-222
      - financial responsibility of obligor, service of notice, 40-5-225
      - medical support orders, payor, 40-5-804
      - paternity, administrative order establishing — set aside, 40-5-235
      - support debt, vacated when, 40-5-226
    - collective bargaining procedures, 39-31-107, 39-31-409
    - corporations, demand on or notice to, 35-1-317

CIVIL PROCEDURE (Continued)
Rules of Civil Procedure (Continued)
  applicability (Continued)
    criminal proceedings, postconviction hearing — petition for, proceedings on, 46-21-201
    declaration of invalidity proceedings, 40-1-105
    developmental disabilities, persons with — admission to residential facility, hearings, 53-20-125
    disabilities, persons with — employment preference enforcement, 39-30-207
    discrimination, contested case hearings, 49-2-505
    dissolution of marriage or legal separation proceedings, 40-4-103, 40-4-105, 40-4-135, 40-4-136
    district court, motions deemed submitted — conflicts, Title 25, chapter 19, M.U.Dist.Crt.Rule 2
    eminent domain proceedings, 70-30-201
    estates and probate proceedings, 72-1-207; Title 25, chapter 20, M.R.Civ.P., Rule 1
    foreign capital depositories, subpoenas — issuance, 32-8-507, 32-8-509
    fraudulent transfers, remedies of creditors, 31-2-339
    governmental entities, tort actions, 2-9-311
    grandparent-grandchild contact, 40-9-101
    hail insurance, board of — suits against, 80-2-243
    health care information, disclosure, 50-16-525
    insurers
      delinquency proceedings, jurisdiction, 33-2-1306
      supervision orders and notice of hearings, 33-2-1321
    irrigation district proceedings, 85-7-1006, 85-7-1843, 85-7-2018, 85-7-2203
    judge pro tempore or special master, proceedings before, 3-5-113
    licensing boards
      hearings, 37-1-310
      notices, service of, 37-1-309
    liens
      construction, 71-3-563
      crop dusting, 71-3-909
      farm laborers, 71-3-406
      threshers, 71-3-809
    mandamus, writ of, 27-26-103
    marital estate, declaration of disclosure, 40-4-258
    marriage laws, 40-1-105
    mentally ill persons
      commitment, trial for, 53-21-126
      records disclosure, 53-21-166
    mine reclamation, strip and underground — filing of bond or security, 82-4-252
    motor vehicle financial responsibility bonds, foreclosure actions or proceedings, 61-6-137
    nonprofit corporations, demand on or notice to, 35-2-315
    paternity proceedings, 40-6-115
    price discrimination actions, 30-14-906
    professional and occupational licensing and regulatory hearings, applicability, 37-1-310
    punitive damage awards, 27-1-221
    quiet title, 70-2-202, 70-28-102, 70-28-202
    securities fraud, private actions — production of documents, 30-10-315
    standing masters, witnesses before, 3-5-125, 3-5-126
    telecommunications services, interconnection of carriers — arbitration proceedings, 69-3-837
    trusts, trust property, and trust parties, 72-35-105, 72-35-106
    unemployment insurance benefit claims, board decisions — service of petition for judicial review, 39-51-2410
    unfair trade practices, 30-14-222
    veterans' employment preference enforcement proceedings, 39-29-104
    vital statistics records, disclosure challenges, 50-15-122

CIVIL PROCEDURE (Continued)
Rules of Civil Procedure (Continued)
 applicability (Continued)
  water quality, board orders — intervenor, 75-5-641
  water rights, adjudication — hearings, 85-2-237
  water use, abandonment of appropriation right, 85-2-405
 citation, Title 25, chapter 20, M.R.Civ.P., Rule 85
 conflicting statutes, Title 25, chapter 20, M.R.Civ.P., Rule 86(b)
 construction, Title 25, chapter 20, M.R.Civ.P., Rule 1
 district court rules, compatibility with, Title 25, chapter 20, M.R.Civ.P., Rule 83
 effective date, Title 25, chapter 20, M.R.Civ.P., Rule 86(a)
 forms, Title 25, chapter 20, M.R.Civ.P., Rule 84; Appendix
 judicial notice of, Title 26, chapter 10, M.R.Ev., Rule 202
 jurisdiction, Title 25, chapter 20, M.R.Civ.P., Rule 82
 publication, Title 25, chapter 20, M.R.Civ.P., Rule 86(a)
  Montana code annotated, with, 1-11-204
 scope, Title 25, chapter 20, M.R.Civ.P., Rule 1
 special proceedings, exemption, Title 25, chapter 20, M.R.Civ.P., Rule 81(a)
 statutes
  incorporated into, Title 25, chapter 20, M.R.Civ.P., Rule 81(c)
  superseded, Title 25, chapter 20, M.R.Civ.P., Rule 86(b)
 title, Title 25, chapter 20, M.R.Civ.P., Rule 85
 venue, Title 25, chapter 20, M.R.Civ.P., Rule 82
Rulings of court
 evidence, on, See **EVIDENCE**
 formal exceptions unnecessary, Title 25, chapter 20, M.R.Civ.P., Rule 46
Sanctions, 30-10-316; Title 25, chapter 20, M.R.Civ.P., Rules 11, 30(b)
Security, See also generally **SURETY BONDS**
 class actions, Title 25, chapter 20, M.R.Civ.P., Rule 23(f)
 deposit of money in lieu of undertaking, 25-1-401
 dismissal when not given, 25-10-602
 extension of time, 25-1-301
 governmental entities not required to give, 25-1-402; Title 25, chapter 20, M.R.Civ.P., Rule 62(e)
 indigent persons, 25-10-404
 quo warranto proceedings, 27-28-104
 required when, 25-10-601
 strip and underground mine reclamation violations, actions relative to — filing of security, 82-4-252
 supersedeas bond, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 23
  future damages, periodic payment — approved annuity as bond, 25-9-403, 25-9-412
 true value of property, action for taking, 25-4-303
Seizure of person or property, Title 25, chapter 20, M.R.Civ.P., Rule 64
Separate trials, See **Severance**
Service of papers not process, Title 25, chapter 20, M.R.Civ.P., Rules 4D, 5(a)
 affidavit, certificate, or acknowledgment of service, Title 25, chapter 20, M.R.Civ.P., Rules 4D, 5(d), 5(f)
 agricultural chemical ground water protection compliance orders, 80-15-403
 attorney of party, upon, 25-3-402
 banks and trust companies, proceedings on unsafe or unsound practices and removal of directors or officers, 32-1-911
 chiropractic malpractice, application for review by chiropractic legal panel, 27-12-305
 claim and delivery, proceedings for, 27-17-203, 27-17-205
 filing, Title 25, chapter 20, M.R.Civ.P., Rules 5(d), 5(e)
  notice, as, Title 25, chapter 20, M.R.Civ.P., Rule 5(c)
 mail, additional time when service by, Title 25, chapter 20, M.R.Civ.P., Rule 6(e)
 manner, Title 25, chapter 20, M.R.Civ.P., Rule 5(b)
 medical malpractice, application for review by medical legal panel, 27-6-305

CIVIL PROCEDURE (Continued)
Service of papers not process (Continued)

- municipal infractions, citations for, 7-1-4150
- nonresidents, 25-3-402
- numerous defendants, Title 25, chapter 20, M.R.Civ.P., Rule 5(c)
- pesticide compliance orders, 80-8-305
- proof of service, 26-1-1002; Title 25, chapter 20, M.R.Civ.P., Rules 4D, 5(d), 5(f)
- property, personal — bailment, notice of sale for storage space rental fees, 70-6-420
- water quality, compliance orders, 75-5-613

Service of process, Title 25, chapter 20, M.R.Civ.P., Rule 4D, See also **Jurisdiction of persons**; **Process**; **Process servers or levying officers**; **Service of papers not process**

- adoption proceedings, 42-2-503, 42-2-605, 42-5-103
- agricultural commodities
  - dealer's insurance, requirements, 80-4-601
  - licensees, nonresident — agent for, 80-4-406
  - warehouse operator's insurance, requirements, 80-4-506
- amended pleading, Title 25, chapter 20, M.R.Civ.P., Rule 15(c)
- answer, See **Answer**
- attorney general, public contract actions, 18-1-412
- bank deposits and collections, payor bank — upon, 30-4-303
- building and loan associations, foreign, 32-2-261
- business trusts, 35-5-103, 35-5-201; Title 25, chapter 20, M.R.Civ.P., Rules 4A, 4D
- capital companies, 30-10-105, 90-8-304
- certificate of service, 7-32-2121; Title 25, chapter 20, M.R.Civ.P., Rule 4D
- child abuse and neglect cases, 41-3-401
- child custody, jurisdiction of courts, 40-7-106, 40-7-138
- child support proceedings, 40-4-210, 40-5-183, 40-5-222, 40-5-225
- city-county consolidated governments
  - commission president, authority, 7-3-1219
  - police department director, authority, 7-3-1343
- condominiums, actions relating to, 70-23-301, 70-23-901, 70-23-902
- contracts, provisions to accept prohibited, 28-2-709
- copies, 7-4-2525, 25-3-501, 25-10-402; Title 25, chapter 20, M.R.Civ.P., Rule 4D
- coroner a party, 25-3-206
- corporations, 35-1-313, 35-1-316, 35-1-819, 35-1-1034, 35-1-1037, 35-1-1039; Title 25, chapter 20, M.R.Civ.P., Rules 4A, 4B, 4D
- costs
  - acceptance by secretary of state, 25-10-206
  - copies, 7-4-2525, 25-10-402
  - prepayment, 25-3-203
- county sheriff, duties and fees, See **COUNTY SHERIFF**, **Process**
- criminal proceeding, exemption from civil process when
  - extradition proceedings, under, 46-30-404
  - subpoenaed as witness in, 46-15-112, 46-15-120
- definitions, 25-3-101
- delivery to officer, 25-3-201, 25-3-206
- drainage districts, exclusion of lands, 85-8-408
- estates and probate, See **ESTATES AND PROBATE**
- evidence, return as, 25-3-302
- execution
  - coroner a party, 25-3-206
  - elisor, by, 25-3-206
  - exhibition of process, 25-3-204
  - required and justification, 25-3-202
  - sheriff a party, 25-3-205, 25-3-206
  - telephonic or telegraphic copy, 25-3-501

CIVIL PROCEDURE (Continued)
Service of process (Continued)

- federal lands, upon, 2-1-202
- fees, 7-4-2525, 7-32-2141, 7-32-2143, 25-10-402; Title 25, chapter 20, M.R.Civ.P., Rule 4D
  - condominium actions, 70-23-901
- fire hazards, service by publication of order to repair hazardous condition or demolish structure, 50-62-103
- forcible entry and detainer and unlawful detainer actions, 70-27-111
- foreign corporations, 35-1-819, 35-1-1032, 35-1-1034, 35-1-1037, 35-1-1039, 35-2-830, 35-2-831, 35-18-107; Title 25, chapter 20, M.R.Civ.P., Rule 4D
- fort peck dam territory, within, 2-1-209
- funds transfers, creditor process, 30-4A-502
- fur farms, agent for nonresident owners, 87-4-1003
- game bird farms, agent for nonresident owners, 87-4-904
- gas, underground storage reservoirs — eminent domain, notice for hearing, 82-10-304
- geophysical exploration, agent for, 82-1-102, 82-1-104, 82-1-105
- glacier national park, 2-1-205
- health care information, for, 50-16-536
- indian reservations, upon, 2-1-307
- insufficiency, defense, Title 25, chapter 20, M.R.Civ.P., Rules 12(b), 12(h)
- insurance, commissioner of — on, See **INSURANCE, COMMISSIONER OF**
- insurers, against, See **INSURANCE, SURPLUS LINES, Service of process**; **INSURERS REGULATION GENERALLY, Service of process**
- jurisdiction over persons, acquisition by, Title 25, chapter 20, M.R.Civ.P., Rule 4B
- landlord-tenant actions, 70-24-301
- limited liability companies, 35-8-105, 35-8-906, 35-8-911, 35-8-1010, 35-8-1012, 35-8-1103, 35-8-1202, 35-8-1203; Title 25, chapter 20, M.R.Civ.P., Rules 4A, 4D
- limited partnerships, 35-10-642, 35-12-507, 35-12-601
  - foreign limited partnerships, 35-12-1302, 35-12-1306, 35-12-1307
- livestock, taking possession under, 81-8-311, 81-8-313
- living trust proceedings, 30-10-908
- long arm statutes, See **LONG ARM STATUTES**
- mail, additional time when service by, Title 25, chapter 20, M.R.Civ.P., Rule 6(e)
- military courts, 10-1-404
- military reservations, on, 2-1-204
- mines, metal
  - exploration licenses or operating permits, actions for review of decisions granting or denying, 82-4-349
  - operator's agent for, 82-4-335
- motor vehicle accidents, 61-6-134
- multilevel distribution companies, agent for, 30-10-326
- municipal commission-manager government, role of mayor, 7-3-4320
- natural resources and conservation, department of — water distribution controversy proceedings, 85-2-406
- negotiable instrument
  - guarantor, obligation when, 30-3-415
  - lost or destroyed, enforcement, 30-3-309
- nonprofit corporations, 35-2-309, 35-2-314, 35-2-613, 35-2-830, 35-2-831; Title 25, chapter 20, M.R.Civ.P., Rule 4D
- nonresident motorists, 25-3-601 — 25-3-604, 25-10-206
- obstruction, penalty, 25-3-105, 45-7-302
- parent-child legal relationship termination, 41-3-608
- partnerships, Title 25, chapter 20, M.R.Civ.P., Rules 4A, 4D
  - foreign or limited, 35-10-642
  - limited liability, 35-10-710
- paternity proceedings, 40-6-107, 40-6-109
- personal injury, statement of damages delivered with, 25-4-314

CIVIL PROCEDURE (Continued)
Service of process (Continued)

  "person" defined, Title 25, chapter 20, M.R.Civ.P., Rule 4A
  pesticide licensees, nonresident, 80-8-210
  police officers, authority, 3-6-303, 7-3-1343, 7-32-4105, 10-1-404
  power of attorney, statutory — authority, 72-31-232
  probate, See **ESTATES AND PROBATE**, **Service of process**
  professional employer organization and group licensees, 39-8-202
  proof of service, 7-32-2143, 25-1-1107; Title 25, chapter 20, M.R.Civ.P., Rule 4D
  publication, service by, 25-3-502, 25-3-503, 25-10-201; Title 25, chapter 20, M.R.Civ.P., Rule 4D
    state, notice by or for, Title 18, chapter 7, part 2
  public safety, department of — role of director, 7-32-105
  public service commission, power, 69-14-113
  quiet title actions, 70-2-202, 70-28-102, 70-28-107, 70-28-109; Title 25, chapter 20, M.R.Civ.P., Rule 4D
  railroad corporations, out-of-state, 69-14-513, 69-14-536
  religious corporations sole, 35-3-210
  return, 7-4-2525, 7-32-2143, 25-3-301, 25-3-302, 25-3-501; Title 25, chapter 20, M.R.Civ.P., Rule 4D
  securities registration, issuers — consent for service, 30-10-104, 30-10-105, 30-10-203 — 30-10-205, 30-10-208, 30-10-211
  sheriff a party, 25-3-205, 25-3-206, See also **COUNTY SHERIFF**, **Process**
  state, on, 2-9-313
  supreme court processes, service by marshal, 3-2-502
  tax appeals, service on department of revenue, 15-8-115
  taxation, declaratory judgment actions, 15-1-407
  tax, individual income — petition for and copy of order to show cause, 15-30-316
  telemedicine certificate, qualifications, 37-3-345
  telephone or telegraph, by, 25-3-501
  timeshare sales
    promotional entities, registered agent, 37-53-401
    registration applicants, 37-53-202
  trusts
    fiduciary foreign trust companies, 32-1-1003, 32-1-1004
    voluntary and involuntary transfers, trustees, 72-33-304
  unfair trade practices, 30-14-115
  university system security department members, no power to serve and execute, 20-25-321
  unknown parties defendant, 25-3-504, 25-3-505; Title 25, chapter 20, M.R.Civ.P., Rule 4D
  utilities, rural cooperative — foreign corporations, 35-18-107
  wage claims, mineral and oil industries, 39-3-502, 39-3-508
  wrongful death, statement of damages delivered with, 25-4-314
  yellowstone national park, 2-1-207
  youth court, 41-5-111, 41-5-1403, 41-5-1404
Setoff
  agency, dealings without knowledge of, 28-10-608
  assignment of right to action, effect, 27-1-503
Settlement, See **Compromise**
Severance, Title 25, chapter 20, M.R.Civ.P., Rule 42(b)
  admission, partial — upon, 25-4-601
  joinder of parties, upon, Title 25, chapter 20, M.R.Civ.P., Rules 20(b), 21
  judgment, Title 25, chapter 20, M.R.Civ.P., Rule 13(i)
  third party claims, Title 25, chapter 20, M.R.Civ.P., Rules 14(a), 42(b)
  venue, change of, 25-2-116, 25-2-117
Small claims courts, See **SMALL CLAIMS COURTS**
Special proceedings, See **SPECIAL PROCEEDINGS**
Statement of claim upon which relief can be granted, See **Pleadings**, statement of claim

CIVIL PROCEDURE (Continued)

Statement of facts in lieu of pleadings and evidence, See **Agreed statement of facts**
Statutes of fraud, See **STATUTES OF FRAUD**
Statutes of limitation, See **STATUTES OF LIMITATION**
Stay of proceedings
  affidavit to obtain, 26-1-1002
  certiorari proceedings, 27-25-203
  discovery, for failure to comply with order, Title 25, chapter 20, M.R.Civ.P., Rule 37(b)
  dismissal, costs of previously-dismissed action, Title 25, chapter 20, M.R.Civ.P., Rule 41(d)
  injunction prohibited when, 27-19-103
  mentally ill, when defendant is, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  security, waiver, Title 25, chapter 20, M.R.Civ.P., Rule 62(e)
  statute of limitations, effect on, 27-2-406
Subpoenas, See **SUBPOENAS**
Substitution of counsel, 37-61-403 — 37-61-405
Substitution of parties, See **Parties to action**
Sufficiency of pleading, See **Pleadings**, statement of claim
Summary proceedings
  agreed statement of facts, See **Agreed statement of facts**
  arbitration, See **ARBITRATION**
  habeas corpus, hearing on writ, 46-22-304
  judgment on the pleadings, Title 25, chapter 20, M.R.Civ.P., Rules 12(c), 12(d), 12(h)
  rules of evidence inapplicable, Title 26, chapter 10, M.R.Ev., Rule 101
  submission of controversy without action, See **SUBMISSION OF CONTROVERSY WITHOUT ACTION**
  summary judgment, See **JUDGMENTS AND DECREES**
  unemployment insurance benefits, judicial review, 39-51-2410
Summons, See also **Process**; **Service of process**
  answer, See **Answer**
  arbitration applications, service of notice, 27-5-321
  attachment of property, 27-18-201, 27-18-604, 27-18-715, 27-18-1501
  certiorari, writ of — service, 27-25-204
  claim and delivery actions, 27-17-101
  commerce, department of — service on, when, 37-51-306
  controlled substances, petition to institute forfeiture proceedings, 44-12-201 — 44-12-203
  ditch company employees, request for defense, 27-1-731
  drainage districts, exclusion of lands, 85-8-408
  eminent domain proceedings, 70-30-202, 70-30-302, 70-30-303, 70-30-315
  estates and probate
    escheated estates actions, 72-14-301
    inheritance tax, officers serving summons — compensation, 72-16-205
    service of notices, applicability, 72-2-228, 72-2-712, 72-2-716, 72-2-813, 72-2-814
  forcible entry and detainer and unlawful detainer actions, 70-27-113, 70-27-114, 70-27-202
  forms, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 1; Form 18
  governmental employees, request for defense, 2-9-305
  habeas corpus, service of writ — applicability, 46-22-206
  highway patrol officer, issuance, 44-1-1101
  irrigation districts, taxable acreage — petition for determination and adjudication, 85-7-1843
  issuance, Title 25, chapter 20, M.R.Civ.P., Rule 4C
  judgments, joint debtors not originally served, 25-15-101 — 25-15-103, 25-15-105
  juries and jurors, See **JURIES AND JURORS**
  livestock
    herd districts, trespassing livestock — bond furnished by owner when, 81-4-307
    stolen, vehicles transporting — forfeiture proceedings, 81-5-104, 81-5-108, 81-5-109
  mandamus, writ of — service, 27-26-205

CIVIL PROCEDURE (Continued)
Summons (Continued)

- mines, metal mines exploration licenses or operating permits — actions for review of decisions granting or denying, 82-4-349
- mining rights-of-way, proceedings to obtain, 82-2-204, 82-2-205
- mint oil purchaser license applicants, person to receive, 80-11-417
- municipal commission-manager government
  - street, vacating or changing name — service of resolution, 7-3-4448
  - utility connections, service of notice of determination, 7-3-4443
- partition proceedings, 70-29-110 — 70-29-112, 70-29-203, 70-29-311
- process, defined as, 25-3-101
- public service commission, authority, 69-3-106
- quiet title actions, 70-2-202, 70-28-102, 70-28-105 — 70-28-107, 70-28-207 — 70-28-210, 70-28-212, 70-28-216; Title 25, chapter 20, M.R.Civ.P., Rule 4C
- quo warranto proceedings, 27-28-202, 27-28-203, 27-28-207
- railroads, grain warehouse or elevator — right-of-way actions, 69-14-904
- rental agreements, termination — landlord's remedies, 70-24-427
- secretary of state, service upon, See **SECRETARY OF STATE**, **Service of process upon**
- service with complaint, Title 25, chapter 20, M.R.Civ.P., Rules 4C; 4D, See also **Service of process**
  - affidavit as proof, 26-1-1002
  - failure to serve, Title 25, chapter 20, M.R.Civ.P., Rule 41(e)
  - fees, 7-4-2525, 7-32-2141, 7-32-2143; Title 25, chapter 20, M.R.Civ.P., Rule 4D
  - form, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 18-A
- state, actions against, 2-9-313
- substitution of judge, when, 3-1-804
- third-party claims, Title 25, chapter 20, M.R.Civ.P., Rule 14(a)
- tuberculosis, proceedings for treatment or examination of infected persons, 50-17-106, 50-17-115
- wage claims, mineral and oil industries, 39-3-508
- youth court, 41-5-111, 41-5-1403, 41-5-1404

Supersedeas bond, 25-9-403, 25-9-412; Title 25, chapter 20, M.R.Civ.P., Appendix, Form 23
Sureties, See **Security**
Survival of action, 27-1-501; Title 25, chapter 20, M.R.Civ.P., Rule 25(a)

- bodily injury or death, arising from — collateral source reductions, 27-1-307
- counterclaim, 25-4-401, 25-4-402, 27-1-502
- defenses, 27-1-501, 27-1-503
- joinder of actions, 27-1-501
- mining companies, negligence of fellow servant, 39-2-704
- railway corporations, negligence of fellow servant, 39-2-703
- real party in interest, Title 25, chapter 20, M.R.Civ.P., Rule 17(a)
- scaffolds used or constructed on construction sites, death from injuries caused by, 50-77-101
- securities fraud, 30-10-307
- statutes of limitation, effect, 27-2-401, 27-2-404, 27-2-405, 27-2-407
- verdict, death of party after, 25-9-103

Term of court, expiration — effect, Title 25, chapter 20, M.R.Civ.P., Rule 6(c)
Third parties, See also **Pleadings**, generally

- counterclaim, effect when compulsory, Title 25, chapter 20, M.R.Civ.P., Rule 13(a)
- default judgment, entitlement, Title 25, chapter 20, M.R.Civ.P., Rule 55(d)
- defendant may bring, Title 25, chapter 20, M.R.Civ.P., Rule 14(a)
- dismissal of action, Title 25, chapter 20, M.R.Civ.P., Rule 41(c)
- form for complaint, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 18
- intervention by, Title 25, chapter 20, M.R.Civ.P., Rule 24(a), See **Parties to action**
- joinder of claims, Title 25, chapter 20, M.R.Civ.P., Rule 18(a)
- plaintiff may bring, Title 25, chapter 20, M.R.Civ.P., Rule 14(b)
- pleadings, Title 25, chapter 20, M.R.Civ.P., Rule 7(a)
- separation of trials, 25-2-117; Title 25, chapter 20, M.R.Civ.P., Rule 42(b)

CIVIL PROCEDURE (Continued)

Time, See also **STATUTES OF LIMITATION**
  answer, Title 25, chapter 20, M.R.Civ.P., Rule 12(a)
  commencement of action, 25-1-102, 27-2-102
  computation, 1-1-306; Title 25, chapter 20, M.R.Civ.P., Rule 6(a)
  discovery
    admissions, request for — service of answers or objections, Title 25, chapter 20, M.R.Civ.P., Rule 36(a)
    plan, notice of motion — objections or additions set forth in, Title 25, chapter 20, M.R.Civ.P., Rule 26(f)
    production of documents or things or permission to enter on property, response to request, Title 25, chapter 20, M.R.Civ.P., Rule 34(b)
  enlargement, Title 25, chapter 20, M.R.Civ.P., Rule 6(b)
  extension, 25-1-301; Title 25, chapter 20, M.R.Civ.P., Rules 6(b), 6(e)
    depositions, Title 25, chapter 20, M.R.Civ.P., Rules 30(b), 31(a)
    interrogatories, service of answers and objections, Title 25, chapter 20, M.R.Civ.P., Rule 33(a)
    stipulation, Title 25, chapter 20, M.R.Civ.P., Rules 55(c), 59(c)
  filing of papers with court, Title 25, chapter 20, M.R.Civ.P., Rule 5(e)
  injunction, preliminary, 27-19-303
  mail service, additional time, Title 25, chapter 20, M.R.Civ.P., Rule 6(e)
  motions, service, Title 25, chapter 20, M.R.Civ.P., Rule 6(d)
  new trial
    opposing affidavits, service, Title 25, chapter 20, M.R.Civ.P., Rule 59(c)
    ruling on motion, Title 25, chapter 20, M.R.Civ.P., Rule 59(d)
  pleadings, amendment, Title 25, chapter 20, M.R.Civ.P., Rule 15(a)
  pretrial conference, order for, Title 25, chapter 20, M.R.Civ.P., Rule 16(b)
  service of process, return, 25-3-301
  statement of claim, order for — obeying, Title 25, chapter 20, M.R.Civ.P., Rule 12(e)
  substitution of judge, 3-1-804, 3-1-805
  term of court, expiration — effect, Title 25, chapter 20, M.R.Civ.P., Rule 6(c)
  trial, See **DISTRICT COURTS**, **Calendar**, precedence; **SUPREME COURT**, **Calendar precedence**
Transcript of proceedings, 3-5-604, See also **Records**
  deposition, official record, Title 25, chapter 20, M.R.Civ.P., Rule 30(h)
  fees, 3-5-604, 25-1-201, 25-10-201
  masters, in proceedings before, Title 25, chapter 20, M.R.Civ.P., Rule 53(e)
  new trial, reference as minutes of the court, 25-11-104; Title 25, chapter 20, M.R.Civ.P., Rule 59(d)
  prima facie evidence, as, 3-5-612; Title 25, chapter 20, M.R.Civ.P., Rule 80
Transfer of actions, See also **Venue**, change of
  federal court, to, Title 25, chapter 20, M.R.Civ.P., Rule 77(e)
  fees and costs, 25-1-201, 25-10-204
  judgment, docketing, 25-9-302, 25-9-303
  motion or return of order, when judge unable to hear, 25-4-102
Transfer of interest in action, 27-1-501; Title 25, chapter 20, M.R.Civ.P., Rule 25(c)
  counterclaim, survival, 27-1-502
  defenses, survival, 27-1-501, 27-1-503
Translators, See **Interpreters**
Trial by court, Title 25, chapter 20, M.R.Civ.P., Rules 39(a), 39(b), See also **Findings of fact and conclusions of law by court**
  issues of fact, decision by, 26-1-202
  issues of law, decision by, 25-7-102, 26-1-201; Title 26, chapter 10, M.R.Ev., Rule 202
Trial by jury, Title 25, chapter 20, M.R.Civ.P., Rules 38(a), 39(a), See also **Verdict**; **JURIES AND JURORS**, generally
  consent, 25-7-102; Title 25, chapter 20, M.R.Civ.P., Rule 39(c)

CIVIL PROCEDURE (Continued)
Trial by jury (Continued)

- court order for, Title 25, chapter 20, M.R.Civ.P., Rule 39(b)
- declaratory judgments, 27-8-302
- demand for, See **JURIES AND JURORS**, **Right to jury trial**
- issues of fact, decision by, 3-15-101, 25-7-103, 26-1-202
- issues of law, decision by when, 25-7-102
- mandamus, upon writ of, 27-26-303
- masters, before
  - evidence, report, Title 25, chapter 20, M.R.Civ.P., Rule 53(e)
  - reference to, Title 25, chapter 20, M.R.Civ.P., Rule 53(b)
- order of trial, 25-7-301
- quo warranto proceedings, 27-28-207
- retrial, 25-7-305
- waiver, 3-5-115; Title 25, chapter 20, M.R.Civ.P., Rule 38(d)

Undertakings, See **Security**
Venue, See also **VENUE**

- change of, See **VENUE**, **Change of**
- designation
  - multiple proper counties, 25-2-115
  - not jurisdictional, 25-2-112
- hearings outside district, Title 25, chapter 20, M.R.Civ.P., Rule 77(b)
- joinder of parties, effect, Title 25, chapter 20, M.R.Civ.P., Rule 19(a)
- multiple
  - claims, 25-2-116
  - defendants, 25-2-117
  - proper counties, 25-2-115
- residence of parties, determination from, 25-2-118
- scope of provisions, 25-2-111
- specific statutes control, 25-2-131

Verdict

- attorneys, judgment lien for compensation — attachment, 37-61-420
- city courts, See **CITY COURTS**
- consent to jury trial, effect of verdict, Title 25, chapter 20, M.R.Civ.P., Rule 39(c)
- content, 25-7-502, 25-7-503
- death of party, effect, 25-9-103; Title 25, chapter 20, M.R.Civ.P., Rule 25(a)
- deliberations of jury, See **JURIES AND JURORS**, **Deliberations**
- directed
  - issues of fact, when none, 25-7-302
  - stay of proceedings for, Title 25, chapter 20, M.R.Civ.P., Rule 62(b)
- evidence, See also **EVIDENCE**, **Weight and sufficiency of evidence**
  - new trial when insufficient, 25-11-102
  - preponderance of evidence, 26-1-403
- forcible entry and detainer and unlawful detainer actions, 70-27-205
- forms, Title 25, chapter 19, M.U.Dist.Crt.Rule 7
- harmless error not grounds for set aside, Title 25, chapter 20, M.R.Civ.P., Rule 61
- inquiry into validity, juror as witness, Title 26, chapter 10, M.R.Ev., Rule 606
- interrogatories, answers accompanying verdict, Title 25, chapter 20, M.R.Civ.P., Rules 49(b), 58
- issues, trial of — limit on verdict, 25-15-106
- judgment as a matter of law, Title 25, chapter 20, M.R.Civ.P., Rules 6(b), 50(b)
  - appeal
    - notice, computation of time for filing, Title 25, chapter 21, M.R.App.P., Rule 5
    - review of verdict, Title 25, chapter 21, M.R.App.P., Rule 2
    - stay of execution pending, time limitation, Title 25, chapter 21, M.R.App.P., Rule 7
- justices' courts, See **JUSTICES' COURTS**
- money, finding of amount of recovery, 25-7-502

CIVIL PROCEDURE (Continued)
Verdict (Continued)

- new trial, grounds for, 25-11-102, See **New trial**
- nonjudicial days, 3-1-302
- number of jury concurring required to render, 3-15-106, 25-7-403; Const., II, 26; Title 25, chapter 20, M.R.Civ.P., Rule 48
- personal property, finding of value and damages, 25-7-503
- poll of jury, 25-7-501
- prevention, 25-7-305
- quiet title actions, 70-28-111
- return, 25-7-501
- sealed, 25-7-303
- special, Title 25, chapter 20, M.R.Civ.P., Rules 49(a), 58
  - agreed statement of facts, effect as, 25-7-602
  - crime victims compensation awards, when, 53-9-132
  - misconduct of jury, effect, 25-11-102; Title 26, chapter 10, M.R.Ev., Rule 606
- written findings, Title 25, chapter 20, M.R.Civ.P., Rules 49(a), 49(b)

Witnesses, See **WITNESSES**
Writs, See **Process**; **Service of process**; See also specific writ; **WRITS**
Youth court procedures, See **YOUTH COURT**

CIVIL RIGHTS, Const., II
See generally **DISCRIMINATION**; **RIGHTS**

CLAIM AND DELIVERY
See also generally **REMEDIES**; **SPECIAL PROCEEDINGS**
Actions
- second taking of property, recovery on undertakings, 27-17-405
- value of property and damages, for, 27-17-403

Affidavit of plaintiff, 27-17-201
- description of property, 27-17-201, 27-17-202, 27-17-207, 27-17-304, 27-17-305
- endorsement, 27-17-102, 27-17-204
- filing, 27-17-302
- justice's court, 27-17-102
- order for seizure, attachment to, 27-17-203
- service on defendant, 7-4-2525, 7-32-2141, 27-17-205, 27-17-303

Affidavit of sureties, 27-17-309
Affidavit of third person claiming right to property, 27-17-309
Appeal
- permitted, Title 25, chapter 21, M.R.App.P., Rule 1
- supersedeas bond, Title 25, chapter 21, M.R.App.P., Rule 7

Available when, 27-1-432, 27-15-102, 27-17-201
Concealed property, seizure, 27-17-206
Condition of property, duty to maintain, 27-17-402
Counterclaim by defendant, availability when, 27-15-102
Damages for detention or injury of property, 27-17-401, 27-17-403
Delivery to plaintiff, 27-17-301, 27-17-308
- judgment for, 27-17-401
- sureties of defendant, upon failure to justify, 27-17-306
- third party claims, effect, 27-17-309

Evidence, 27-17-203
Fees and expenses, 7-4-2525, 7-32-2141, 27-17-301
Indemnification of sheriff, 27-17-309
Injury to property, 27-17-403, 27-17-404
Judgment, 27-17-401 — 27-17-405
Justice's court, specific provisions, 3-10-301, 27-17-102, 27-17-401
Lessee's right to, 30-2A-521
Mortgage foreclosures, one-action limitation — nonapplicability, 71-1-222

CLAIM AND DELIVERY (Continued)

Notice
    claim for delivery, 27-17-203, 27-17-205, 27-17-302
    sureties of defendant, justification, 27-17-306
    sureties of plaintiff, exception to, 27-17-303
Order for seizure required, 27-17-203
    service, 7-4-2525, 7-32-2141, 27-17-208
Return of damaged property to officer for sale, 27-17-404
Return of execution, 27-17-302
Return of property to defendant, 27-17-301, 27-17-304 — 27-17-306, 27-17-308, 27-17-401
Sale of damaged property, 27-17-404
Sales, See **SALES, Recovery of goods**
Securities, actions respecting financial assets or security entitlements, 30-8-502, 30-8-503, 30-8-510
Seizure of property, 27-17-201, 27-17-203 — 27-17-207
Show cause hearing, 27-17-203
Statute of limitations, 27-2-207
Sureties of defendant, 27-17-304, 27-17-306, 27-17-307, 27-17-405
Sureties of plaintiff, 27-17-205, 27-17-303, 27-17-307, 27-17-309, 27-17-405
Third party claims, 27-17-309, 27-17-310
Undertaking of defendant, 27-17-304, 27-17-403, 27-17-405
Undertaking of plaintiff, 7-4-2525, 7-32-2141, 27-17-205, 27-17-302, 27-17-309, 27-17-403, 27-17-405
Unlocatable property, seizure, 27-17-207
When plaintiff may claim, 27-17-101

CLASS ACTIONS
    See **CIVIL PROCEDURE**

CLEAN AIR ACT OF MONTANA, Title 75, chapter 2, parts 1 — 4
    See **AIR QUALITY**

CLEAN HANDS DOCTRINE, 27-1-416

CLEAN INDOOR AIR ACT OF 1979, Title 50, chapter 40, part 1
    See **SMOKING AND SMOKERS**

CLEARWATER STATE FOREST, 77-5-102
    See also **FORESTS AND FORESTRY, State forests**

CLEMENCY, 46-23-301; Const., VI, 12
    See **PROBATION, PAROLE, AND CLEMENCY, Executive clemency**

CLERGY
    See also **CHURCHES**; **RELIGION**
Alcoholic beverages for religious observances, availability to minors, 16-6-305
Certificates of ceremonies or sacraments, hearsay exception, Title 26, chapter 10, M.R.Ev., 803
Chemical dependency counseling provisions, applicability, 37-35-201
Child abuse and neglect, reporting of, 41-3-201, 41-3-203 — 41-3-207
Conciliation court — counselors for, when, 40-3-124, 40-3-125
Funeral services, arrangements for, 37-19-101
Guardianship proceedings, as visitor, 72-5-313
Labor organization, right of nonassociation on religious grounds — appointment to committee for determination, 39-31-204
Marriage, solemnization by, 40-1-301
Mentally ill persons, visitation rights, 53-21-142

CLERGY (Continued)

Nonprofit religious corporations, See **NONPROFIT CORPORATIONS, Religious corporations**
Privileged communications, 26-1-804
Professional counseling, applicability of provisions, 37-23-201
Psychological counseling by, allowed when, 37-17-104
Rabbis, circumcisions performed by, 37-3-103
Social worker provisions, applicability, 37-22-305
Taxation
  income tax withholding, employment exclusion, 15-30-256
  residences of clergy, exemption, 15-6-201
Transportation, free or reduced rates, 69-11-208
Unemployment insurance coverage, 39-51-203, 39-51-204, 39-51-2108, See also **UNEMPLOYMENT INSURANCE**, generally

CLERK OF THE DISTRICT COURT
  See also **PUBLIC OFFICERS OR EMPLOYEES**, generally
Accounts and books, examination, 7-6-2409
Adjournment of court by, 3-1-304, 3-1-305
Adoption
  certificate or order, duties, 50-15-304
  decree, finalization — report to department, 42-5-201
  putative father registration forms and notice, 42-2-214
Aeronautics licensing, filing of appeal, 67-3-104
Affidavits, duties, 26-1-1003, 26-1-1004, 26-1-1006, 26-1-1012
Agricultural associations
  petition for incorporation, duties, 35-16-202, 35-16-203
  withdrawal of membership lands, share of liabilities paid to, 35-16-304
Air quality orders, appeals from — filing, 75-2-411
Appeals from district court
  agreed statement as record on appeal, transmittal to, Title 25, chapter 21, M.R.App.P., Rule 9
  certificate when appeal not timely filed, Title 25, chapter 21, M.R.App.P., Rule 11
  dismissal, order — notice to clerk of supreme court, Title 25, chapter 21, M.R.App.P., Rule 36
  notice of appeal, Title 25, chapter 21, M.R.App.P., Rules 4, 5
  record on appeal, duties, Title 25, chapter 21, M.R.App.P., Rules 9, 10
  remittitur, entry of certification, Title 25, chapter 21, M.R.App.P., Rule 16
  statement of evidence or proceedings, to include with record on appeal, Title 25, chapter 21, M.R.App.P., Rule 9
  surety's agent, clerk as, Title 25, chapter 21, M.R.App.P., Rule 8
Appeals to district court
  money in lieu of undertaking, transmittal to and disposition, 25-33-205
  municipal court, from, See **Municipal courts, appeals to district court**
  transmittal of papers to, 25-33-104, 25-35-804
Appellate alternative dispute resolution/mediation
  mediator's report filed with, Title 25, chapter 21, M.R.App.P., Rule 54(g); Rule 54 Appendix, Form 5
  stipulation holding other time requirements in abeyance filed with, Title 25, chapter 21, M.R.App.P., Rules 9, 10, 54(c)
Appointment, 7-3-435, 7-4-2203
Arrest, prejudgment
  deposit of money in lieu of bail, application to judgment, 27-16-604
  return of order to, 27-16-206, 27-16-404
  sureties, justification, 27-16-403, 27-16-405 — 27-16-407, 27-16-603
  undertaking filed with, 27-16-205, 27-16-407, 27-16-603
Arrest, privilege from, 46-6-102

CLERK OF THE DISTRICT COURT (Continued)

Associations of clerks of district courts, membership, 7-5-2143
Attachment of property
- alias writs, issuance, 27-18-207
- complaint not to be public when, 2-6-104, 27-18-111
- corporate securities, duties, 27-18-410, 27-18-411
- estates of decedents, defendant's interest in — filing of writ with clerk where estate is being administered, 27-18-412
- judgment, attachment of — duties, 27-18-408
- release filed with, 27-18-732
- undertaking of defendant filed with, 27-18-302

Attendance in court, Title 25, chapter 20, M.R.Civ.P., Rule 77(b)
Attorneys
- clerk as, unlawful when, 3-1-601
- client
  - binding, agreement filed with, 37-61-401
  - change of attorney, consent filed with, 37-61-403
- conviction of felony or misdemeanor, certified copy of record, 37-61-302
- roll kept by, Title 25, chapter 20, M.R.Civ.P., Rule 86(a)

Banks and trust companies
- liquidation, disposition of assets — report to be filed with, 32-1-538
- subsidiary trust companies, transfer of fiduciary relationships — duties, 32-1-807, 32-1-808

Birth certificate, order establishing — forwarding, 50-15-222
Birth date, judicial determination
- fees, 27-32-104
- judgment, certification and filing, 27-32-104, 27-32-302
- petition filed with, 27-32-101, 27-32-201

Bond issue election challenges
- defendant, service of citation, 7-7-106
- petition filed with, 7-7-105

Bonds
- construction liens, filing with, 71-3-551
- criminal cases, index of, 3-5-506
- official, actions to compel specific performance — affidavits concerning, 2-9-528

Books and accounts, examination, 7-6-2409
Bounty scalps or skins, examination and destruction, 81-7-115
Cemetery associations
- annual report filed with, 35-20-207
- permanent care and improvement fund trustees
  - annual accounting filed with, 35-20-307
  - annual report, 35-20-315
  - appointment, recording, 35-20-308
  - bond filed with, 35-20-304

Cemetery district permanent care and improvement fund trustees
- accounts filed with, 7-35-2142
- annual reports, 7-35-2150
- bonds filed with, 7-35-2139
- instruments of appointment filed with, 7-35-2143

Certification by, 25-1-201
Chief deputy, 7-4-3006
Child support enforcement
- cooperative agreements, 40-5-908
- distraint, warrants for, 15-1-704, 40-5-248, 40-5-255
- income deductions, administration, 40-5-308, 40-5-312, 40-5-315
- notice concerning, 40-5-205
- orders, filing, 40-5-227

CLERK OF THE DISTRICT COURT (Continued)
Child support enforcement (Continued)

  payments and handling fees, 40-4-206, 40-5-412, 40-6-117
  public assistance, assigned interest — payment procedure, 53-2-613
  records, certification, 40-5-921
  support debt charged off as uncollectible, effect, 40-5-255
Cities and towns
  bond election challenges
    defendant, service of citation, 7-7-106
    petition filed with, 7-7-105
  street grade changes, appraisers' reports and notice of appeal, 7-14-4204
Claim and delivery, filings with, 27-17-302
Class action, undertaking filed with, Title 25, chapter 20, M.R.Civ.P., Rule 23(f)
Commission form of government, selection of clerk, 7-3-435
Conciliation court, petitions provided by, 40-3-122
Conservators and conservatorship, See **Estates and probate**
Contempt of court, charge with, 3-1-501
Copies of documents and papers filed with, fees, 25-1-201
Corporations, dissolution — filing of decree and tax clearance certificate, 35-1-942, 35-1-944
Costs of proceedings
  appeal, memorandum of costs on — delivery to, 25-10-503
  bill of costs, delivery to, 25-10-501
  forest protection and fire protection amounts, action to collect, 76-13-211
  judgment, to include, 25-10-504
  security of nonresident plaintiff to be filed with, 25-10-601
Counties
  bond election challenges
    defendant, service of citation, 7-7-106
    petition filed with, 7-7-105
  claims, appeal from disallowance proceedings filed with, 7-6-2424
  criminal proceedings, certification of costs, 7-6-2428
  emergency expenditures and liabilities, order for — petition for appeal filed with, 7-6-2343
  name change
    certification of signatures filed with, 7-2-2504
    objections, filing, 7-2-2506
    order for, transmittal, 7-2-2507
    petition
      copies, publication and posting, 7-2-2505
      filing, 7-2-2503
  new, creation
    jury lists
      certification, 7-2-2422
      correction of lists for old counties, 7-2-2423
      filing and preparation, 7-2-2424
    court files and actions, transfer, 7-2-2255, 7-2-2411, 7-2-2412
  vacation of portion of village or townsite, petition filed with, 7-5-2502
County coroner, list of jurors to, 46-4-202
County superintendent of schools, report to, 20-9-332
Court administrator, compliance with, 3-1-703
Court reporters
  oath filed with, 3-5-601
  official notes of proceedings, filing, 3-5-603
Criminal proceedings
  appeals, See **Appeals from district court**
  assigned counsel, payments to, 46-8-114
  bail, deposit with, 46-10-204
  county costs, certification, 7-6-2428

CLERK OF THE DISTRICT COURT (Continued)
Criminal proceedings (Continued)

- death penalty
  - transmittal of trial court transcript for review, 46-18-309
  - warrant, attestation and return, 46-19-103
- grand jury
  - expenses paid by, 46-11-319
  - information against district judge, transfer of records, 46-11-201
  - transcripts filed with, 46-11-316
- habeas corpus, service of writ, 46-22-206
- home arrest, order for — copy to county attorney, 46-18-1002
- indictment
  - concurrence of jurors, record filed with, 46-11-303
  - filing with, 46-11-332
- jurors, See also **Juries and jurors**
  - attendance records and compensation, 3-5-510
  - justices', city, and municipal courts — jury list, 46-17-202
  - list supplied by clerk
    - to parties, 46-16-114
    - to supreme court administrator, 3-5-903
- postconviction hearing, petition filed with, 46-21-103
- preliminary examination, transcript to, 46-10-204
- probation or parole supervisory fee, disposition, 45-9-202, 46-23-1031
- records to be kept by clerk
  - bonds index, 3-5-506
  - register of criminal actions, 3-5-505
- sentencing and sentences, review
  - application, duties, 46-18-903
  - appointments to review division, notice to, 46-18-901
  - decision to, 46-18-905
  - notice to offender of rights, 46-18-903
- sentencing data, transmittal to supreme court, 46-18-604
- sexual or violent offenders, conviction — notice to county sheriff, 46-23-504
- subpoenas, issuance, 46-15-101
- witnesses
  - expenses and list to supreme court administrator, 3-5-903, 46-15-116
  - warrants, 3-5-510 — 3-5-512

Deaf and Blind, Montana School for the — certification of orders concerning indigent children, 20-8-108

Depositions

- filing with, Title 25, chapter 20, M.R.Civ.P., Rule 30(h)
- taken before, 25-4-504

Deposits in court, duties, 25-8-103

Deputies, 3-15-404

- deposits in court, delivery to, 25-8-103
- number, limitation, 7-4-3006
- salaries, See **COUNTY OFFICERS**, **Salaries**

Dissolution of marriage

- decrees, duties respecting, 40-4-108, 40-4-206, 50-15-302, 50-15-303
- summary dissolution petitions, revocation — notice filed with, 40-4-132
- temporary restraining order, issuance when, 40-4-121

Distraint, warrants for — filing with, 15-1-704, 40-5-248, 40-5-255, 72-16-432

Docket to be kept by, 3-5-508, 3-5-509

Drainage districts

- alterations or additions to, 85-8-401 — 85-8-403
- annual report filed with, 85-8-313, 85-8-368
- bond of commissioners, filing with, 85-8-308, 85-8-314

CLERK OF THE DISTRICT COURT (Continued)
Drainage districts (Continued)

  creation of district, 85-8-111 — 85-8-113
  damages, deposit with, 85-8-364
  election of commissioners, statement filed, 85-8-304
  exclusion of lands, 85-8-407, 85-8-408
  preliminary report on proposed work, statement of costs, 85-8-351
  report on proposed work, 85-8-344, 85-8-345
Drugs
  dangerous drugs, mandatory fine for possession and storage — transmittal to, 45-9-130
  violations, petition to institute forfeiture proceedings filed with, 44-12-201
Duties generally, 3-5-501
Election contest, notice of filing, 13-36-206
Election of, 7-4-2203; Const., XI, 3
  ballot arrangement, 13-12-207
  commission form of government, 7-3-435
  tie vote, 13-16-506
Eminent domain, commissioner's report filed with, 70-30-303
Estates and probate, 72-1-205
  claims against estate, 72-3-804, 72-3-805
  closing of estate
    certificate discharging liens securing fiduciary performance, issuance, 72-3-1014
    tax-paid certificate filed with, 72-3-1006, 72-16-432
  conservators and conservatorship
    claim against estate or protected person, filing with, 72-5-433
    interested person, request for notice — filing, 72-5-404
  definitions, 72-1-103
  fees, 25-1-201
  foreign personal representative
    filing of letters, bond, inventory, and affidavit, 25-1-201, 72-4-303, 72-4-307, 72-4-309
    inheritance tax, notice to, 72-4-304
  formal testacy proceedings, hearing, 72-3-305
  informal probate and appointment proceedings, 72-1-103
    application for determination, 72-3-105, 72-3-201, 72-3-225, 72-3-303
    appointment, duty to make, 72-3-225
    denial, 72-3-213, 72-3-214, 72-3-223, 72-3-224
    findings of clerk, 72-3-212, 72-3-222
    formal proceeding supersedes, 72-3-303
    granting informal probate, 72-3-213
    order of informal probate, 72-3-102
    special administrator, appointment, 72-3-701, 72-3-703
    statement of informal probate, 72-3-215
  inheritance tax
    appraisal, filing with, 72-16-412, 72-16-425
    composition or settlement, filing with, 72-16-209
    copies of filed documents, furnishing, 72-16-216
    determination by court, duties, 72-16-412, 72-16-425
    determination by department of revenue, notice to, 72-16-402, 72-16-403
    distraint, warrant for — filing, 72-16-432
    foreign personal representative, notice when, 72-4-304
    forms supplied to, 72-16-207
    nonresident decedents, filing of notice of appeal of determination, 72-16-804
    receipt for payment, filing with, 72-3-1006, 72-16-432, 72-16-434
  notice, demand for, 72-3-106

CLERK OF THE DISTRICT COURT (Continued)
Estates and probate (Continued)

- personal representative
  - bond
    - demand filed with, 72-3-514
    - statement of estate's estimated value, 72-3-515
  - certificate discharging liens securing fiduciary performance, issuance, 72-3-1014
  - resignation, filing with, 72-3-525
- public administrator, filing of accounts, 72-15-206, 72-15-207
- records, 3-5-513, 72-1-204
- scope of proceedings, 72-3-121
- special administrator, appointment by, 72-3-701, 72-3-703
- wills
  - execution, assumption when, 72-3-213
  - handwriting analysis, mailing to expert, 72-12-403, 72-12-404
  - validity, 72-3-102

Evidence, custody and disposal, Title 25, chapter 19, M.U.Dist.Crt.Rule 12
Execution
- contribution or repayment, notice of payment and claim to — filed with, 25-13-104
- homesteads, filing of petition for appraisal, 70-32-204
- receiver, order appointing filed with, 25-14-202, 25-14-204
- recording by, 25-13-405
- return to, 25-13-404
- unemployment insurance taxes, filing with, 39-51-1304
- writ, subscribed by, 25-13-301; Title 25, chapter 20, M.R.Civ.P., Rule 70

Exhibits, custody and disposal, Title 25, chapter 19, M.U.Dist.Crt.Rule 12
Ex parte matters, forms or orders — copies to mail to parties, Title 25, chapter 19, M.U.Dist.Crt.Rule 3
Expenses, 7-5-2143
Family law mediation, mediator list — maintenance, 40-4-306, 40-4-307
Federal courts, transmittals to, Title 25, chapter 20, M.R.Civ.P., Rule 77(e)
Fee book, 3-5-501
Fees, 3-1-804, 3-5-515, 7-2-2412, 25-1-201, 25-1-202, 25-9-506, 25-9-804, 25-10-404, 27-9-103, 76-13-211; Title 25, chapter 19, M.U.Dist.Crt.Rule 11; Title 25, chapter 30, part 2, U.M.C.R.App., Rule 10, See also **CIVIL PROCEDURE**, **Costs**, officers' fees
Filing, papers presented for, Title 25, chapter 19, M.U.Dist.Crt.Rule 1
- time, Title 25, chapter 20, M.R.Civ.P., Rule 6(a)

Findings of fact and conclusions of law, waiver filed with, 25-7-601
Fire hazards, order to repair hazardous condition or demolish structure
- answer or objections filed with, 50-62-103, 50-62-104
- filing with service of notice, 50-62-103

Forest protection and fire protection amounts, action to collect — fees or costs, 76-13-211
Grand jury, See **Criminal proceedings**
Guardians and guardianship
- fees, 25-1-201
- interested persons, request for notice — filing, 72-5-318
- register of probate and guardianship proceedings, 3-5-513
- report, failure to file, 72-5-321

Hearing aid dispensers, certified copy of record of conviction, 37-16-411
Inheritance tax, See **Estates and probate**
Inquests, testimony and verdict filed with, 46-4-206
Insurers
- conservator, order for appointment — filing, 33-2-1379
- liquidation
  - assets
    - foreign or alien insurers, order for liquidation filed with, 33-2-1380
    - listing, copy filed with, 33-2-1350

CLERK OF THE DISTRICT COURT (Continued)
Insurers (Continued)
    liquidation (Continued)
        order, filing, 33-2-1342
    rehabilitation orders, filing, 33-2-1332
    service of process — notice, copy, and affidavit filed with, 33-1-613
    supervision proceedings, confidentiality of records filed with, 33-2-1323
    unauthorized insurers — deposit of cash, securities, or bond, 33-1-615
Irrigation districts
    addition of lands to district, 85-7-1809
    bond issues, court confirmation, 85-7-2017
    consent of owners, filing with, 85-7-2204
    correction of errors and omissions in orders or decrees, 85-7-1811
    creation of district, 85-7-103 — 85-7-105, 85-7-108
        adjudicated streams, districts of, 85-7-203
    dissolution of district, 85-7-1001, 85-7-1002, 85-7-1005
    exclusion of lands from district, 85-7-1803, 85-7-1805, 85-7-1807, 85-7-1823, 85-7-1825
    united states, exclusion of lands when indebtedness to, 85-7-1823, 85-7-1825
Judge, motion for substitution and stamping of assignment on paper, 3-1-804
Judgments
    book to be kept, 3-5-501, 3-5-507
    cities and towns, certification to, 7-6-4209
    confession of judgment, filing with, 27-9-103, 27-9-104
    costs, to include, 25-10-504
    counterclaim, plaintiff's admission filed with, 25-4-602
    counties, filing of dockets in other counties, 25-9-302
    default, entry by, Title 25, chapter 20, M.R.Civ.P., Rule 55(a)
    default judgment, entry by, Title 25, chapter 20, M.R.Civ.P., Rule 55(b)
    district court, of, Title 25, chapter 19, M.U.Dist.Crt.Rule 11
    docketing by, 25-9-301, 39-71-506; Title 25, chapter 19, M.U.Dist.Crt.Rule 11
    entry by, 3-5-501; Title 25, chapter 20, M.R.Civ.P., Rules 58, 77(d)
    federal courts, filing of docket, 25-9-303
    filing in another county, 25-9-302
    foreign capital depositories, filing fee, 25-9-506, 25-9-804
    foreign judgments
        affidavits filed with, 25-9-504
        fee for filing, 25-9-506, 25-9-804
        filing with, 25-9-503
    interest, inclusion with entry, 25-9-204
    justice's court, of, 25-31-914
    real property
        authentication, 70-21-205
        venue, change of — duties, 25-2-206
    redemption, certification of docket for, 25-13-807
    satisfaction, docketing, 25-9-311
Juries and jurors
    call of jurors, 3-15-507; Title 25, chapter 20, M.R.Civ.P., Rule 47(b)
    compensation of jurors, 3-5-510, 3-15-204
    computerized random selection process, public availability, 3-15-403, 3-15-601
    drawing of jurors, 25-7-204
    jury commissioner, clerk as, 3-15-404, See **JURIES AND JURORS, Jury commissioner**
    list of jurors
        availability to parties, 46-16-114
        county coroner, to, 46-4-202
        filing, 3-15-403, 46-17-202
        new counties, 7-2-2422 — 7-2-2424
        omission of name when, 3-15-403
        public availability, 3-15-403, 3-15-601

CLERK OF THE DISTRICT COURT (Continued)
Juries and jurors (Continued)
- list of jurors (Continued)
  - supreme court administrator, to, 3-5-903
- mandamus proceedings, jury box to supreme court clerk, 27-26-303
- notice to persons drawn as jurors, 3-15-405
- questionnaires completed by jurors, availability, Title 25, chapter 19, M.U.Dist.Crt.Rule 9
- quo warranto proceedings, jury box to supreme court clerk, 27-28-207
- verdict, duties, 25-7-501
- warrants, book of, 3-5-510, 3-15-204

Justices' courts
- jury list, 46-17-202
- small claims court, transmittal of record on appeal to, 25-35-804
- transfer of actions, 25-31-102

Labor and Industry, Department of — filing notice of appeal for safety orders, rules, and decisions, 50-71-334
Law, practice by clerk unlawful when, 3-1-601, 7-4-2210
Legal separation decrees, duties, 40-4-108, 40-4-206
Livestock
- market certificates of public convenience, appellant's bonds filed with, 81-8-255
- owners' bonds, approval, 81-4-307
- vehicles transporting stolen, petition for forfeiture proceedings, 81-5-104

Lobbyists' licenses, revocation or suspension — filing of judgment, 5-7-305
Maintenance payments and handling fees, 40-4-206
Marriage
- certificate of
  - evidence, presumptive, 40-1-322
  - forwarded to clerk when, 40-1-301
  - penalty for nonregistration, 40-1-321
  - provided by, 40-1-202
  - report to department of public health and human services, 50-15-301
- declaration of invalidity, 40-1-402, 50-15-302, 50-15-303
- declaration of marriage, 40-1-311, 40-1-324
- licenses
  - application, 40-1-201
  - fee, 40-1-202
  - issuance, 40-1-201 — 40-1-203, 40-1-210
  - judicial approval required when, 40-1-202, 40-1-213
  - medical certificates, requirements for, 40-1-203
  - nonresident requirements, 40-1-201
  - violation and penalty, 40-1-208
- registration, 40-1-321, 50-15-301
- solemnization
  - declaration of marriage without, procedures, 40-1-311
  - proof when record nonexistent, filing of declaration of marriage for, 40-1-324

Masters
- order of reference, to furnish to master, Title 25, chapter 20, M.R.Civ.P., Rule 53(d)
- report, Title 25, chapter 20, M.R.Civ.P., Rule 53(e)

Mentally ill persons, commitment
- conditional release, rehospitalization petition — notification and filing, 53-21-195
- counsel, issuance of appointment order, 53-21-122
- initial commitment period, discharge filed with, 53-21-181
- notice, requests filed with, 53-21-121
- petition filed with, 53-21-122
- professional person, issuance of appointment order, 53-21-122
- release, notice to, 53-21-103
- sealing of records, 53-21-103

CLERK OF THE DISTRICT COURT (Continued)

Mines and mining
  rights-of-way
    appeal from assessment of damages, notice filed with, 82-2-209
    complaint, filing with, 82-2-204
    damages, payment to, 82-2-208
  trusts for unlocatable owners
    filing of addresses and description of interest, copy to, 82-1-306
    trustee, clerk as, 82-1-302
  wages, bond to guarantee, 39-3-510, 39-3-513, 39-3-515
Minute book of court proceedings, keeping, 3-5-311, 3-5-501
Money in lieu of undertaking, deposit with, 25-1-401
Motor vehicles
  financial responsibility
    appeals, notices and record of proceedings, 61-6-106
    judgments, certified copies forwarded when, 61-6-121
  habitual traffic offenders, petition challenging declaration as and revocation of license — duties, 61-11-210
Municipal courts, appeals to district court
  briefs, filing with, Title 25, chapter 30, part 2, U.M.C.R.App., Rule 14
  dismissal, order — copy to, Title 25, chapter 30, part 2, U.M.C.R.App., Rule 21
  fees, payment to, Title 25, chapter 30, part 2, U.M.C.R.App., Rule 10
  notice of appeal, copy to, Title 25, chapter 30, part 2, U.M.C.R.App., Rule 4
  papers, copies filed with, Title 25, chapter 30, part 2, U.M.C.R.App., Rule 12
  record on appeal, transmittal to, Title 25, chapter 30, part 2, U.M.C.R.App., Rule 10
  undertaking, money in lieu of — transmittal to and disposition, Title 25, chapter 30, part 2, U.M.C.R.App., Rule 8
Naturalization
  fees, collection, 3-5-515
  records, 3-5-514
New trial, decision on motion to be filed with, Title 25, chapter 20, M.R.Civ.P., Rule 59(d)
Nonprofit corporations, dissolution decree — copy to secretary of state, 35-2-731
Oath of office, filing, 2-16-212, 7-4-101
Oaths, power to administer, 1-6-101
Oil and gas
  trusts for unlocatable owners
    filing of addresses and description of interest, copy to, 82-1-306
    trustee, clerk as, 82-1-302
  wages, bond to guarantee, 39-3-510, 39-3-513, 39-3-515
Orders, entry by, Title 25, chapter 20, M.R.Civ.P., Rule 77(d)
Papers presented for filing, Title 25, chapter 19, M.U.Dist.Crt.Rule 1
Partition
  abstract of title, notice, 70-29-216
  lienholders as parties, search, 70-29-107
  sale of property
    report of referee, filing with, 70-29-309
    security agreements, filing with, 70-29-308
    security in name of, 70-29-306, 70-29-307, 70-29-330
    tenant for life or years, filing of instrument in lieu of compensation, 70-29-326
  undertaking of guardian ad litem, filing with, 70-29-102
Partner or family member assault or stalking victims, order of protection
  forms and availability, 40-15-203
  registration, 40-15-303
Paternity proceedings, support payments administered by — when, 40-6-117
Per diem, 7-5-2143
Personal representative, See **Estates and probate**

CLERK OF THE DISTRICT COURT (Continued)

Physicians, nurses, physical therapists, occupational therapists, chiropractors, dentists, psychologists, licensed social workers, licensed professional counselors, and hospitals — filing of lien of, 71-3-1116
Powers and duties generally, Const., XI, 3; Title 3, chapter 5, part 5
Probate proceedings, See **Estates and probate**
Process, issuance by, 3-5-501; Title 25, chapter 20, M.R.Civ.P., Rule 77(c)
Process servers or levying officers, registration
  application, requirements, 25-1-1104
  certificate, filing, 25-1-1101
  list of process servers and identification card, 25-1-1105
  revocation, suspension, or reinstatement of certificate — notification, 25-1-1106
  surety bond, requirements, 25-1-1111
Property, real
  homestead, executions under judgment — filing of petition for appraisal, 70-32-204
  judgments
    authentication, 70-21-205
    change of venue, transmittal, 25-2-206
  sale under order of court, filing of return of sale, 70-21-206
Quiet title
  depositions, notice filed with, 70-28-211
  judgment, transmittal, 70-28-103
  summons, order for publication filed with, 70-28-208
Quo warranto proceedings
  jury box to supreme court clerk, 27-28-207
  summons, service by publication, 27-28-203
  undertaking, filing with, 27-28-301
Records of the court
  court reporters' official notes, 3-5-603
  duties generally, 3-5-501
  estate and probate records, 3-5-513, 72-1-204
  indexes to records, 3-5-501 — 3-5-503, 3-5-506, 3-5-513, 25-13-405, 72-1-204
  new counties, transfer, 7-2-2255, 7-2-2411, 7-2-2412
Redemption, certification of papers for, 25-13-807
Referees, oath filed with, 25-7-701
Registers of actions, 3-5-501, 3-5-504, 3-5-505
Restraining orders
  dissolution of marriage or legal separation, when, 40-4-122, 40-4-123, 40-4-125
  temporary, filing, 27-19-316
Salary, 7-4-2503, 7-4-2504, 7-6-2511; Const., XI, 3, See also **COUNTY OFFICERS**, **Salaries**
  justices of the peace, salary basis, 3-10-207
  withholding, 3-5-512, 3-15-204
Sales finance companies, subpoena of witnesses and production of evidence, 31-1-211
School property sale or disposal, petition for appeal of resolution, 20-6-604
Seal of the court, duties, 3-1-203, 3-1-204, 25-1-201
  real property, judgments when change of venue, 25-2-206
  witnesses, certificates of travel and attendance, 26-2-509
Search warrant, filing with, 46-5-310
Service of papers not process, duties, 25-3-402; Title 25, chapter 20, M.R.Civ.P., Rules 5(b), 5(e)
Service of process, duties, 25-3-201, 25-3-301; Title 25, chapter 20, M.R.Civ.P., Rules 4C, 4D, 41(e)
Session laws, copies to, 5-11-203
Small claims courts, See also **SMALL CLAIMS COURTS**
  appeal, record on appeal filed with, 25-35-804
  clerk of, 3-12-103

CLERK OF THE DISTRICT COURT (Continued)

Special improvement districts, notice of petition filed for determination of validity of proceedings, 7-12-4254
Standing masters
  findings and conclusions or order, filing, 3-5-126
  order of reference, furnishing to, 3-5-125
Subpoenas, issuance by, 31-1-211, 37-3-327, 46-15-101, 69-3-327; Title 25, chapter 20, M.R.Civ.P., Rule 45(a)
Taxation, See also **Estates and probate**, inheritance tax
  assessment of property in possession of, 15-8-504
  distraint, warrant for — filing, 15-1-704, 72-16-432
  tax-exempt property, warrant upon delinquent privilege tax filed with, 15-24-1206
Terms of court, order fixing to be filed with, 3-5-401
Toys and children's articles, filing and transmittal of petition for review of determination as hazardous, 50-30-220
Trusts and trustees
  certificates issued for trustees, 72-33-604
  hearings set by, 72-35-302
  recording, 72-1-204
  special notice of petition filing, request and proof of service filed with, 72-35-307
Unemployment insurance
  benefits appeals, filings with, 39-51-2410
  fees, no charge to benefit claimant, 39-51-3104
  taxes, lien filed with, 39-51-1304
Unfair trade practices, actions to recover damages — complaint or judgment, mailing of copies, 30-14-133
Venue, change
  costs of, certification, 25-2-205
  emergency, order filed with, 3-5-405
  real property actions, transmittal of judgment, 25-2-206
  transmittal of papers to, 25-2-203
Water use
  adjudication of rights
    claims, filing with, 85-2-221
    preliminary or temporary preliminary decree, notice, 85-2-232
  name of watercourses, certification of change, 85-2-134
  water commissioners
    bond and oath, filing with, 85-5-103
    expense reports, filing and notice, 85-5-204
    records summary, filing with, 85-5-107
Water conservancy districts
  dissolution order, recording, 85-9-305
  merger of districts, duties, 85-9-501
  organization documents, transmittal, 85-9-208
Wills, See **Estates and probate**
Witnesses
  criminal proceedings, 3-5-903, 46-15-116
  warrants, 3-5-510 — 3-5-512, 26-2-509
Workers' compensation payments due, judgment — docketing, 39-71-506
Youth court records, public access, 41-5-215

CLINICAL LABORATORY SCIENCE PRACTITIONERS
  See also **PROFESSIONAL AND OCCUPATIONAL LICENSING AND REGULATION**
Administration of provisions, 37-34-201
Board of, 2-15-1863, 37-34-103, 37-34-201
  licensing duties, Title 37, chapter 34, part 3

CLINICAL LABORATORY SCIENCE PRACTITIONERS (Continued)

Citation of Clinical Laboratory Science Practice Act, 37-34-101
Definitions, 37-34-103
Disciplinary standards, 37-34-201
Education requirements, 37-34-201, 37-34-303
Enforcement of provisions, 37-34-201
Exemptions from provisions, 37-34-302
Injunction, 37-34-307
Licenses and licensing
  applications, 37-34-201, 37-34-305
  examinations, 37-34-303
  fees, 37-34-201, 37-34-305
  issuance, 37-34-201
  qualifications, 37-34-303, 37-34-305
  reciprocity, 37-34-201
  renewal, 37-34-201, 37-34-305
  required, 37-34-301, 37-34-307
  suspension or revocation, 37-34-201
Malpractice, statute of limitations, 27-2-205, See also **MALPRACTICE, MEDICAL**
Policy and purpose of provisions, 37-34-102
Rural health care facilities, employed by — tax exemption for motor vehicle, 15-6-217, 61-3-707
Violations and penalties, 37-34-307

CLINICS
  See also **HEALTH CARE FACILITIES**
AIDS testing and counseling, 50-16-1003, See **DISEASES, AIDS (acquired immunodeficiency syndrome)**
Children's health insurance program, payment for services, 53-4-1005
Clinical laboratory science practitioners employed by rural health clinics, licensing exemption when, 37-34-302
Dental hygienists, practice in, 37-4-405
Dentists, practice in, 37-4-103
Family planning clinics, dispensation of contraceptives, 37-2-104, 37-7-103, 50-31-307
Health care information, See **HEALTH CARE INFORMATION**
Health Facility Authority, Title 90, chapter 7
Insurance information and privacy protection, Title 33, chapter 19, See **INSURERS REGULATION GENERALLY, Information and privacy protection**
Insurers, accident and health — investment in real estate used for, 33-12-207, 33-12-307
Medicaid, payment for services, Title 53, chapter 6, part 1, See **PUBLIC ASSISTANCE**
Mental health, See **MENTAL ILLNESS OR INCAPACITY, Mental health facilities**
Midwives, direct-entry — practical experience, 37-27-201
Minors, consent for health services, 41-1-402
Occupational diseases, reporting, 50-70-107
Urban Indian clinics, drug dispensation, 37-2-104

CLOSE CORPORATIONS
Actions
  death of shareholder, compulsory purchase of shares — to compel, 35-9-207, 35-9-208
  dissolution upon default of purchaser of shares, 35-9-206
  relief, shareholders' petition for, 35-9-501
Annual meeting, 35-9-304
Articles of incorporation
  actions requiring approval, approval by shareholders, 35-9-302
  amendment, 35-9-103, 35-9-205, 35-9-302, 35-9-402, 35-9-404
  annual meeting, date, 35-9-304
  bylaw provisions contained in, 35-9-303

CLOSE CORPORATIONS (Continued)
Articles of incorporation (Continued)

- cancellation or alteration of provisions, 35-9-502
- copies, 35-9-201
- directors, board of — statement of elimination, 35-9-301, 35-9-302, 35-9-402
- dissolution, shareholder option — statement of, 35-9-301, 35-9-404
- shareholders' voting or other rights, provisions for, 35-9-201
- shares
  - death of shareholder, compulsory purchase after, 35-9-205, 35-9-206
  - transfers, provisions for, 35-9-201, 35-9-202
- statutory close corporation status
  - statement of, 35-9-103
  - termination, effect, 35-9-403

Assets, 35-9-503
Business corporation law, applicability, 35-9-102, 35-9-202, 35-9-205, 35-9-401 — 35-9-404, 35-9-501, 35-9-504
Bylaws, 35-9-303

- annual meeting, date, 35-9-304
- cancellation or alteration of provisions, 35-9-502
- shareholders' voting or other rights, provisions for, 35-9-201
- shares
  - death of shareholder, compulsory purchase after, 35-9-206
  - transfers, provisions for, 35-9-201

Citation of Montana Close Corporation Act, 35-9-101
Damages, 35-9-502
Definition, 35-9-103
Directors, board of

- elimination, 35-9-301, 35-9-302, 35-9-402
- shareholder agreements, effect, 35-9-301
- unlawful actions or deadlocks, 35-9-501
  - court order for shareholder relief, 35-9-502

Dissolution

- articles of dissolution, 35-9-404
- death of shareholder, upon, 35-9-205
- default of purchaser of shares, upon, 35-9-206
- judicial dissolution, 35-9-207, 35-9-501, 35-9-503, 35-9-504
- shareholder option, 35-9-301, 35-9-404
- transfer of shares, 35-9-202

Dividends, 35-9-502
Documents — copies, filing and signing, and execution, 35-9-201, 35-9-302, 35-9-305
Good will, 35-9-401
Incorporators, 35-9-205, 35-9-302, 35-9-404
Information lists, 2-6-109, 2-15-403
Liability, 35-9-301, 35-9-302, 35-9-306
Merger or share exchange, 35-9-202, 35-9-401
Notices

- annual meeting, request for, 35-9-304
- dissolution, intent, 35-9-404
- shares
  - death of shareholder, compulsory purchase, 35-9-206
    - court action to compel, 35-9-207
  - transfer
    - acceptance, 35-9-203
    - requirement, 35-9-201
  - transferee, for purchase from, 35-9-204
- statutory close corporation status, of, 35-9-201, 35-9-204

Officers, 35-9-305, 35-9-501, 35-9-502

CLOSE CORPORATIONS (Continued)

Partnership, treatment as, 35-1-550, 35-9-301
Powers, corporate, 35-9-301, 35-9-302, 35-9-306
Professional corporation law, applicability, 35-9-102, 35-9-403
Property, 35-9-401
Shareholders and shares
    agreements, shareholder, 35-9-301
        annual meeting, date, 35-9-304
        bylaw provisions contained in, 35-9-303
        shareholders' voting or other rights, provisions for, 35-9-201
        shares
            death of shareholder, compulsory purchase after, 35-9-206
            transfers, provisions for, 35-9-201
    classes or series of shares, 35-9-404
        articles of incorporation, amendment, 35-9-103, 35-9-205, 35-9-302, 35-9-402
        death of shareholder, compulsory purchase — first option, 35-9-206
        dissolution, option for, 35-9-404
        merger or share exchange, approval, 35-9-401
        property, disposition — approval, 35-9-401
        transfer, 35-9-202, 35-9-203
    death of shareholder
        compulsory purchase of shares after, 35-9-205, 35-9-206
            court action to compel, 35-9-207, 35-9-208
        transfer of shares, 35-9-202
    directors, board of — elimination, 35-9-301, 35-9-302
    dissenters' rights, 35-9-103, 35-9-205, 35-9-402, 35-9-501
    dissolution, shareholder option, 35-9-301, 35-9-404
    liability of shareholders, 35-9-302, 35-9-306
    meetings of shareholders, 35-9-203, 35-9-206
    number of shareholders, 35-1-550
    purchase of shares by corporation, compulsory — court order for, 35-9-503
    record of shareholders, 35-1-550
    registration of shareholders, 35-1-550
    relief for shareholders
        extraordinary relief, 35-9-503, 35-9-504
        ordinary relief, 35-9-502
        petition for, 35-9-501
    remedies of shareholders, 35-9-205, 35-9-501 — 35-9-504
    rights of shareholders, 35-9-201, 35-9-205, 35-9-403, 35-9-501
    subscribers for shares, 35-9-205, 35-9-301, 35-9-302, 35-9-404
    termination of statutory close corporation status, effect, 35-9-403
    transfer of shares
        after first refusal by corporation and third-person offeror, 35-9-203
        notice requirement, 35-9-201, 35-9-204
        prohibition, 35-9-202
            breach of, attempted transfer in, 35-9-204
    voting trust agreements, 35-9-201
Short title, 35-9-101
Statutory close corporation status
    definition and election, 35-9-103
    shares, notice on, 35-9-201
    termination, 35-9-402
        bylaws, adoption, 35-9-303
        effect, 35-9-403
        merger or share exchange, by, 35-9-401
        transfer of shares, 35-9-202

CLOSE PURSUIT, UNIFORM ACT ON, 46-6-411
    See **ARREST**, **Close pursuit**

COAL
    See **MINES AND MINING**

COAL CREEK STATE FOREST, 77-5-102
    See also **FORESTS AND FORESTRY**, **State forests**

COAL TRUST FUNDS
    See also **TAXATION, MINERALS**, **Coal severance tax**
Art in state capitol, trust fund — revenue allocation, 15-35-108
Bond fund, 17-5-703
    continued tax deposit, 17-5-709
    investment, 17-5-704
    pledge of, 17-5-705
    special bond fund, 17-5-708, 17-5-709
Bond issues, Title 17, chapter 5, part 7
Constitutional trust fund, Const., IX, 5
    capital companies, debentures, 17-6-311, 90-8-102, 90-8-305
    commerce, department of — administration authority, 17-6-305, 17-6-308
    funds, enumeration, 17-5-703
    investment, 15-35-108, 17-5-704, 17-6-203, 17-6-305, 17-6-308, 17-6-311, 17-6-314, 17-6-319
    loans
        business loan participations, 17-6-318
        economic development, 17-6-309, 17-6-311
        economic development bond capital reserve account, 17-6-308, 17-6-311
        health facility authority capital projects, 17-6-308
        repayment, disposition and interest, 17-6-308
        seed capital projects, 17-6-308
        service fees, 17-6-302, 17-6-314
        small businesses, to create jobs, 17-6-319
        small business investment companies, 17-6-308
        university system research and development projects, 17-6-308
    purpose, 17-6-303
    reports, 17-6-305, 17-6-322
    revenue, 15-35-108, 17-6-305, 17-6-331
    rules, 17-6-308
    use, 17-6-304, 17-6-331
Cultural and aesthetic projects, trust fund — revenue allocation, 15-35-108
Income fund, 17-5-703, 17-5-704, 17-6-509
In-state investment
    audits, 17-6-321, 17-6-322
    capital companies, debentures issued by — in, 17-6-302, 17-6-311 — 17-6-313
    citation of Montana in-state investment act of 1983, 17-6-301
    coal tax trust fund, See **Constitutional trust fund**
    definitions, 17-6-302, 17-6-325
    economic development fund, 17-6-331
    financial institutions, 17-6-302, 17-6-313, 17-6-318, 17-6-319, 17-6-324
    loans
        business loan participations, incentives, 17-6-318
        coal tax trust fund, See **Constitutional trust fund**
        economic development, 17-6-309, 17-6-311, 17-6-316
        service fees, 17-6-302, 17-6-319, 17-6-324
        small business incentives, 17-6-312, 17-6-319

COAL TRUST FUNDS (Continued)
In-state investment (Continued)
    loans (Continued)
        state participation and exception, 17-6-312
        video gambling machine owners, to, 23-5-610, 23-5-638
    preferences, 17-6-309
    projects, preference to Montana labor, 17-6-325
    report, annual, 17-6-322
    rules, 17-6-308, 17-6-309, 17-6-313, 17-6-324
    size, limitation, 17-6-311
Parks acquisition and management, trust fund — revenue allocation, 15-35-108, 23-1-108
Permanent fund, 17-5-703, 17-5-704
School bond contingency loan fund, 17-5-703, 17-5-704, 20-9-466
Treasure state endowment fund, 17-5-703, 90-6-701
Treasure state endowment regional water system fund, 17-5-703

COCKFIGHTS UNLAWFUL, 45-8-210

CODE COMMISSIONER, Title 1, chapter 11, part 2
    See **LAW**

CODE OF FAIR CAMPAIGN PRACTICES, Title 13, chapter 35, part 3
    See **ELECTIONS, Campaign practices**

CODE OF FAIR PRACTICES, Title 49, chapter 3
    See **DISCRIMINATION, Government, state and local**

COHABITATION
Abuse, See **ASSAULT AND BATTERY, Partner or family member assault**
Agreement for, specific performance unavailable to enforce, 27-1-412
Common-law marriage, See also **MARRIAGE**
    presumption of marriage, 26-1-602
    validity, 40-1-403
Defined, 45-2-101
Incest, offense of, 45-5-507
Paternity, presumption, 40-6-105
Prohibited marriages, cohabitants as married when impediment removed, 40-1-401
Putative spouse, rights upon cohabitation, 40-1-404
Temporary order or temporary injunction, requesting relief when, 40-4-121

COLLATERAL SOURCE REDUCTIONS, 27-1-307, 27-1-308

COLLECTION OF WAGES ACT OF 1977, THE RECIPROCAL AGREEMENT FOR, Title 39, chapter 3, part 3
    See **WAGES AND SALARIES, Reciprocal enforcement of payment**

COLLECTIVE BARGAINING
Agreements
    commissioner of labor and industry to keep copy, 18-2-402
    community service volunteer work experience projects, 90-14-106
    economic development project contractors, wage requirements, 17-5-1526, 17-5-1527
    health and safety items, provisions concerning, 50-71-201
    health facility authority project contracts, wage requirements, 18-2-403, 90-7-302
    medical care savings accounts, establishment, 15-61-201
    Montana conservation corps work experience projects, effect, 23-1-314
    nurses, 39-32-109
    public employees, Title 39, chapter 31, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
    public works contracts, prohibited, 18-2-425
    state procurement provisions, nonapplicability, 18-4-123
    strikebreakers, to procure, 39-33-203

COLLECTIVE BARGAINING (Continued)

Arbitration, See also **ARBITRATION**
  firefighters, 39-34-101 — 39-34-105
  public employees, Title 39, chapter 31, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
Benevolent association provisions, nonapplicability, 33-6-102
Coal miners
  inspection of mine, representative may accompany inspector, 50-73-404
  statement of conditions, posting when, 50-73-409
Community Service, Commission on — representation, 90-14-104
Disabilities, electors with — assistance to, not allowed, 13-13-119
Discriminatory practices, See also **DISCRIMINATION**
  nurses, against, 39-32-109
  public employees, against, 39-31-205, 39-31-401
Disputes
  civil disorder, prohibited activities and exceptions, 45-8-107 — 45-8-109
  deception of prospective employee regarding, 39-2-303
  emergency powers, use, 10-3-102
  firefighters, arbitration, 39-34-101 — 39-34-105, See also **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING, Arbitration**
  highway patrol officers, no jurisdiction, 44-1-1002
  injunctions, use prohibited when, 27-19-103
  insurance, involuntary unemployment, 33-1-216
  Montana conservation corps work experience projects not to interfere with or supplant regular workers, 23-1-314
  public employees, Title 39, chapter 31, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
  strikebreakers, See **Strikebreakers**
  strikes, See **Strikes**
  unemployment insurance benefits, effect, 39-51-2305
Electricians
  licensing requirements, 37-68-314
    proof of license, furnishing, 37-68-315
  referral requirements, 37-68-301
Employee-owned enterprises and employee ownership development, 90-5-301 — 90-5-304
Exclusive representative, 39-31-103, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
Family business, See **Small businesses**
Fines for violations, 39-33-105, 39-33-205
Firefighters, 39-34-101, 39-34-105
Good faith duty
  nurses, 39-32-109
  public employees, 39-31-305, 39-31-401, 39-31-402
Hazardous chemical information, employee rights, See **HAZARDOUS CHEMICALS**
Head start agency employees, 39-31-103, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
Highway signs, prison manufacture not to violate existing agreements, 53-30-132
Insurance
  child support, health insurance
    information requirement, 40-5-226, 40-5-443
    medical support orders, 40-5-804, 40-5-807, 40-5-809, 40-5-810, 40-5-812, 40-5-814, 40-5-821
    registration and payment, 40-5-901
  franchise disability, 33-22-401
  group disability, 33-22-501, See also **INSURANCE, DISABILITY**

COLLECTIVE BARGAINING (Continued)
Insurance (Continued)

- group life, 33-20-1102, 33-20-1103, 33-20-1111, See **INSURANCE, LIFE, Group life; Groups and group requirements**
- health maintenance organizations, 33-31-304
- involuntary unemployment, 33-1-216
- legal services provided by unions or employee associations, nonapplicability of prepaid legal plans, 33-1-215
- long-term care, Title 33, chapter 22, part 11, See **INSURANCE, DISABILITY**
- multiple employer welfare arrangements, denial when, 33-22-525

Insurance administrator provisions, exclusion, 33-17-102
Interference with right to organize
- nurses, 39-32-109
- public employees, 39-31-201, 39-31-401, 39-31-402

Legal services provided by unions or employee associations, nonapplicability of prepaid legal plans, 33-1-215
Montana Conservation Corps, work experience projects — effect, 23-1-314
Nonassociation, right of, 39-31-204, 39-31-401
Nurses, Title 39, chapter 32, See **NURSING AND NURSES**
Paydays, notice not required when negotiated, 39-3-203
Personnel Appeals, Board of
- authority generally, Title 39, chapter 31, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
- nurses, 39-32-102 — 39-32-106, 39-32-112, 39-32-113
- representation on, 2-15-1705

Plumbers, proof of license — furnishing, 37-69-319
Printers — union label, state agreements applicable to bids when, 18-7-104
Public construction contracts, effect, Title 18, chapter 2, part 4
Public employees, Title 39, chapter 31, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
Railroads, sale or transfer of line, 69-14-1101, 69-14-1103
Religious convictions against, 39-31-204, 39-31-401
Right of self-organization
- nurses, 39-32-109
- public employees, 39-31-201, 39-31-204, 39-31-401, 39-31-402

Right to work, small or family businesses, See **Small businesses**
School districts, applicability of laws, 39-31-103, 39-31-304, See also **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
Small businesses, right to work, 39-33-102
- exclusions, 39-33-104
- fine as penalty, 39-33-105
- "immediate family" defined, 39-33-102
- interference with prohibited, 39-33-103, 39-33-105
- purpose of provisions, 39-33-101
- unfair labor practices, 39-33-103, 39-33-105

Small claims courts, union as party, 25-35-505
Street gang activity provisions, nonapplicability to labor organizations, 45-8-407
Strikebreakers, employment
- advertising for, 39-33-204
- agreements to procure, 39-33-203
- penalties, 39-33-205
- professionals, 39-33-202
- third parties, recruitment by, 39-33-201

Strikes
- deception of prospective employee regarding, 39-2-303
- emergency powers, use, 10-3-102
- firefighters, 39-34-105

COLLECTIVE BARGAINING (Continued)
Strikes (Continued)

highway patrol officers, no jurisdiction, 44-1-1002
injunctions, use, 27-19-103
insurance, involuntary unemployment, 33-1-216
Montana conservation corps work experience projects not to interfere with or supplant regular workers, 23-1-314
nurses, 39-32-102, 39-32-110
public employees, 39-31-201
unemployment insurance benefits, effect, 39-51-2305
Taxation of labor organizations, exemption, 15-31-102
Unemployment insurance benefits, effect, 39-51-2304, 39-51-2305
Unfair labor practices
nurses, 39-32-109
public employees, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
small businesses, restraint of or interference with right to work, 39-33-103, 39-33-105
strikebreakers, employment, 39-33-205, See **Strikebreakers**
University system, temporary employees, 19-3-111
Veterans' employment preference, retention during reduction in force — nonapplicability, 39-29-111
Wages, notice of rate not required if negotiated, 39-3-203
Workers' compensation, participation — effect on eligibility, 39-71-736, 39-71-2101
Wrongful discharge from employment provisions, applicability, 39-2-912

COLLEGIATE LICENSE PLATES ACT, 61-3-461 — 61-3-468
See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, License plates**

COLUMBARIUMS, 37-19-101
See **MAUSOLEUM-COLUMBARIUM AUTHORITIES**

COMBINING AND COMBINERS
See **AGRICULTURE**; See also **AGRICULTURAL COMMODITIES**

COMMERCE, DEPARTMENT OF, 2-15-104; Title 2, chapter 15, part 18
See also **EXECUTIVE BRANCH**
Accountants, duties, Title 37, chapter 50
Architects, duties, Title 37, chapter 65
Asbestos regulation, rulemaking authority, 50-64-102, 50-64-103
Auctions and auctioneers, enforcement authority, 30-11-515
Audiologists, duties, Title 37, chapter 15
Audits of local government entities, Title 2, chapter 7, part 5
Banks and trust companies, supervision, Title 32, chapter 1
Barbers, barbershops, and schools — duties, Title 37, chapter 30
Boards
alternative health care, 2-15-1840; Title 37, chapters 26 and 27
architects, 2-15-1871; Title 37, chapter 65
athletics, 2-15-1882; Title 23, chapter 3
banking board, state, 2-15-1803, 32-1-109, 32-1-302, 32-1-303, 32-1-307, 32-1-372, 32-1-426, 32-1-427; Title 32, chapter 1, part 2
barbers, 2-15-1856; Title 37, chapter 30
burial preservation, 22-3-804
chiropractors, 2-15-1847; Title 37, chapter 12
clinical laboratory science practitioners, 2-15-1863; Title 37, chapter 34
coal, 2-15-1821; Title 90, chapter 6, part 2
cosmetologists, 2-15-1857; Title 37, chapters 31 and 32
county printing, 2-15-1811, 7-5-2401 — 7-5-2405
dentistry, 2-15-1842; Title 37, chapters 4 and 29
electrical, state, 2-15-1874; Title 37, chapter 68

COMMERCE, DEPARTMENT OF (Continued)
Boards (Continued)

- funeral service, 2-15-1853; Title 37, chapter 19
- hard-rock mining impact, 2-15-1822, 82-4-335, 82-4-339, 90-6-303, 90-6-403; Title 90, chapter 6, part 3
- health facility authority, 2-15-1815; Title 90, chapter 7
- hearing aid dispensers, 2-15-1850; Title 37, chapter 16
- horseracing, 2-15-1881; Title 23, chapter 4
- housing, 2-15-1814, 17-5-1312, 17-6-211, 80-12-216; Title 90, chapter 6, parts 1 and 5
- investments, 2-15-1808, See **INVESTMENTS, BOARD OF**
- landscape architects, 2-15-1872; Title 37, chapter 66
- licensing boards, 37-1-130, See **PROFESSIONAL AND OCCUPATIONAL LICENSING AND REGULATION**
- medical examiners, 2-15-1841, See **MEDICINE AND MEDICAL CARE**
- nursing, 2-15-1844, 53-19-112, 53-20-204; Title 37, chapter 8
- nursing home administrators, 2-15-1845; Title 37, chapter 9
- occupational therapy practice, 2-15-1859; Title 37, chapter 24
- optometry, 2-15-1846; Title 37, chapter 10
- outfitters, 2-15-1883; Title 37, chapter 47
- pharmacy, 2-15-1843, 37-11-107; Title 37, chapter 7
- physical therapy examiners, 2-15-1858; Title 37, chapter 11
- plumbers, 2-15-1875; Title 37, chapter 69
- private security patrol officers and investigators, 2-15-1891; Title 37, chapter 60
- professional engineers and professional land surveyors, 2-15-1873; Title 37, chapter 67
- psychologists, 2-15-1851; Title 37, chapter 17
- public accountants, 2-7-501, 2-7-506, 2-7-522, 2-15-1866; Title 37, chapter 50
- radiologic technologists, 2-15-1848; Title 37, chapter 14
- real estate appraisers, 2-15-1868; Title 37, chapter 54
- realty regulation, 2-15-1867; Title 37, chapters 51 and 53
- research and commercialization technology, 2-15-1819, See **RESEARCH AND COMMERCIALIZATION**
- respiratory care practitioners, 2-15-1860; Title 37, chapter 28
- sanitarians, 2-15-1861; Title 37, chapter 40 Title 90, chapter 3
- social work examiners and professional counselors, 2-15-1854; Title 37, chapters 22 and 23
- speech-language pathologists and audiologists, 2-15-1849; Title 37, chapter 15
- veterinary medicine, 2-15-1852; Title 37, chapter 18

Boilers, safety regulation, Title 50, chapter 74, See **BOILERS AND STEAM ENGINES**
Bonds and bond issues, duties
- economic development, Title 17, chapter 5, part 15
- municipal finance consolidation, Title 17, chapter 5, part 16

Boxing, duties, 23-3-301, 23-3-401, 23-3-601
Building and loan associations, supervision, Title 32, chapter 2
Building Codes Council, allocation, 50-60-115
Buildings, duties concerning, See generally **BUILDINGS AND BUILDING REGULATIONS; CAPITOL AND OTHER STATE BUILDINGS**
Capital companies, authority, Title 90, chapter 8
Cemetery companies, disciplinary actions, 37-19-808
Census and Economic Information Center, 90-1-109
Chemical dependency counselors, certification, 33-22-705; Title 37, chapter 35
Chiropractors, duties, Title 37, chapter 12
Cities and towns, duties, See **CITIES AND TOWNS; CITY FINANCE**
Clinical laboratory science practitioners, duties, Title 37, chapter 34
Coal Board, functions relating to, 90-6-204, 90-6-207
Coal tax trust fund, investment portfolios — administration, 17-6-302, 17-6-305
Community development, functions, 90-1-103
Construction blasters, duties, Title 37, chapter 72
Consumer loan businesses, supervision, Title 32, chapter 5

COMMERCE, DEPARTMENT OF (Continued)

Consumer reports and reporting agencies — fees, rulemaking, and enforcement, 31-3-125, 31-3-152
Cosmetologists, duties, Title 37, chapter 31
Counties, duties, See **COUNTIES; COUNTY FINANCE**
County land planning assistance, 90-1-108
County treasurer
  county collections manual, 7-6-2141
  examination of books or counting of money, 7-6-2114
Credit unions, supervision, Title 32, chapter 3
Crematory facilities, operators, and technicians — duties, Title 37, chapter 19
Debt adjusting, obligor's bond filed with, 31-3-203
Deferred deposit lenders, licensing provisions, Title 31, chapter 1, part 7
Dentists and dental hygienists, duties, Title 37, chapter 4
Denturists, duties, Title 37, chapter 29
Development corporations, duties, 32-4-201, 32-4-306
Director, 2-15-1801
  agriculture development council, member, 2-15-3015
  banking provisions, conflict of interest, 32-1-212
  drought advisory committee, appointment to, 2-15-3308
  family education savings program oversight committee, membership, 20-25-901
  licensing boards, duties generally, 37-1-121
  local charge for services funds, report to legislature concerning, 17-2-304
  microbusiness advisory council, nominations for candidates for, 17-6-411
  small business registration and licensing system plan, board of review — duties, 30-16-302
  state-tribal economic development commission, notification of funding programs or opportunities, 90-1-132
Divisions
  banking and financial institutions, 32-1-109, 32-1-211, 32-1-219, 32-1-220, 32-1-307, 32-1-412
  financial, 32-7-101
  planning and economic development, 32-4-201
  weights and measures, 30-12-203
Drought Advisory Committee, representation on, 2-15-3308
Drugs and controlled substances, authority, 37-7-201, 37-7-601, 50-32-101, 50-32-103, 50-32-106, 50-32-209, 50-32-301
Economic development, coordination, Title 90, chapter 1, part 1
Electricians, duties, Title 37, chapter 68
Electrologists, duties, Title 37, chapter 32
Electronic funds transfer, supervision, Title 32, chapter 6
Employee ownership development, technical assistance and counseling, 90-5-305
Engineers, duties, Title 37, chapter 67
Escrow businesses, regulation, Title 32, chapter 7
Facility siting, responsibilities, 75-20-211, 75-20-216, 75-20-226
Farm implements dealership ownership, succession — duties, 30-11-801, 30-11-805, 30-11-806
Fire department relief associations, duties, 19-18-205, 19-18-206, 19-18-403
Fire prevention and safety rules, approval when, 50-3-103
Fire protection equipment sales, installation, or servicing — licenses and endorsements, duties, Title 50, chapter 39
Fireworks, wholesaler permits and fees, 50-37-104
Flathead Lake, ombudsman for management and regulation of level, 90-1-104
Foreign capital depositories, supervision and regulation, Title 32, chapter 8
Fort Peck Interpretive Center, grant for, 15-65-121
Funeral directors, duties, Title 37, chapter 19
Guides, duties, Title 37, chapter 47
Head of department, See **Director**

COMMERCE, DEPARTMENT OF (Continued)

Health Facility Authority, employment of or contracting for staff — consultations, 90-7-203
Hearing aid dispensers, duties, Title 37, chapter 16
Hoisting engine licenses, duties, Title 50, chapter 76, See **HOISTING ENGINES**
Horseracing, duties, Title 23, chapter 4
Housing development, functions, 90-1-106, 90-6-103, 90-6-112, 90-6-114
Industrial development projects, advisory function to local governments, 90-5-113
Irrigation districts — audits, records, or forms for, 85-7-1616, 85-7-1913; Title 2, chapter 7, part 5
Job investment program, duties, 17-6-302, 17-6-305; Title 17, chapter 6, part 5
Korean Conflict Veterans' Memorial, State — location referenced on maps, 1-1-518
Korean Veterans' Memorial, State — location referenced on maps, 1-1-516
Landscape architects, duties, Title 37, chapter 66
Land surveyors, duties, Title 37, chapter 67
Legislative Business and Labor Interim Committee, duties, 5-5-223
Licensing of professions and occupations, See **PROFESSIONAL AND OCCUPATIONAL LICENSING AND REGULATION**; See also specific profession or occupation
Local government
  alternative accounting method, requirements, 7-6-603, 7-6-604
  audits and financial reports, Title 2, chapter 7, part 5
  duties, See **CITIES AND TOWNS**; **CITY FINANCE**; **COUNTIES**; **COUNTY FINANCE**; **LOCAL GOVERNMENT**
  infrastructure projects, Title 90, chapter 6, part 7
  records committee and subcommittee, membership, 2-6-402, 2-6-403
Lodging facility use tax proceeds, use, 2-15-1816, 15-65-121, 15-65-122
Lottery, state, 23-7-201, 23-7-210, 23-7-301
Managers, alternative pay and classification plan — demonstration projects for development, 2-18-303
Megalandfill siting, duties, 75-10-913, 75-10-918, 75-10-927
Microbusiness development, duties, Title 17, chapter 6, part 4
Midwives, duties, Title 37, chapter 27
Morticians, duties, Title 37, chapter 19
Motor vehicles, warranty on new vehicles — duties, 61-3-502; Title 61, chapter 4, part 5
Naturopathic physicians, duties, Title 37, chapter 26
Nurses, duties, Title 37, chapter 8
Nursing home administrators, duties, Title 37, chapter 9
Occupational therapists, duties, Title 37, chapter 24
Optometrists, duties, Title 37, chapter 10
Osteopaths, duties, Title 37, chapter 5
Outfitters, duties, Title 37, chapter 47
Pesticides, aerial application — requirements for applicants, 80-8-204
Petroleum products, authority, Title 82, chapter 15
Pharmacies and pharmacists, duties, Title 37, chapter 7
Physical therapists, duties, Title 37, chapter 11
Physicians and surgeons, duties, Title 37, chapter 3
Planning boards, authority, 90-1-103, 90-1-108
Plumbers, duties, Title 37, chapter 69
Podiatrists, duties, Title 37, chapter 6
Private investigators and security patrol officers, duties, Title 37, chapter 60
Process servers and levying officers, handbook for, 25-1-1104
Professional counselors, duties, Title 37, chapter 23
Property managers, licensing, Title 37, chapter 51, part 6
Proprietary Postsecondary Education, Advisory Council for, 2-15-1804
Psychologists, duties, Title 37, chapter 17
Public accountants, duties, Title 37, chapter 50

COMMERCE, DEPARTMENT OF (Continued)

Public contractors, residency — determination, 18-1-106
Radiologic technologists, duties, Title 37, chapter 14
Real estate appraisers, duties, Title 37, chapter 54
Real estate brokers and salespersons, duties, Title 37, chapter 51
Recreation, development of resources, 90-1-103 — 90-1-105
Respiratory care practitioners, fees — deposit, 37-28-305
Retail installment sales, authority, Title 31, chapter 1, part 2
Sanitarians, duties, Title 37, chapter 40
School district audits, 20-9-203, 20-9-213; Title 2, chapter 7, part 5
School sites and facilities, duties, 20-6-621, 20-6-622
Small business investment capital companies, authority, Title 90, chapter 8
Small business registration and licensing system plan, cooperation in implementation, 30-16-303
Social workers, duties, Title 37, chapter 22
Speech-language pathologists, duties, Title 37, chapter 15
"Squaw", sites and geographic features containing word — replacement, 2-15-149
State-Tribal Economic Development Commission, representation on and assistance, 90-1-105, 90-1-131
Subdivisions, responsibilities, 76-3-403
Telecommunications services providers, infrastructure improvement projects — applications for consideration, 15-53-203
Telemarketing and telemarketers, registration and fraud prevention — duties, Title 30, chapter 14, part 14
Tourism, See **TOURISM**
Tourism Advisory Council, 2-15-1816
Treasure state endowment program, Title 90, chapter 6, part 7
Unfair trade practices and consumer protection, authority, Title 30, chapter 14
Vehicle Equipment Safety Commission, inspection of accounts, 61-2-208
Veterans' Memorial Rose Garden, State — location referenced on maps, 1-1-517
Veterinarians, duties, Title 37, chapter 18
Video gambling machines, prior approval — effect, 23-5-631
Vietnam Veterans' Memorial, State — location referenced on maps, 1-1-512
Visitor information centers, signs for, 60-2-243
Weights, measures, and grades of commodities — authority, Title 30, chapter 12
Wrestling, duties, 23-3-301, 23-3-401, 23-3-601

COMMERCIAL CODE, UNIFORM, Title 30, chapters 1 — 9
  See **BANK DEPOSITS AND COLLECTIONS; DOCUMENTS OF TITLE; FUNDS TRANSFERS; LETTERS OF CREDIT; NEGOTIABLE INSTRUMENTS; SALES; SECURED TRANSACTIONS; SECURITIES AND SECURITIES REGULATION; UNIFORM COMMERCIAL CODE, GENERAL PROVISIONS**

COMMERCIAL FEEDS
Additives, unsafe — containing, 80-9-204
Administration of provisions, 80-9-102, 80-9-206, 80-9-207
Adulterated, 80-9-101, 80-9-204, 80-9-205, 80-9-301
Agricultural commodities
  distribution prohibited when, 80-9-205
  raw commodities containing pesticide chemicals, 80-9-204
Analysis, See **Samples and analysis**
Condemnation when, 80-9-103, 80-9-302
Cooperation and agreements with other agencies, 80-9-104
Customer formula feed, 80-9-101
  inspection fees, 80-9-206
  labeling and use, 80-9-202
Definitions, 80-9-101

COMMERCIAL FEEDS (Continued)

Disclosure of trade secrets or information, 80-9-205, 80-9-304
Disposal when, 80-9-205, 80-9-302
Distribution and distributors, 80-9-101
  annual statements, 80-9-206
  inspections and fees, 80-9-206, 80-9-207, 80-9-301
  labels, contents, 80-9-202
  licenses, 80-9-201, 80-9-205 — 80-9-207
  misbranded feed, 80-9-203
  pet food, registration required, 80-9-201, 80-9-205, 80-9-207
  prohibited when, 80-9-205
  record and report requirements, 80-9-206
Drugs, containing
  adulterated feed, as — when, 80-9-204
  "drug" defined, 80-9-101
  labeling, 80-9-202
  manufacturing practices, 80-9-103
Embargo orders, 80-9-103, 80-9-205, 80-9-302, 80-9-303
Enforcement of provisions, 80-9-103, 80-9-301, 80-9-302
Exemptions from, 80-9-101
Federal laws, applicability, 80-9-103, 80-9-204
Guarantors, licenses, 80-9-201
Ingredients, 80-9-101, 80-9-103, 80-9-201 — 80-9-203, 80-9-206
Injunction when, 80-9-303
Inspections and fees, 80-9-205 — 80-9-207, 80-9-301
Labels and labeling, 80-9-101, 80-9-103, 80-9-201 — 80-9-205, 80-9-301, 80-9-302
Licenses for manufacture or distribution, 80-9-201, 80-9-205 — 80-9-207
Manufacture and manufacturers, 80-9-101, 80-9-103
  annual statements, 80-9-206
  inspections and fees, 80-9-206, 80-9-207, 80-9-301
  labels, contents, 80-9-202
  licenses, 80-9-201, 80-9-205 — 80-9-207
  pet food, registration required, 80-9-201, 80-9-205, 80-9-207
  prohibited when, 80-9-205
  record and report requirements, 80-9-103, 80-9-206
Medicated feeds, 80-9-204
Misbranded, 80-9-203, 80-9-205, 80-9-301
Pesticide chemicals, containing, 80-9-204
Pet food or specialty pet food, 80-9-101, 80-9-103, 80-9-201, 80-9-205 — 80-9-207
Poisonous or deleterious substances, containing, 80-9-103, 80-9-204
Prohibitions, 80-9-205
Publications concerning, 80-9-105
Records, 80-9-103, 80-9-206, 80-9-301
Removal prohibited when, 80-9-205
Reports, 80-9-205, 80-9-206
Rules, 80-9-101, 80-9-103, 80-9-202, 80-9-203, 80-9-301 — 80-9-303
Samples and analysis, 80-9-301
  costs of analyses, 80-9-207
  "official sample" defined, 80-9-101
  results of analyses, publication, 80-9-105
Seizure when, 80-9-302, 80-9-303
Violations, 80-9-303
  disclosure of trade secrets, 80-9-205, 80-9-304
  embargo orders, 80-9-205, 80-9-302
  penalties, 80-9-103, 80-9-205, 80-9-207, 80-9-303
Weed seeds, containing, 80-9-103, 80-9-204

COMMERCIAL FERTILIZERS
Administration of provisions, 80-10-207, 80-10-509
Adulteration prohibited, 80-10-205
Advertising, false or misleading, 80-10-205
Agricultural chemical ground water protection, See also **AGRICULTURAL CHEMICAL GROUND WATER PROTECTION**
  "agricultural chemical" defined, 80-15-102
  applicability of provisions, 80-15-104, 80-15-108, 80-15-203
  farm applicators, administrative civil penalty assessment limited, 80-15-412
  management plan for commercial fertilizer, 80-15-216
  management plans, specific — content, 80-15-214
  registration of fertilizers, fee, 80-15-302
Agricultural practices, sustainable, 20-25-233 — 20-25-236
Analysis, See **Guaranteed analysis; Samples and analysis**
Anhydrous ammonia facilities, 80-10-502
  administration of provisions, 80-10-207, 80-10-509
  anhydrous ammonia account, 80-10-207, 80-10-509
  citation of anhydrous ammonia facilities safety act, 80-10-501
  definitions, 80-10-502
  enforcement of provisions, 80-10-207, 80-10-508, 80-10-509
  inspections, 80-10-207, 80-10-303, 80-10-506
  preexisting, 80-10-506
  rules, 80-10-503, 80-10-506, 80-10-508, 80-10-509
  variance, 80-10-503, 80-10-507
Assessment, 80-10-103
  allocation and use, 80-10-104 — 80-10-106
  collection, 80-10-103, 80-10-104, 80-10-207
  reregistration, payment prerequisite to, 80-10-201
Condemnation when, 80-10-302
Deficiencies and penalties for, 80-10-206 — 80-10-208
Definitions, 80-10-101, 80-10-502
Deliveries
  documents required, 80-10-204
  uniformity of grade or brand, 80-10-203
Disposal when, 80-10-302
Distributors and distribution, 80-10-101
  analysis results, transmittal to, 80-10-206
  deliveries, uniformity of grade or brand, 80-10-203
  fraudulent or deceptive practices, 80-10-211
  labeling requirements, 80-10-204
  license requirements, 80-10-202
    cancellation, refusal, or revocation, 80-10-210, 80-10-211
    discrimination in issuance prohibited, 49-3-204
    "licensee" defined, 80-10-101
  registration, applicability, 80-10-201, 80-10-202
  spreader trucks and trailers, 61-1-104, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Special mobile equipment**
  tonnage reports, 80-10-207, 80-10-210, 80-15-108
  violations, notification, 80-10-303
Educational and experimental programs, funding, 80-10-103 — 80-10-106, 80-10-207
Embargo order, 80-10-302
Enforcement of provisions, 80-10-207, 80-10-301 — 80-10-303, 80-10-508, 80-10-509
Fertilizer Advisory Committee, 2-15-1516, 80-10-104, 80-10-106
Grade and brand, 80-10-101, 80-10-102, 80-10-201 — 80-10-204, 80-10-212

COMMERCIAL FERTILIZERS (Continued)

Guaranteed analysis, 80-10-102
  deficiencies, 80-10-208
  labeling requirements, 80-10-204
  registration applications, inclusion, 80-10-201
Hazardous or deleterious substances, applicability of laws, 75-10-602, 75-10-701, See **HAZARDOUS WASTES**
Injunction when, 80-10-303
Inspections and fees, 80-10-206, 80-10-207, 80-10-210, 80-10-303, 80-10-506
Labels and labeling, 80-10-204, 80-10-205, 80-10-302
  guaranteed analysis, statement of, 80-10-102
  registration applicants, copy of label — inclusion, 80-10-201
Licenses, See **Distributors and distribution**
Manufacturers and manufacturing, 80-10-101
  analysis results, transmittal to, 80-10-206
  anhydrous ammonia inspection fee adjustments, notice, 80-10-207
  assessment, 80-10-103, See also **Assessment**
  deliveries, uniformity of grade or brand, 80-10-203
  exchanges between, 80-10-207, 80-10-212
  inspection fees and notice of adjustments, 80-10-207
  labeling requirements, 80-10-204
  licenses, exemption, 80-10-202
  registration, See **Registration**
  tonnage reports, 80-10-207, 80-10-210
Misbranding prohibited, 80-10-205
Organic fertilizer and inorganic fertilizer produced as byproduct, tax incentives, 15-30-121, 15-32-301 — 15-32-303
Publications concerning, 80-10-209
Registration, 80-10-201, 80-15-203, See also **AGRICULTURAL CHEMICAL GROUND WATER PROTECTION**
  application, contents, 80-10-102, 80-10-201
  cancellation, refusal, or revocation, 80-10-211
  fees, 80-10-201, 80-10-207, 80-15-302
  registrant, 80-10-101, 80-15-102
    anhydrous ammonia fee adjustments, notice, 80-10-207
    fraudulent or deceptive practices, 80-10-211
    violations, notification, 80-10-206, 80-10-303
  uniformity of grade or brand, effective period, 80-10-203
Rules, 80-10-102, 80-10-202, 80-10-204, 80-10-205, 80-10-207, 80-10-301 — 80-10-303
  anhydrous ammonia facilities, 80-10-503, 80-10-506, 80-10-508, 80-10-509
Samples and analysis, 80-10-206
  costs, funding, 80-10-207
  deficiencies, 80-10-208
  official analysis, copy as evidence when, 80-10-303
  "official sample" defined, 80-10-101
  reports of analyses, publication, 80-10-209
Seizure when, 80-10-302, 80-10-303
Soil amendments, 80-10-101, See this heading generally
Specialty fertilizers, 80-10-101, 80-10-201, 80-10-202, 80-10-207
Testing, See **Samples and analysis**
Trademarks, 30-13-331, 80-10-101
Uniformity of grade or brand, 80-10-203
Violations, 80-10-302, 80-10-303
  notice requirements, 80-10-206, 80-10-303
  tonnage reports, failure to file, 80-10-210
Weight and measure provisions, applicability, 30-12-301

COMMISSION-CHAIRMAN FORM OF GOVERNMENT
  See also **LOCAL GOVERNMENT**, **Alteration of existing form**; **Alternative forms**
Administration, 7-3-503
Administrative assistants, 7-3-514
Adoption, 7-3-102
Budget, 7-3-503
"Chief executive" defined, 7-1-4121, 7-5-101
Commission, 7-3-503
  chairman, 7-3-501
    administrative assistants, appointment, 7-3-514
    "chief executive" defined, 7-1-4121, 7-5-101
    duties, 7-3-503
  election, 7-3-501
  members, 7-3-512, 7-3-515
  size, 7-3-516
Composition, 7-3-501
Department heads, 7-3-503
Elected officials, term of office, 7-3-517
Elections, 7-3-513
  commission, 7-3-501, 7-3-512
  community council members, 7-3-516
Employees, 7-3-503
Nature of government, 7-3-502
Officers, term, 7-3-517
Ordinances and resolutions, 7-3-503, 7-3-516
Plan of government, 7-3-502, 7-3-511

COMMISSION-EXECUTIVE FORM OF GOVERNMENT
  See also **LOCAL GOVERNMENT**, **Alteration of existing form**; **Alternative forms**
Administration, 7-3-203
Administrative
  assistants, 7-3-212
  supervision and control, 7-3-216
Adoption, 7-3-102
Budget, 7-3-203, 7-3-215
"Chief executive" defined, 7-1-4121
Commission, 7-3-201, 7-3-203
  chairman, 7-3-220, 7-3-221
  department heads or employees, consent for appointment or removal, 7-3-213
  financial officer, selection, 7-3-217
  members
    number, 7-3-223
    selection, 7-3-218
    term of office, 7-3-222
  size, 7-3-223
  tie votes, 7-3-221
  veto of ordinances and resolutions, override, 7-3-214
Composition, 7-3-201
Elected officials, term of office, 7-3-224
Elections, 7-3-217 — 7-3-219, 7-3-223
Employees, 7-3-213
Executive, 7-3-201, 7-3-203
  administrative
    assistants, appointment, 7-3-212
    supervision and control, 7-3-216

COMMISSION-EXECUTIVE FORM OF GOVERNMENT (Continued)
Executive (Continued)

  "chief executive" defined, 7-1-4121
  commission, 7-3-203, 7-3-221
  department heads or employees, appointment or removal, 7-3-213
  financial officer, appointment, 7-3-217
  veto power, 7-3-214
Municipal council-mayor form of government, 7-1-114, 7-3-113
Officers, term, 7-3-224
Ordinances and resolutions
  administrative supervision and control, for, 7-3-216
  commission chairman, election by or term of office, 7-3-220
  community councils, authorization, 7-3-223
  enforcement, 7-3-203
  executive, 7-3-203, 7-3-214
  financial officer, selection, 7-3-217
Plan of government, 7-3-202, 7-3-211
Powers, 7-3-202
Supervision, 7-3-212, 7-3-216
Treasurer, 7-3-217

COMMISSION FORM OF GOVERNMENT
  See also **COMMISSION-CHAIRMAN FORM OF GOVERNMENT; COMMISSION-EXECUTIVE FORM OF GOVERNMENT; COMMISSION-MANAGER FORM OF GOVERNMENT; LOCAL GOVERNMENT, Alteration of existing form**; **Alternative forms**; **MUNICIPAL COMMISSION GOVERNMENT**
Administrative assistants, 7-3-415
Adoption, 7-3-102
Assessor, 7-3-439
Auditor, 7-3-442
Boards, 7-3-403
Bonds for officers and employees, See **SURETY BONDS, City officers and employees; Official bonds**
"Chief executive" defined, 7-5-101
Clerk and recorder, 7-3-434
Clerk of district court, 7-3-435
Commission, 7-3-401
  administrative assistants, appointment, 7-3-415
  assessor, appointment, 7-3-439
  auditor, appointment, 7-3-442
  chairman, 7-3-403, 7-3-414
  "chief executive" defined, 7-5-101
  clerk and recorder, appointment, 7-3-434
  clerk of district court, appointment, 7-3-435
  consolidation of offices, 7-3-431
  coroner, appointment, 7-3-440
  law enforcement officer, appointment, 7-3-433
  legal officer, appointment, 7-3-432
  members
    selection, 7-3-412
    term of office, 7-3-416
  powers and duties, 7-3-401
  presiding officer, 7-3-403
  public administrator, appointment, 7-3-441
  size, 7-3-417
  superintendent of schools, appointment, 7-3-438

COMMISSION FORM OF GOVERNMENT (Continued)
Commission (Continued)

  surveyor, appointment, 7-3-437
  treasurer, appointment, 7-3-436
Committees, 7-3-403
Community councils, 7-3-417
Composition, 7-3-401
Coroner, 7-3-440
Council, See **Commission**
Departments and department heads, 7-3-401
Elected county official form of government, 7-1-114, 7-3-111
Elected officials, 7-3-401, 7-3-418, 7-3-431
Elections
  commission, 7-3-412 — 7-3-414
  other offices, 7-3-433 — 7-3-441
Employees, 7-3-401
Law enforcement officer, 7-3-433
Legal officer, 7-3-432
Mayor, commission chairman as, 7-3-403
Nature of government, 7-3-402
Officers, 7-3-418, 7-3-431
Ordinances and resolutions
  assessor, selection, 7-3-439
  auditor, selection, 7-3-442
  clerk and recorder, selection, 7-3-434
  clerk of district court, selection, 7-3-435
  commission chairman, term of office, 7-3-414
  community councils, authorization, 7-3-417
  coroner, selection, 7-3-440
  elected officials, powers and duties, 7-3-431
  law enforcement officer, selection, 7-3-433
  legal officer, selection, 7-3-432
  powers and duties, distribution, 7-3-401
  public administrator, selection, 7-3-441
  superintendent of schools, selection, 7-3-438
  surveyor, selection, 7-3-437
  treasurer, selection, 7-3-436
Plan of government, 7-3-411, 7-3-431
Police, 7-3-433
Powers and duties, 7-3-401, 7-3-402
Public administrator, 7-3-441
Structural suboptions, 7-3-411, 7-3-431
Superintendent of schools, 7-3-438
Surveyor, 7-3-437
Treasurer, 7-3-436

COMMISSION-MANAGER FORM OF GOVERNMENT
  See also **LOCAL GOVERNMENT**, **Alteration of existing form**; **Alternative forms**; **MUNICIPAL COMMISSION-MANAGER GOVERNMENT**
Administration, 7-3-301, 7-3-304
Adoption, 7-3-102
Advisory committees, 7-3-304, 7-3-312
Agencies, 7-3-304
Boards, appointments to, 7-3-312
Bonds for officers and employees, Title 2, chapter 9, parts 5 and 8, See **SURETY BONDS**, **City officers and employees**; **Official bonds**
Budget, 7-3-304

COMMISSION-MANAGER FORM OF GOVERNMENT (Continued)

"Chief executive" defined, 7-1-4121, 7-5-101
Commission, 7-3-301, 7-3-304
    boards, members — appointment, 7-3-312
    chairman, 7-3-312, 7-3-315
    employees, relationship to, 7-3-305
    manager, appointment or removal, 7-3-301, 7-3-303
    members, 7-3-313, 7-3-316
    size, 7-3-317
Community councils, 7-3-317
Composition, 7-3-301
Council, See **Commission**
Departments, 7-3-304
Elected officials, term of office, 7-3-318
Elections, 7-3-314
    commission, 7-3-313, 7-3-315
    community council members, 7-3-317
Employees, 7-3-304, 7-3-305
Manager
    advisory committees, establishment, 7-3-304
    appointment, 7-3-301, 7-3-303
    boards, appointments to, 7-3-312
    budget, preparation and execution, 7-3-304
    "chief executive" defined, 7-1-4121
    commission meetings, attendance, 7-3-304
    duties, 7-3-304
    employees — appointment, suspension, or removal, 7-3-304, 7-3-305
    removal, 7-3-303
    reports by, 7-3-304
Municipal commission-manager form of government, statutory basis, 7-3-114
Nature of government, 7-3-302
Officers, term, 7-3-318
Offices, 7-3-304
Ordinances and resolutions
    commission chairman, selection, 7-3-315
    community councils, authorization, 7-3-317
    enforcement, 7-3-304
    manager, duties, 7-3-301, 7-3-304
Plan of government, 7-3-302, 7-3-311
Powers, 7-3-302
Self-government powers, local government with — mandatory provisions, 7-1-114
Structural suboptions, 7-3-311
Zoning and subdivision regulations, extension beyond municipal boundaries — exclusion from provisions, 76-2-312

COMMON-LAW MARRIAGE, 26-1-602, 40-1-403
    See also **COHABITATION**

COMMON TRUST ACT, UNIFORM, Title 32, chapter 1, part 7
    See **BANKS AND TRUST COMPANIES, Trusts**, common trust funds

COMMUNICABLE DISEASES
    See **DISEASES**

COMMUNICATIONS
See also **CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS; EVIDENCE, Privileges**
Amateur radio operators, 61-3-421 — 61-3-425
Bank deposits and collections, delay caused by interruption, 30-4-108, 32-1-561
Defamation, criminal, 45-8-212, See **CRIMES, Criminal defamation**; See also **DEFAMATION**
Disabilities, persons with — services and equipment, Title 53, chapter 19, part 3
Division of, 10-3-106
Emergencies and emergency powers, See **EMERGENCIES AND EMERGENCY POWERS**, generally; **9-1-1 EMERGENCY TELEPHONE SYSTEM**
Land mobile public safety radio frequencies, 2-17-311 — 2-17-313
Law enforcement teletypewriter, Title 44, chapter 2, part 3
Lines and facilities, See generally **TELEPHONE AND TELEGRAPH; UTILITIES; UTILITIES, RURAL COOPERATIVE**
Media, See generally **NEWS MEDIA; RADIO BROADCASTING; TELECOMMUNICATIONS SERVICES; TELEVISION; TELEVISION DISTRICTS**
Missing children information program, 44-2-503
9-1-1 emergency telephone service, Title 10, chapter 4, parts 1 — 3
Privacy, violation of, 45-8-213, 69-6-104
Public systems, interruption or impairment unlawful, 45-6-101
School buses, two-way radios, 20-10-108
State system, See **STATE GOVERNMENT, Communication systems**
Theft of services, 45-6-305 — 45-6-307
Trademarks and service marks, classification of services, 30-13-331
Transmitting utilities, 30-9-105, 30-9-122, 30-9-403, 30-9-409, 30-9-410

COMMUNITY AND URBAN FORESTRY ACT, Title 77, chapter 5, part 4
See **FORESTS AND FORESTRY**

COMMUNITY COLLEGE DISTRICTS AND TRUSTEES
Actions
  party to, 20-1-204
  sue and be sued, power to, 20-15-101
  trustees, prosecution when, 20-15-226
Administration, 20-15-225
Adult basic education funding, 20-7-712
Adult education programs and levy for, 20-7-702 — 20-7-705, 20-15-105, 20-15-305, 20-15-311, 20-15-404
Agents of goods or services, trustees acting as — prohibited, 20-1-201, 20-15-404
Annexation of territory and transition following, 20-15-231
Antiquities permits, 22-3-432
Appointment of trustees, 20-15-222, 20-15-223
Architectural services contracts, Title 18, chapter 8, part 2
Attorneys employed by, 20-1-204, 20-1-205, 20-15-404
Audits, 20-15-229
Boundary changes, 20-15-225
Budgets, See **Finance**
Buildings, 20-15-104, 20-15-105, 20-15-225, 20-15-301, 20-15-404, 50-40-107, 50-40-201, 50-61-103
Clerk of the district, 20-15-224, 20-15-325
Community service courses, 20-15-310, 20-15-311
Conflict of laws, 20-15-402
Contracts, 20-15-104, 20-15-224; Title 18, chapter 8, part 2
Coordination, 20-15-103, 20-15-401

COMMUNITY COLLEGE DISTRICTS AND TRUSTEES (Continued)

Coordinator
  appointment and duties, 20-15-103
  budget forms provided by, 20-9-134
  organization election, certification of results, 20-15-209
  organization meeting of trustees, notice, 20-15-224
Corporate powers, 20-15-102
County superintendent of schools, duties, 20-3-205
Courses of instruction, 20-15-105, 20-15-310, 20-15-311
Death of trustee, 20-15-223
Definitions, 20-15-101, 20-15-323
Degrees and certificates awarded, 20-15-108, 20-15-225
Disabilities, persons with — employment preference, nonapplicability, 39-30-103
Discriminatory practices, See **DISCRIMINATION, Educational institutions; Government, state and local**
Donations, 20-15-109, 20-15-225
Educational associations, membership, 20-1-211, 20-15-404
Elections, See also **SCHOOL ELECTIONS**
  annexation of territory, 20-15-231
  calling of, generally, 20-15-225, 20-20-201
  expenses, 20-15-208, 20-15-221, 20-20-107, 20-20-201
  levy, optional voted, 20-15-311 — 20-15-313
  ordered by trustees, 20-20-201
  organization of district
    approval, determination and procedures upon, 20-15-209
    authority for, 20-15-103
    call for, 20-15-103, 20-15-203
    conduct and cost of election, 20-15-208
    held when, 20-15-203
    notice, 20-15-207
    petition, 20-15-202, 20-15-203
    proposition, form, 20-15-203
    request for election, 20-15-201
  service regions, for designation, 20-15-241
  title 20 provisions, adherence to, 20-15-404, 20-20-101
  trustees, of
    ballots, 20-15-206, 20-15-220, 20-15-221
    candidates
      declaration of candidacy, 20-15-221
      nominations, 20-15-205, 20-15-206, 20-15-219
      qualifications, 20-15-219
    certificate of election, 20-15-222
    conduct and cost of election, 20-15-208, 20-15-221
    districts from which elected, 20-15-204
    held when, 20-15-221
    notices, 20-15-205, 20-15-207, 20-15-221
    number to be elected, 20-15-204
    results of election, 20-15-209, 20-15-222
Employees, 20-15-106, 20-15-225
Engineering services contracts, Title 18, chapter 8, part 2
Fair Practices, Code of, Title 49, chapter 3
Finance, See also **Funds**
  accounting system, state — nonapplicability, 17-1-102
  appropriations, legislative, 20-15-310 — 20-15-312
  bills, approval, 20-15-224
  bonded indebtedness, annexation provisions, 20-15-231

COMMUNITY COLLEGE DISTRICTS AND TRUSTEES (Continued)
Finance (Continued)

- bonds, 20-9-402, 20-15-301, 20-15-404, See also **SCHOOL FINANCE, Bonds and bond issues**
- budgets
  - emergency, 20-15-323 — 20-15-326
  - final, 20-9-134
  - general fund, 20-15-321
  - operating, 20-15-309, 20-15-311, 20-15-312
  - proposed, 20-15-309
  - teachers' retirement system, employer contributions, 19-20-605
  - "university system unit" defined, 17-7-102, See **BUDGET AND BUDGETING**
  - unrestricted, 20-15-312
- budget amendments, 20-15-325
- budget system of title 20, applicability, 20-9-101
- capital expenditures, 20-15-301
- cash reserve, 20-15-321
- disbursements, 20-15-225
- legislation imposing additional obligations, 20-15-323
- revenue sources, 20-15-301
- receipts, 20-15-225
- tax levies, See **Levies**
- title 20 provisions, adherence to, 20-15-404
- warrants, 20-15-321, 20-15-326

Fire protection and safety regulations for college buildings, 50-61-103
Flathead Valley, forestry extension service account — use, 76-13-415
Funds, See also **Finance**

- accounting, 20-9-212
- deposit, 20-15-308
- emergency budgets, 20-15-324 — 20-15-326
- federal, 20-15-225, 20-15-304
- general fund cash reserve, 20-15-321
- illegal use, 20-15-226
- restricted, 20-15-310, 20-15-312
- special purpose, trustees' adherence to title 20 provisions, 20-15-404
- state, 20-15-225, 20-15-304

Gifts and grants, 20-15-109, 20-15-225
Health regulations, state — copies to trustees, 20-15-404, 50-1-206
Insurance, Title 2, chapter 9, parts 2 and 3, See **GOVERNMENTAL LIABILITY**
Interlocal cooperative agreement provisions, adherence, 20-15-404
Intrastate, interstate, and international agreements, 20-15-225
Judgments against, 20-15-323
Land surveying services contracts, Title 18, chapter 8, part 2
Laws, other — relationship to, 20-15-402 — 20-15-404
Legal adviser, 20-1-204, 20-1-205, 20-15-404
Levies

- accounting, 20-9-212
- adult education, 20-15-305, 20-15-311
- authority, 20-15-102
- business equipment tax rate reduction reimbursement, 15-1-112
- emergency budget, 20-15-326
- mandatory, 20-15-311 — 20-15-313
- optional voted, 20-15-310, 20-15-311 — 20-15-313
- retirement fund, requirements, 20-9-501
- service regions, 20-15-241, 20-15-314

Liability, Title 2, chapter 9, part 1, See also **GOVERNMENTAL LIABILITY**

- trustees, personal liability, 20-15-226

COMMUNITY COLLEGE DISTRICTS AND TRUSTEES (Continued)

Libraries
  depository libraries, 22-1-214, 22-1-215
  federations, participation in, 22-1-402
  interlibrary loan reimbursement, 22-1-328
  records confidentiality, 22-1-1101 — 22-1-1103, 22-1-1111
License plates, collegiate, 61-3-461 — 61-3-468
Loans, minors' capacity to make, 41-1-303
Matriculation charges, 20-15-105
Meetings of trustees
  emergency budget meetings, 20-15-324, 20-15-325
  failure to attend, 20-15-228
  held when, 20-15-224
  oath of office for new trustees, 20-15-222
  open to public when, 20-15-325
  organization meetings, 20-15-209, 20-15-210, 20-15-224
  special meetings, 20-15-224
Membership on board of trustees, notification, 20-15-209
Motor vehicles
  license plates, 61-3-332, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS, License plates**
  new vehicle sales tax, exemption, 61-3-502
  registration fees, exemption, 61-3-321
  weed control fee, exemption, 61-3-510
Name, 20-15-102
Oath of trustees, 20-15-210, 20-15-222
Organization of district, 20-15-103, 20-15-201, 20-15-209, See also **Elections**
Pecuniary interests of trustees unlawful, 20-15-104
Placement services, discriminatory practices prohibited, 49-3-202
Policies, 20-15-103
Powers and duties of trustees, 20-15-225
President of college, 20-15-225
Presiding officer of board of trustees, 20-15-209, 20-15-210, 20-15-224, 20-15-325
Property, 20-15-107, 20-15-225, 20-15-323, 20-15-404
Public Employees' Retirement System, eligible employees, 19-3-411, 20-15-106
Purpose of provisions, 20-15-401
Qualifications for office of trustee, 20-15-219
Records, 20-1-212, 20-15-225, 20-15-404
Removal of trustee from office, 20-15-223, 20-15-226 — 20-15-228
Research and commercialization center, 90-3-1001, See **RESEARCH AND COMMERCIALIZATION**
Resignation of trustee, 20-15-223
Retirement of teachers and employees, Title 19, chapters 3 and 20
Scholarship donations from collegiate license plates, 61-3-465, 61-3-467
School district provisions, applicability, 20-15-403
Seal of board of trustees, 20-15-224
Secretary of board of trustees, 20-15-209, 20-15-210, 20-15-221, 20-15-224
Service regions, 20-15-241, 20-15-311, 20-15-314
Session laws, copies to, 5-11-203
Solicitors of goods or services, trustees acting as — prohibited, 20-1-201, 20-15-404
Students
  fees, 20-15-105, 20-15-311, 20-15-312
  governance, 20-15-225
  immunization requirements, 20-5-402 — 20-5-410
  public employees' retirement system, applicability, 19-3-403
  rights, adherence by trustees to title 20 provisions, 20-15-404

COMMUNITY COLLEGE DISTRICTS AND TRUSTEES (Continued)
Students (Continued)

  tribally controlled colleges, financial assistance, 20-25-428
  tuition, 20-15-105, 20-15-225, 20-15-311, 20-15-312
Supervision, 20-15-103, 20-15-225
Suspension of trustee when, 20-15-227
Tax levies, See **Levies**
Teachers, 20-15-106, 20-15-224, 20-15-225, See also **TEACHERS' RETIREMENT SYSTEM**
Teachers' Retirement System, applicability, 20-15-106, 20-15-225, 20-15-404
Telecommunications network (METNET), 20-32-101 — 20-32-104
Term of office of trustees, 20-15-204, 20-15-222
Tobacco-free areas, designation, 50-40-107, 50-40-201
Torts, See **GOVERNMENTAL LIABILITY; TORTS**
Treasurer, 20-15-210
Tribally controlled
  financial assistance for students when, 20-25-428
  indian studies, instruction in — requirements, 20-1-501 — 20-1-503; Const., X, 1
  legislative intern program, 5-6-102
Tuition and fees, 20-15-105, 20-15-225, 20-15-311, 20-15-312
Vacancies on board of trustees, 20-15-223
Veterans' employment preference, Title 39, chapter 29
"Vocational-technical education" defined, 20-1-101, See also **VOCATIONAL-TECHNICAL EDUCATION**

COMMUNITY CORRECTIONS ACT, Title 53, chapter 30, part 3
  See **CORRECTIONAL FACILITIES, Community corrections facilities and programs**

COMMUNITY DEVELOPMENT ACT OF 1973, PLANNED, Title 7, chapter 2, part 47
  See **CITIES AND TOWNS, Annexation with provision of services**

COMMUNITY PROPERTY RIGHTS AT DEATH ACT, UNIFORM DISPOSITION OF, Title 72, chapter 9, part 1
  See **ESTATES AND PROBATE, Community property**

COMMUNITY SERVICE
Accounts, 90-14-107
Actions arising from discharge of functions or duties by personnel, 90-14-108
Citation of Montana Community Service Act, 90-14-101
Commission on, 90-14-102 — 90-14-105
Contracts or cooperative agreements, 90-14-105
Coordination of programs, 90-14-109
Definitions, 90-14-102
Director, 90-14-102, 90-14-103, 90-14-105
Funding, 90-14-103, 90-14-105, 90-14-107
Indemnification, 90-14-108
Office of, 23-1-301, 90-14-103, 90-14-105 — 90-14-107
Prohibited activities, 90-14-106
Rules, 90-14-105
State agencies, duties and powers, 90-14-105

COMMUTATION OF SENTENCE, Const., VI, 12
  See **PROBATION, PAROLE, AND CLEMENCY, Executive clemency**

COMPREHENSIVE ENVIRONMENTAL CLEANUP AND RESPONSIBILITY ACT, Title 75, chapter 10, part 7
  See **HAZARDOUS WASTES, Remedial action upon release of hazardous substance**

COMPUTERS
    See **INFORMATION TECHNOLOGY**

CONCILIATION
Affidavit, 40-3-116
Applicability of laws, 40-3-104
Citation of Montana Conciliation Law, 40-3-101
Conferences for, 40-3-116, 40-3-124, 40-4-107
Confidentiality, 40-3-116
Counselors, appointment and duties, 40-3-124, 40-3-125
Counties where provisions applicable, determination, 40-3-104
Court, See also **COURTS GENERALLY**
    budget for, 40-3-114
    communications, confidentiality, 40-3-116
    conferences, 40-3-116, 40-3-124, 40-4-107
    convened when, 40-3-125
    county commissioners, budget submitted to — when, 40-3-114
    expenditures, 40-3-114, 40-3-122, 40-3-125
    files closed, 40-3-116
    hearings
        privacy, 40-3-116
        procedures, 40-3-124, 40-3-125
    judges, See also **JUDGES AND JUSTICES**; **PUBLIC OFFICERS OR EMPLOYEES**
        absence, 40-3-113
        cases transferred when, 40-3-113
        disqualification, 40-3-111
        powers, 40-3-111, 40-3-124
        selection, 40-3-112, 40-3-113
    jurisdiction, 40-3-111, 40-3-127
    location, 40-3-125
    need, how determined, 40-3-104, 40-3-111
    notice to respondent, 40-3-125
    orders by, 40-3-126
    powers, 40-3-111
    privacy of proceedings, 40-3-116
    probation officers' assistance when, 40-3-115, 40-3-122
    proceedings
        confidentiality, 40-3-116
        hearings or conferences
            privacy, 40-3-116
            procedures, 40-3-124, 40-3-125
    reconciliation agreement, 40-3-126
    records, 40-3-116, 40-3-124
    sessions held when, 40-3-112
Declaration of invalidity proceedings, effect on, 40-3-111, 40-3-127
Dissolution of marriage
    decree, effect of conciliation, 40-4-104
    laws, effect of, 40-4-107
    proceedings, effect of conciliation petition on, 40-3-111, 40-3-127
    summary dissolution proceedings, 40-4-130, 40-4-136
District court
    judges
        counties where provisions applicable, determination, 40-3-104
        selection, 40-3-112
    jurisdiction, 40-3-111

CONCILIATION (Continued)

Duration, 40-3-127
Fees, 40-3-123
Hearings, 40-3-116, 40-3-124 — 40-3-126
Jurisdiction
  conciliation court, 40-3-111, 40-3-127
  district court, 40-3-111
“May” and “shall”, usage defined, 40-3-103
Need, how determined, 40-3-111, 40-3-127
Notice to respondents, 40-3-125
Orders for, 40-3-126
Petition
  filing and fees, 40-3-121, 40-3-123
  form and contents, 40-3-122
  hearings, procedures, 40-3-124, 40-3-125
Privacy of proceedings, 40-3-116
Probation officers’ assistance required when, 40-3-115, 40-3-122
Procedure, 40-3-124 — 40-3-126
Purpose of Conciliation Law, 40-3-102
Reconciliation agreements, 40-3-126
Records, 40-3-116, 40-3-124
Respondents, attendance compelled, 40-3-125
Separate maintenance proceedings, effect on, 40-3-111, 40-3-127
Stay of other proceedings when, 40-3-127
Waiting period, 40-3-127
Witnesses, 40-3-125

CONDEMNATION
  See **EMINENT DOMAIN**

CONDOMINIUMS
Abandonment of unit does not abrogate liability, 70-23-505
Acknowledgment, declaration of submission, 70-23-103
Actions, 70-23-901
  common elements, division or partition, 70-23-405, 70-23-805
  common expenses, unpaid — recovery, 70-23-608
  compliance with administrative rules, bylaws, or covenants — for, 70-23-506
  foreclosure on unit, 70-23-609
  partition, 70-23-805
  service of process, 70-23-301, 70-23-901, 70-23-902
Administrative rules, 70-23-308, 70-23-506
Alteration of units, 70-23-502, See also **Repairs to units**
Assignment of purchaser’s liability in foreclosure sale, 70-23-610
Association of unit owners, 70-23-102
  bylaws, 70-23-307, 70-23-613
  common elements, rights, 70-23-504
  damage to property, powers, 70-23-803
  lease, effect of filing with, 70-23-102
  lien on common elements, 70-23-607, 70-23-608
  officers, 70-23-308, 70-23-902
  parties to actions, as, 70-23-506
  service of process, change of agent, 70-23-902
Board of directors, 70-23-308
Buy-sell agreements, disclosure requirements, 70-23-613
Bylaws, 70-23-307, 70-23-308, 70-23-504, 70-23-609, 70-23-612
  compliance, 70-23-506
  disclosure by seller, 70-23-613

CONDOMINIUMS (Continued)

Citation of Unit Ownership Act, 70-23-101
Common elements, 70-23-102
  actions on, 70-23-901
  bylaws to govern, 70-23-308
  declaration, description in, 70-23-301
  deed or lease requirements, 70-23-601, 70-23-602
  floor plans to indicate, 70-23-306
  improvements, 70-23-504
  indivisible, 70-23-405
  interest in, 70-23-403, 70-23-404
  liens upon, 70-23-602, 70-23-603, 70-23-605, 70-23-607
  maintenance, 70-23-308, 70-23-504, 70-23-606
  partition, 70-23-405, 70-23-805
  records of receipts and expenditures, 70-23-606
  repairs, See **Repairs to units**
  use, 70-23-308, 70-23-503
    waiver, effect, 70-23-505
Common expenses, 70-23-102
  chargeable, how, 70-23-501
  collection, 70-23-308
  foreclosure sale, purchaser's liability, 70-23-610
  insurance premiums as, 70-23-612
  liability, 70-23-505, 70-23-610, 70-23-611
  lien for, 70-23-607, 70-23-608
  obsolete property, restoration, 70-23-802
  unpaid
    action to recover, 70-23-608
    statement to grantor when, 70-23-611
Common profits, distribution, 70-23-501, 70-23-805
Conveyance
  common elements, unit interest conveyed with, 70-23-404
  common expenses, liability, 70-23-611
  liens, satisfaction or release on first conveyance, 70-23-602
  manager, power in foreclosure sale, 70-23-609
  unit subject to, 70-23-401
Covenants, 70-23-405, 70-23-506
Creation, See **Declaration of submission**
Damage to property, effect, 70-23-803
Declaration of submission, 70-23-102, 70-23-301
  amendment, 70-23-306, 70-23-403, 70-23-902
  approval, 70-23-304
  bylaws, recording with, 70-23-307
  common elements, interest stated in, 70-23-403
  compliance, 70-23-506
  floor plans, recording with, 70-23-306
  preliminary declaration, 70-23-302
  recording, 70-23-103, 70-23-302, 70-23-305 — 70-23-307
  required, 70-23-103
  resubmission, 70-23-806
Deed to unit, 70-23-506, 70-23-601
Definitions, 70-23-102
Elements, common, See **Common elements**
Encumbrance, See **Liens and encumbrances**
Expenses, common, See **Common expenses**
First-time home buyer savings accounts, Title 15, chapter 63

CONDOMINIUMS (Continued)

Floor plans, 70-23-306
Foreclosure
  lien for common expenses, 70-23-608
  unit, on, 70-23-609, 70-23-610
Inns, lodging facility use tax, Title 15, chapter 65, part 1
Insurance on property, 70-23-612, 70-23-805
Landlord-tenant laws, exclusion, 70-24-104
Lease
  contents, 70-23-601
  declaration of submission, contents, 70-23-301
  foreclosure on unit, upon, 70-23-609
  liens to be satisfied or released, 70-23-602
  "unit owner" defined, 70-23-102
  unit subject to, 70-23-401
Liens and encumbrances
  common elements, interest encumbered with unit, 70-23-404
  common expenses, for, 70-23-607, 70-23-608, 70-23-611
  construction or materialmen's liens, 70-23-604
  foreclosure, 70-23-608
  property not subject to, 70-23-603
  removal of property from unit ownership act, effect, 70-23-801, 70-23-804, 70-23-805
  satisfaction or release at first conveyance, 70-23-602
  two or more units, liens effective against, 70-23-604, 70-23-605
  unit subject to, 70-23-401, 70-23-603
Maintenance of common elements, 70-23-308, 70-23-504, 70-23-606
Manager or managing agent, 70-23-102, 70-23-607
  actions, power to bring, 70-23-901
  bylaws, provisions for, 70-23-308
  common expenses, unpaid — statement to grantor when, 70-23-611
  foreclosure on unit, powers, 70-23-609
  insurance on property, 70-23-612
  lien on common elements, enforcement, 70-23-608
  maintenance and repairs by, 70-23-504
  records, 70-23-606
Meetings of unit owners, 70-23-308
Name, exclusivity, 70-23-303, 70-23-304
Ownership interest
  common elements, interest in, 70-23-403 — 70-23-405
  exclusivity or joint tenancy, 70-23-402
  property status of unit, 70-23-401
  removal of property from unit ownership act, effect, 70-23-804
  tenancy in common, 70-23-402, 70-23-804
Possession of unit, 70-23-401, 70-23-402
Property status of unit, 70-23-401
Recording of
  bylaws, 70-23-307
  common elements, change in ownership percentage, 70-23-403
  common expenses, claim for, 70-23-607
  declaration of submission, 70-23-103, 70-23-305 — 70-23-307
    preliminary declaration, 70-23-302
  deed or lease, contents, 70-23-601
  floor plans, 70-23-306
  removal of property from unit ownership act, 70-23-801
  title and interest of unit, 70-23-401
Recording officer, 70-23-102, 70-23-305, 70-23-607, 70-23-901

CONDOMINIUMS (Continued)

Removal of property from Unit Ownership Act, 70-23-801
    damage to property, following, 70-23-803
    effect, 70-23-804, 70-23-805
    obsolete property, 70-23-802
    resubmission, 70-23-806
Repairs to units
    association of unit owners, right, 70-23-504
    bylaws, provisions for, 70-23-308
    damage to property, failure to repair — effect, 70-23-803
    emergency repairs, 70-23-504, 70-23-604
    lien for, 70-23-604
    limitation, 70-23-502
    records, 70-23-606
Resubmission of property to Unit Ownership Act, 70-23-806
Sales
    foreclosure, 70-23-609, 70-23-610
    obsolete property, 70-23-802
    unit, of, 70-23-401
Seller, disclosure and furnishing documents, 70-23-613
Subdivisions, created within, Title 76, chapter 3, See **SUBDIVISIONS**
Submission by declaration, 70-23-103, See **Declaration of submission**
Taxation, 15-8-511, 70-23-304, 70-23-607
Title of unit, 70-23-401, See **Ownership interest**

CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS
    See also **EVIDENCE, Privileges**; **PRIVACY**; **PUBLIC RECORDS**, generally
Abortion
    judicial waiver proceedings, 50-20-212
    reports and documents, 50-20-110
    minor, parental notification — judicial waiver, 50-20-212
    physician or physician's agent, maintenance, 50-20-306
Adoption
    confidential intermediary, 42-1-103
    hard-to-place children, 42-10-105
    records and proceedings, 42-6-101, 42-6-102, 42-6-104, 42-6-105
Agricultural chemical ground water protection, data and information and registrant data and information, 80-15-105, 80-15-108, 80-15-414
Agricultural commodity warehouse operators and dealers, records, 80-4-409
AIDS test results and identity of subject, 50-16-1007, 50-16-1009, 50-16-1013
Air contaminant source owners, information concerning trade secrets — when, 75-2-105
Appellate alternative dispute resolution/mediation process, Title 25, chapter 21, M.R.App.P., Rules 54(e), 54(f)
Artificial insemination records, 40-6-106
Bids on construction contracts, 27-1-520
Burial site locations or records, 22-3-802, 22-3-807
Chemical dependency, treatment facility records, 53-24-306
Child abuse and neglect records and proceedings, 41-3-201, 41-3-204, 41-3-205, 41-3-404, 52-2-211
Children's services, multiagency — case records, 52-2-203, 52-2-211
Child support enforcement proceedings, 40-5-171, 40-5-172, 40-5-175, 40-5-206, 40-5-273
Chiropractic Legal Panel proceedings, 27-12-602, 27-12-702, 27-12-703
Civil rights laws, administration — records concerning age, sex, and race, 49-2-102
Commercial fertilizer tonnage report information when, 80-10-210
Conservation practice loan program financial statements, 76-15-547

CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS (Continued)

County Commissioners, Board of — meetings and proceedings relating to stock inspector, 7-21-3213
Crime Control, Division of — records, 53-9-107
Criminal justice information, Title 44, chapter 5
Criminal proceedings
    grand jury, 46-11-307, 46-11-317
    presentence investigation report, 46-18-113
    pretrial proceedings, when, 46-11-701
    psychiatric or psychological examination and treatment of defendant, 46-14-217
Death penalty, executioner — identity, selection, and training, 46-19-103
Developmental disabilities, persons with
    abuse, neglect, or dependency records and reports, 52-3-813, 52-3-821
    residential facility care records, 53-20-161
Disabilities, persons with — telecommunications services for, 53-19-308
Drug research participants, identification, 50-32-106
Elderly persons — abuse, neglect, or dependency records and reports, 52-3-813, 52-3-821
Electronic funds transfer, financial institution-customer relationship, 32-6-105
Electronic or nonprint information, 2-6-110
Electronic records, 2-20-105
Energy supply emergencies, information disclosures by distributors, 90-4-305
Estates and probate
    inheritance tax records, 72-16-201, 72-16-208
    wills, 72-2-535, 72-2-909
Executive branch data and information technology resources — internal policies, procedures, and evaluations, 2-15-114
Executive branch officers' official records, personal information contained in, 2-6-304
Family law, mediator or mediation proceedings and records, 40-4-303
Fetal, infant, and child mortality review teams — information obtained by, 50-19-402, 50-19-404 — 50-19-406
Fire insurance reports when, 50-63-403
Fish and wildlife crimestoppers program, identity of persons submitting information, 87-5-606
Fishing, hunting, and trapping licenses — social security numbers on, 87-2-106, 87-2-202
Foreign capital depositories, financial records, See **FOREIGN CAPITAL DEPOSITORIES, Financial records and privacy**
Forest and Conservation Experiment Station director, officers, and employees, 20-25-244
Foster Care Review Committee, 41-3-1115
Gambling
    records of convictions, 23-5-161
    video gambling machine automated accounting and reporting system information, 23-5-621
Hazardous chemical trade secrets, 50-78-205
Hazardous or deleterious substance, remedial action upon release — trade secret information, 75-10-707
Health care database, 50-4-502
Health care facilities, records and reports to department of public health and human services, 50-5-106
Health care information, Title 50, chapter 16, part 5
Health maintenance organizations
    filings and reports, 33-31-112, 33-31-201
    malpractice claims, 33-31-303
    medical information, 33-31-113
Heritage properties, information relating to — when, 22-3-423
HIV-related test results and identity of subject, 50-16-1007, 50-16-1009, 50-16-1013
Hospital medical staff committee information and proceedings, 50-16-203 — 50-16-205

CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS (Continued)

Infectious disease, names of person who suffered exposure and person having disease, 50-16-704
Insurance
  administrators, records when, 33-17-611
  commissioner of, information or documents — when, 33-1-311
  disability insurance, multiple employer welfare arrangements — financial information, 33-35-203
  guaranty association records and reports, 33-10-206, 33-10-217, 33-10-218
  information and privacy protection, Title 33, chapter 19
  life insurance, standard valuation of reserve liabilities — materials in support of actuary's opinions, 33-2-521
  managed care plan network adequacy and quality assurance, information or records, 33-36-201, 33-36-204, 33-36-304, 33-36-305
  surplus lines' examinations, 33-2-321
  viatical settlement contracts, information obtained from policyholders and certificate holders, 33-20-1310, 33-20-1313
Insurers
  examination reports and investigatory hearings, 33-1-409
  holding company systems — information regarding examinations, investigations, and registration — when, 33-2-1116
  material transactions, disclosure — reports, 33-3-702
  NAIC information, 33-1-311, 33-2-1504
  risk-based capital documents, 33-2-1909
  supervision proceedings and judicial reviews, records when, 33-2-1323
Judicial Standards Commission proceedings, 3-1-1105, 3-1-1122, 3-1-1126; Const., VII, 11
Law enforcement agency license plates and certificates of registration, 44-4-201 — 44-4-206
Legislative fiscal analyst, disclosure by — prohibited, 5-12-303
Library records, when, 22-1-1101 — 22-1-1103, 22-1-1111
Livestock Crimestoppers Program, identity of persons submitting information, 81-6-314
Lottery, state — security invasion techniques, audit findings, 23-7-412
Mediation proceedings and related communications, 26-1-813, 40-4-303
Medicaid fraud control unit, investigation or prosecution material, 53-6-157, 53-6-159
Medicaid information, 53-6-113
Medical Legal Panel proceedings, 27-6-603, 27-6-703, 27-6-704
Mental health managed care services, applicant and recipient information, 53-21-703
Mental health professionals, exemption when, 27-1-1103
Mentally ill persons, See **MENTAL ILLNESS OR INCAPACITY, Confidentiality**
Mine reclamation, metal mines — application information, 82-4-306
Mines and Geology, Bureau of — director and assistants, 20-25-213
Motor vehicles
  accident reports, 61-7-114, 61-7-116
  commercial vehicle operator's license applicant's social security numbers, 61-5-107
  theft and insurance fraud, 61-3-106
Nuclear regulation investigations, inspections, or processes — reports concerning, 50-79-106
Occupational disease
  records, 39-71-525
  reports, 50-70-107, 50-70-109
Oil and Gas Conservation, Board of — information relative to trade secrets, 82-11-117
Paternity proceedings, 40-5-238
  artificial insemination, record of husband's consent, 40-6-106
  birth certificate, 40-6-123
  father's identity when, 40-6-114
  records and hearings, 40-6-111, 40-6-120, 40-6-123

CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS (Continued)
Paternity proceedings (Continued)

  social security number, 40-6-116
  support payments when, 40-6-122
Physical therapists or assistants, effect of reporting violations by other therapists or assistants, 37-11-320
Premarital examination medical certificates, statements, reports, applications, 40-1-208
Prenatal serological test results, 50-19-108
Private investigators and security patrol officers, when, 37-60-402
Professional and occupational licensing boards, license applicants' social security numbers, 37-1-307
Professional employer organization and group licensing investigation, audit, or review information when, 39-8-305, 39-8-401
Property, personal — unclaimed, documents and working papers from examination of records, 70-9-820
Public assistance, relating to, 53-4-233, See also **PUBLIC ASSISTANCE**
Public records when, 2-6-102, 2-6-104
Rangeland improvement loan financial statements, 76-14-116
Secured transactions, secured party not entitled to access, 30-9-448
Sexually transmitted disease information, 50-18-109
Slander, with respect to, 27-1-804
Special education surrogate parent, compliance concerning records and information, 20-7-462, 20-7-463
State land lessees and permittees, geologic information when, 77-3-130, 77-3-211, 77-3-308, 77-3-451
Tax records, returns, or information, 5-12-303, 15-7-308, 15-30-249, 15-30-303, 15-31-511, 15-38-109, 15-70-205, 15-70-209, 15-70-344, 15-70-351, 72-16-201, 72-16-208
  taxpayer rights, 15-1-222
Teachers' employment relationship with school district, termination or nonrenewal or letters of reprimand, 20-4-110, 20-4-113
Trade secrets, See **TRADE REGULATION AND COMPETITION**
Trauma care, register and reports, 50-6-415
Tumor registry, 50-15-704
Unemployment insurance, governmental records — access, 39-51-505
Vital statistics information, 50-15-121, 50-15-122
Vocational rehabilitation information, 53-7-102, 53-7-315
Water pollution source owners, information concerning trade secrets — when, 75-5-105
Workers' compensation
  database system information, 39-71-225
  employer old fund liability tax information, 39-71-2503
  mediation proceedings, files, and records, 39-71-2410
  records, 39-71-224, 39-71-525
  self-insurers guaranty fund, 39-71-2610
Workforce drug and alcohol testing information and results, 39-2-207, 39-2-211
Youth court
  counsel-client communications, 41-5-1303
  local citizen review board — records, recommendations, and proceedings, 41-3-205, 41-3-1005, 41-3-1007, 41-3-1008, 41-3-1010
  youth placement committee records, 41-5-125

CONFLICT OF INTEREST
  See specific subject heading

CONFLICT OF LAWS
  See also **FOREIGN LAWS**
Agricultural marketing associations, foreign-domestic mergers, 35-17-501
Close pursuit, 46-6-411

CONFLICT OF LAWS (Continued)

Community college districts, 20-15-402
Contracts, 28-3-102
Corporations, foreign-domestic mergers or share exchanges, 35-1-819
Crimes
  double jeopardy provisions, effect, 46-11-504, 46-11-505
  extradition, 46-30-204
Disabilities, persons with — employment preference, 39-30-108
Drug distribution, wholesale, 37-7-604, 37-7-610
Estates and probate, relationship to, See **ESTATES AND PROBATE**
Executive branch reorganization, federal aid requirements, 2-15-137
Foreign capital depositories, 25-9-801, 32-8-501
Foreign-money claims, 25-9-703, 25-9-710
Hazardous waste provisions, 75-10-421
Health service corporations, 33-30-102
Instruments, interpretation of language, 1-4-106
Insurers, professional liability, 33-9-103
Irrigation district revenue bond provisions, 85-7-1403
Judicial determination, Title 25, chapter 20, M.R.Civ.P., Rule 44.1
Letters of credit, 30-1-105, 30-5-136
Limited partnerships, foreign, 35-12-1301
Mining claims, actions concerning, 70-19-201
Municipal zoning provisions, 76-2-309
Natural areas preservation, 76-12-117
Parole violations when interstate supervision, 46-23-1106
Personal property, 70-1-109
Premarital agreements, 40-2-605
Property, 70-1-107, 70-1-109
Public employees' retirement provisions, 19-2-1015
Radioactive substances, 50-79-105
Schools
  bond provisions, 20-9-401
  elections, 20-20-102
Situs rule, 70-1-109
Statutes of limitation, uniform act, 27-2-104, 27-2-501 — 27-2-507
Taxes, 15-1-601
Teachers' retirement provisions, 19-20-510
Underground storage tank installer and inspector provisions, 75-11-226, 75-11-520
Uniform Commercial Code, 30-1-105
  bank deposits and collections, 30-4-102
  funds transfers, 30-4A-501, 30-4A-507
  leases, 30-2A-104, 30-2A-105
  negotiable instruments, 30-3-124
  sales, 30-2-402, 30-2-501
  secured transactions, 30-9-103
  securities, 30-1-105
Uniform Transboundary Pollution Reciprocal Access Act, 75-16-105, See also **POLLUTION**
Wage claims, reciprocal enforcement, 39-3-304 — 39-3-306
Water use jurisdiction of Department of Natural Resources and Conservation, 85-1-214
Workers' compensation, 39-71-401
Wrongful discharge from employment, arbitration, 39-2-914
Zoning provisions, municipal, 76-2-309

CONSANGUINITY
  See **AFFINITY AND CONSANGUINITY**

CONSERVATION DISTRICTS
  See also **WATER CONSERVANCY DISTRICTS**
Accounts, See **Funds and funding**
Actions
  certificate of organization as evidence, 76-15-214
  land use regulations, enforcement, 76-15-710
  power concerning, 76-15-320, 76-15-810
  termination of district, effect, 76-15-810
Addition of territory, 76-15-802
Adjustment, Board of
  composition and term, 76-15-721
  expenses, 76-15-503, 76-15-721
  hearings, 76-15-721, 76-15-724
  rules, adoption, 76-15-722
  variances
    appeals from decisions concerning, 76-15-726, 76-15-727
    decision concerning, 76-15-725
    order for, 76-15-725, 76-15-726
    petition and hearing for, 76-15-723, 76-15-724
Administration, See **Supervisors**
Administrative practicability, determination
  combination or division of district, 76-15-803
  creation of district, 76-15-206, 76-15-209, 76-15-210
  discontinuance of district, 76-15-806 — 76-15-808
Agencies of the United States, 76-15-103
  administration of projects, 76-15-403
  cooperation and assistance, 76-15-105
  natural resources conservation service
    conservation plan, consultation, 76-15-543
    conservation practices
      completion, standards and specifications, 76-15-546
      land use conversion, advice, 76-15-541
  project areas, authority, 76-15-611
  research programs, 76-15-401
Agencies of this state, 76-15-103
  administration of projects, 76-15-403
  cooperation and assistance, 76-15-105, 76-15-317
  research programs, 76-15-401
Agents, 76-15-315, 76-15-403, 76-15-610, 76-15-724
Alteration 76-15-801 — 76-15-803
Appeals, 76-15-726
Application for organization, See **Creation**
Appropriations, 7-6-2218, 76-15-403, 76-15-502, 76-15-530
Assessments
  administrative, special, 76-15-531, 76-15-532
  bonds payable from, 76-15-506
  certification, 76-15-518
  conservation practice loan account, allocation to, 76-15-542
  county officers, 76-15-519, 76-15-520
  division between counties, 76-15-513
  estimates, 76-15-511 — 76-15-513
  expenditures, purposes, 76-15-527

CONSERVATION DISTRICTS (Continued)
Assessments (Continued)

- expenses, funding, 76-15-512, 76-15-527, 76-15-622
- insufficient, 76-15-505, 76-15-624
- levy, 76-15-501, 76-15-516, 76-15-518, 76-15-623
  - application of law, 76-15-519
  - exhaustion, grant eligibility upon, 76-15-530
  - loan payments or retirement of warrants, inclusion, 76-15-505
- loan program, funding, 76-15-512, 76-15-527
- principal county, 76-15-521
  - depository, 76-15-523
  - payments to, when, 76-15-522, 76-15-542
  - receipt and crediting of funds, 76-15-524
- property, misnomers and mistakes relating to ownership — effect, 76-15-529
- rate, computation, 76-15-517
- regular, 76-15-514
  - estimates, 76-15-513
  - levy, 76-15-516
  - maximum, 76-15-515
- special, 76-15-514
  - estimates, 76-15-513
  - levy, 76-15-516, 76-15-623
  - lien for, 76-15-528
  - limitation, 76-15-625
  - project areas, 76-15-601, 76-15-622 — 76-15-625
- special administrative assessment, 76-15-531
  - reduction or repeal, 76-15-532
- treasurers, See **Treasurers**

Audits, 76-15-315; Title 2, chapter 7, part 5
Boards, See **Adjustment, Board of**; **Supervisors**, generally
Bonds

- authority, 76-15-501, 76-15-506
- election, 76-15-506
- payment, 76-15-507, 76-15-508
- project area expenses, for, 76-15-621
- surety bonds, 76-15-315, 76-15-508
- taxation, exempt from, 76-15-506

Borrowing, 76-15-501, 76-15-505
Boundaries, See **Creation**
Budget, 76-15-622
Change of name, 76-15-801, 76-15-803
City-county consolidation provisions, nonapplicability, 7-3-1101
Coal producer's license tax, allocation of revenue, 15-34-115
Coal severance tax, allocation of revenue, 15-35-108, 76-15-530
Combination of districts, 76-15-803
Conservation practice loan program, See **Loan program, conservation practice**
Contracts

- actions concerning, 76-15-214
- authority, 76-15-320
- conservation practice loans, for repayment, 76-15-544
- copies to department, 76-15-315
- division of district, effect, 76-15-803
- termination of district, effect, 76-15-810

Cooperation between, 76-15-318
Counties

- cooperation and representation, 76-15-316
- cooperative use agreements, 7-8-2507

CONSERVATION DISTRICTS (Continued)
Counties (Continued)

merger, effect, 7-3-144
principal county, See **Assessments**
County attorney as counsel for, 7-4-2711, 76-15-319
County officers, See **Assessments**
Creation
additional territory, inclusion — procedures, 76-15-203
administrative practicability, determination, 76-15-206, 76-15-209, 76-15-210
application for organization, 76-15-212, 76-15-213
boundaries
definement, 76-15-204, 76-15-205
territory included within, limitations, 76-15-216
certificate of organization, 76-15-213, 76-15-214
hearings, 76-15-202 — 76-15-204
need for, determination, 76-15-204, 76-15-205
notice of organization, 76-15-322, 76-15-323
petitions, 76-15-103
contents and filing, 76-15-201
hearings, 76-15-202, 76-15-203
subsequent, 76-15-204, 76-15-209
referendum, 76-15-207
administration, 76-15-208
request for, 76-15-201
results, publication, 76-15-209
supervisors, See **Supervisors**
Definitions, 76-15-103, 76-15-521, 76-15-541
Discontinuance
administrative practicability, decision regarding, 76-15-806 — 76-15-808
certificate and procedure, 76-15-809
criteria for, 76-15-808
effect of termination, 76-15-810
entire district, 76-15-806
petition for, 76-15-804
portion of district, 76-15-807
referendum, 76-15-805
District court jurisdiction, 76-15-709, 76-15-710, 76-15-726, 76-15-727
Division, 76-15-803
Donations, gifts, and contributions, 76-15-403, 76-15-404, 76-15-411
Drainage district flood control agreements and programs, cooperation, Title 85, chapter 8, part 7
Due notice, 76-15-103
Elections and electors, 13-1-104, 13-1-107, 13-1-301, 13-1-302, 13-1-401
addition of territory, for, 76-15-802
administrative practicability of district, effect on determination, 76-15-210
bond, 76-15-506
campaign practices exceptions, 13-37-206
conduct, 76-15-208, 76-15-303, 76-15-702, 76-15-805
creation petition, number required for filing, 76-15-201
discontinuance of district, for, 76-15-805, 76-15-806
expenses, 13-37-206, 76-15-208
general election, eligibility, 76-15-303
hearings, attendance, 76-15-202, 76-15-803
land use regulations, for adoption, 76-15-701 — 76-15-703, 76-15-705
nominating petitions, requirements, 76-15-302
project areas, for establishment, 76-15-605, 76-15-606

CONSERVATION DISTRICTS (Continued)
Elections and electors (Continued)

    referendums, eligibility to vote, 76-15-207, 76-15-802, 76-15-805
        effect of vote, 76-15-210, 76-15-808
    registration, 76-15-208
    supervisors, for, 76-15-211, 76-15-301 — 76-15-305, 76-15-312
    variance petitions, 76-15-723, 76-15-724
Employees, 76-15-315, 76-15-320
Equipment and supplies, furnishing, 76-15-406
Establishment, See **Creation**
Federal agencies, See **Agencies of the United States**
Federal revenue sharing funds, 7-6-2218, 76-15-501
Fees, rates, and other charges, 76-15-501
Financial management, Title 76, chapter 15, part 5, See **Funds and funding**
Financial reports, Title 2, chapter 7, part 5
Flathead Basin Commission, appointments to, 2-15-213
Forest practices
    permit requirement information to owners and operators, 76-13-131
    onsite consultations, representation, 76-13-132
Formation, See **Creation**
Funds and funding
    accounts, conservation practice loan, 76-15-542
    audits, 76-15-315
    coal producer's license tax, 15-34-115
    coal severance tax, 15-35-108, 76-15-530
    county tax funds, See **Assessments**, generally
    district funds
        depository, 76-15-508, 76-15-523
        payment from, 76-15-525
        receipt and crediting, 76-15-524
    expenditure, purposes, 76-15-527
    federal revenue sharing, 7-6-2218, 76-15-501
    investment, 76-15-507, 76-15-508
    project areas, for, 76-15-622 — 76-15-625
    state funds
        allocation, 76-15-502
        uses, permissible, 76-15-503
    surplus, management, 76-15-508
    termination of district, sale proceeds, 76-15-809
    water storage sites, for, 76-15-407
Future fisheries improvement program, cooperation, 87-1-272, 87-1-273
Governing body, See **Supervisors**
Governmental subdivision and public body, as, 76-15-212, 76-15-215
Grants, 7-6-2218, 76-15-404, 76-15-407, 76-15-501, 76-15-530
Hearings, adjournment, 76-15-104
Immunity from liability, 76-15-320
Improvement, works of, See **Projects and works**
Indebtedness, authority, 76-15-501
Information, dissemination, 76-15-105, 76-15-401, 76-15-402
Instruments, authority, 76-15-320
Investigations, 76-15-401, 76-15-544, 76-15-603
Judgments or settlements, 76-15-320, 76-15-710, 76-15-727, 76-15-810
"Land occupiers" defined, 76-15-103
Land use regulations
    adjustment, board of, 76-15-721, 76-15-722, 76-15-725, 76-15-726
    adoption and hearings, 76-15-701
    alteration, 76-15-705

CONSERVATION DISTRICTS (Continued)
Land use regulations (Continued)

  compliance, determination, 76-15-708
  "conservation practice" defined, 76-15-541, See **Loan program, conservation practice**
  contents, 76-15-706
  court proceedings, 76-15-727
  district court jurisdiction, 76-15-709, 76-15-710
  effect
    force of law, 76-15-704
    over publicly-owned lands, 76-15-317
  enforcement, 76-15-709, 76-15-710
  publication, 76-15-707
  referendums, 76-15-701, 76-15-702, 76-15-705
  variances, 76-15-723, 76-15-724
  voter approval required, 76-15-703
Leases, 76-15-403, 76-15-404
Legal adviser, 7-4-2711, 76-15-319
Legal status, 76-15-320
Legislative findings and policy, 76-15-101, 76-15-102
Liens, 76-15-501, 76-15-528, 76-15-810
Loan program, conservation practice
  account, 76-15-542
  administration, 76-15-541
  administrative fees or charges, 76-15-524, 76-15-542
  application for loan, 76-15-543, 76-15-547
    evaluation, 76-15-544, 76-15-545, 76-15-547
  assessments to fund, 76-15-512, 76-15-527
  conservation practice, 76-15-541
    application for loan, contents, 76-15-543, 76-15-547
    completion, 76-15-546
  eligibility for loan, 76-15-544, 76-15-545, 76-15-547
  establishment, authority, 76-15-501, 76-15-541
  evaluation of applicant, criteria, 76-15-545, 76-15-547
  funding, 76-15-512, 76-15-527, 76-15-542
  preferences, 76-15-545, 76-15-547
  repayments, 76-15-524, 76-15-542, 76-15-544
  rules for, 76-15-547
  security interest on loans, 76-15-546, 76-15-547
  servicing of loans, 76-15-547
  terms and conditions of loan, 76-15-546
Meetings, public, 76-15-701, 76-15-722, 76-15-804
Megalandfill siting facilities, damage or impairment of natural resources — reclamation work, 75-10-953
Merger
  counties, effect, 7-3-144
  districts, 76-15-803
Mining reclamation by, 82-4-239, 82-4-424
Municipalities, cooperation and representation, 76-15-311, 76-15-316
Name
  change, 76-15-801, 76-15-803
  defects, 76-15-213
Need for, determination, 76-15-204, 76-15-205
Nonstate lands, benefits to, 76-15-411
Officers, 76-15-315
Organization, See **Creation**
Permit requirements related to stream crossings, 76-13-131
Perpetual succession, 76-15-320

CONSERVATION DISTRICTS (Continued)

Plans, development, 76-15-402
Policy, legislative, 76-15-102
Programs, coordination, 76-15-105
Project areas
  administration, 76-15-610
  area included in, 76-15-609
  assessments for, See **Assessments**
  budget, 76-15-622
  creation, notice of, 76-15-607
  description of work or area, 76-15-608
  establishment, 76-15-601
    board decision, 76-15-605
    election, 76-15-606
    petition and hearing, 76-15-601, 76-15-602
  expenses
    assessments to finance, 76-15-623, 76-15-625
    estimates, 76-15-621
    financing, 76-15-622 — 76-15-625
  federal authority, effect, 76-15-611
  funds, disposition, 76-15-624
  improvements, maintenance, 76-15-612
  insufficient revenue, 76-15-624
  need for, investigation, 76-15-603, 76-15-605
  protest procedures, 76-15-604, 76-15-605
Projects and works, 76-15-401, 76-15-403
  loans for, See **Loan program, conservation practice**
  nonstate lands, benefits to, 76-15-411
  stream alteration or modification projects, Title 75, chapter 7, part 1
Property
  acquisition, management, and disposal, 76-15-404, 76-15-407
    limitations, 76-15-405
  division of district, allocation, 76-15-803
  project areas, for, 76-15-621
  taxation, exemption, 76-15-404
  termination of district, disposal, 76-15-809
Public meetings, 76-15-701, 76-15-722, 76-15-804
Rangeland resources, Title 76, chapter 14, See **RANGELAND RESOURCES**
Rangeland Resources Committee, recommendations by association for appointments to, 2-15-3305
Rates, fees, and other charges, 76-15-501
Records, 76-15-315, 76-15-722
Referendums, See **Creation**; **Elections and electors**
Research activities, 76-15-401
River restoration program, 87-1-257
Rulemaking authority, 76-15-321, 76-15-547
  adjustment, board of, 76-15-722
  copies of rules, 76-15-315
Seal, 76-15-320
Secretary
  employment, 76-15-315
  protests delivered to, 76-15-604
State funds, See **Funds and funding**
Stream access law, Title 23, chapter 2, part 3
Streambed alteration or modification projects, 76-15-320, 76-15-403; Title 75, chapter 7, part 1

CONSERVATION DISTRICTS (Continued)

Sue and be sued, power to, 76-15-320, 76-15-810
Supervisor areas, establishment, 76-15-301
Supervisors, 76-15-103, 85-9-103
  adjustment, board of — provisions for, 76-15-721
  administrative functions, 76-15-315
  agricultural heritage commission, representation on, 2-15-3314
  application for organization, submission and contents, 76-15-212
  appointment, 76-15-211, 76-15-304, 76-15-305, 76-15-311, 76-15-312
  areas, 76-15-301
  assessments
    conservation practice loan account, allocation to, 76-15-542
    estimates, 76-15-511, 76-15-513
    treasurers, order for settlement, 76-15-522
  assistance for, 76-15-105
  bonds, issuance, 76-15-506
  certificate of organization, issued to, 76-15-213
  chairman, 76-15-313, 76-15-315
  city-county planning board, membership, 76-1-201
  combination or division of district, procedures, 76-15-803
  conservation practices pertaining to land use conversion, determination, 76-15-541
  cooperation
    districts, between, 76-15-318
    municipalities and counties, 76-15-316
    state agencies, 76-15-317
    water conservancy districts, with, 85-9-202, 85-9-408
  county planning board members, representation, 76-1-211
  discontinuance of district, certification of determination regarding, 76-15-806, 76-15-807
  division or combination of district, procedures, 76-15-803
  documents, copies to department, 76-15-315
  election, 76-15-211, 76-15-301, 76-15-304, 76-15-305, 76-15-312
    bond issues, for, 76-15-506
    chairman, of, 76-15-313
    general, 76-15-303
    nominating, 76-15-302
  expenses, 76-15-313, 76-15-503
    adjustment, board of, 76-15-721
    land use regulations, enforcement, 76-15-710
    project areas, 76-15-621, 76-15-622
  felony, conviction, 76-15-312
  funds, 76-15-507, 76-15-508, 76-15-523
  governing body, as, 76-15-311
  immunity from liability, 76-15-320
  land use regulations, 76-15-701
    alteration, petition for, 76-15-705
    classification of land, 76-15-706
    compliance, determination, 76-15-708
    contents, 76-15-706
    enforcement, 76-15-709, 76-15-710
    referendum, 76-15-701, 76-15-703
    results, publication, 76-15-702
    voter approval required, 76-15-703
  legal assistance, 76-15-319
  legal status, 76-15-320

CONSERVATION DISTRICTS (Continued)
Supervisors (Continued)

- loan program
  - application for loan
    - evaluation, 76-15-544, 76-15-545
    - form prescribed by, 76-15-543
  - conservation practices pertaining to land use conversion, determination, 76-15-541
- name of district, procedures to change, 76-15-801
- nominations for, 76-15-302, 76-15-304, 76-15-305
- nonstate lands, contributions required for, 76-15-411
- notice of organization, 76-15-322, 76-15-323
- officers, 76-15-315
- project areas, See **Project areas**
- property, 76-15-803, 76-15-809
- rangeland improvement loan applications, review and prioritization, 76-14-115
- records kept by, 76-15-315
- removal, 76-15-312, 76-15-314
- residence requirement, 76-15-301, 76-15-312
- rulemaking authority, 76-15-321
- stream access law, Title 23, chapter 2, part 3
- stream alteration or modification projects, Title 75, chapter 7, part 1
- surety bonds, execution, 76-15-315
- termination of district, 76-15-809, 76-15-810
- term of office, 76-15-303, 76-15-305, 76-15-311, 76-15-312
- treasurer's reports, 76-15-526
- variances
  - appeals from decision concerning, 76-15-726
  - petitions, 76-15-723, 76-15-724
- violation of duties, 76-15-312
- warrants, order for, 76-15-525
- water conservancy districts, cooperation with, 85-9-202
- water quality districts
  - directors, board of — members, 7-13-4516, 7-13-4528
  - program development, consultation, 7-13-4517
- watershed advisory groups, 75-5-103, 75-5-702 — 75-5-704
- water storage site designation and cancellation, 76-15-407

Supplies and equipment, furnishing, 76-15-406
Surety bonds

- depository, 76-15-508
- officers and employees, 76-15-315

Surveys, 76-15-401
Taxation, See **Assessments**
Termination, See **Discontinuance**
Territory

- addition, 76-15-802
- boundaries included in, limitation, 76-15-216
- land use regulations, uniformity, 76-15-706

Timber sales, onsite consultations — representation, 76-13-132
Treasurers

- payment of district money, 76-15-525
- receipt and crediting of funds, 76-15-524
- reports, 76-15-526
- settlement by, when, 76-15-522

United States, See **Agencies of the United States**
Upper Clark Fork River Basin Steering Committee, representation on, 85-2-338
Variances, See **Adjustment, Board of**
Warrants, 76-15-505, 76-15-525, 76-15-530

CONSERVATION DISTRICTS (Continued)

Water
    conservation practice loans, See **Loan program, conservation practice**
    excess, disposition, 76-15-410
    projects and works, See **Projects and works**
    reservations to, 85-2-316
    storage sites, 76-15-407 — 76-15-409
Water conservancy districts, cooperation with, 85-9-103, 85-9-104, 85-9-202, 85-9-408
Water Pollution Control Advisory Council, representation on, 2-15-2107
Works of improvement, See **Projects and works**

CONSERVATION EASEMENTS, Title 76, chapter 6, part 2
    See **LAND USE PLANNING**

CONSERVATORS AND CONSERVATORSHIP
    See **ESTATES AND PROBATE**

CONSIGNMENTS
"Airbill" defined, 30-1-201
Alcoholic beverages
    beer, 16-3-230, 16-3-235
    carriers generally, records, 16-6-108
    table wine, 16-3-402, 16-3-405, 16-4-107
Art, for sale by art dealer, 22-2-501 — 22-2-505
Cigarette shipments
    carriers' reports, 16-11-104
    tax insignia requirements not applicable when, 16-11-113
    transporting cigarettes without insignia, 16-11-131
Common carriers
    confiscation of coal or fuel unlawful when, 69-11-108
    contract of carriage, effect of acceptance, 69-11-105
Documents of title
    bills of lading, 30-7-301, 30-7-303
        destination bills, 30-7-305
        liability of carrier, 30-7-309
        lien of carrier, 30-7-307
    definitions, 30-7-102
    diversion or other change in shipping instructions, effect, 30-7-504
    negotiable and nonnegotiable documents, 30-7-104
Fish and wildlife, shippers — labeling of packages, 87-3-114
Freight carriers
    definitions, 69-11-401
    delivery of freight, 69-11-404
    freightage
        apportionment, 69-11-408
        delivery, change in time or place — adjustment, 69-11-409
        payment, 69-11-406
    inspection of shipment, 69-11-424
    liability of carrier, termination, 69-11-405
    relationship to consignor and consignee, 69-11-402
Grain or grain warehouses, 80-4-402
Hazardous substances, carriers' records, 50-30-108
Insurance coverage for imports or domestic shipments on consignment for sale, 33-1-223, 33-1-225, See **INSURANCE, MARINE**
Lessor's stoppage of delivery, carrier to obey when, 30-2A-526
Livestock
    importation, requirements, 81-2-706

CONSIGNMENTS (Continued)
Livestock (Continued)

  market consignment permits, 81-3-203, 81-3-205, 81-3-211, 81-3-212, 81-3-231
  markets
    certificates of public convenience, requirements, 81-8-251
    custodial account, purpose, 81-8-213
    ownership of livestock in doubt, procedures, 81-8-263
  nonmarket sales, 81-8-214
Mine ores, time for payment, 82-2-421, 82-2-422
Mobile homes, 61-4-108
Motor carriers
  household goods, definition does not include — when, 69-12-101
  rates, fares, charges, classification, or rules of service to be reasonable, 69-12-503
Motor vehicles
  auto auctions, 61-4-120, 61-4-122
  dealers, 61-1-314, 61-4-101, 61-4-122, 61-4-123
  manufacturers, distributors, and importers — to dealers, 61-4-202
  wholesalers, 61-4-122
Produce, marking required, 80-3-312
Railroad station agents, bills of lading to consignors of shipments, 69-14-215
Sales, 30-2-326, 30-2-327
  commission merchants, receipt or statement to consignors, 30-11-401, 30-11-402
  factors, authority, 30-11-602, 30-11-603, 30-11-606
  "merchant" defined, 30-11-301
  security interest, 30-1-201
  shipment under reservation, 30-2-505
  stoppage of delivery, carrier to obey when, 30-2-705
Secured transactions, 30-9-102, 30-9-114, 30-9-122, 30-9-129, 30-9-312, 30-9-412, See **SECURED TRANSACTIONS**
Taxation
  freeport merchandise, exemption, 15-6-202
  gasoline distributors, statement of shipments, 15-70-209
  personal property, assessment, 15-8-401
  special fuel importers, exporters, or carriers — statement of shipments, 15-70-351
Unclaimed property, 70-9-402, 70-9-403, 70-9-406

CONSTABLES
  See also generally **COUNTY OFFICERS**; **PEACE OFFICERS**; **PUBLIC OFFICERS OR EMPLOYEES**
Actions against, statute of limitations, 27-2-209
Agisters' liens, sale of property, 71-3-1203
Appointment, 7-4-2203
Arrest
  elections, obstruction of polling place, 13-13-122
  prejudgment, by, 27-16-1001, 27-16-1003, 27-16-1004
Attachment of property, duties, 27-18-1504, 27-18-1506
Auctioneer, ex officio — when, 30-11-511
City courts, execution — duties, 46-17-302; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 23C, 23D, 23F
Claim and delivery, duties, 27-17-102
Deputy constables, 3-10-704, 3-10-705
Disbursements, reporting, 7-6-2213, 7-6-2214
Expenses, 3-10-703, 7-32-2143
Fees, 3-10-702
  county coroner, services as constable, 7-4-2911
  reporting, 7-6-2213, 7-6-2214
Fireworks, seizure when, 50-37-109

CONSTABLES (Continued)

Game wardens, ex officio — appointment and duty as, 87-1-503
Health officials, to assist, 50-2-120
Horse herd districts, horses wrongfully entering
  liability of officer, 81-4-328
  sale, 81-4-326, 81-4-327
Judgment
  execution, 25-31-1104, 46-17-302
  purchase unlawful, 3-1-606
Jurors, summoning, 3-15-701 — 3-15-703, 3-15-801
Justice's court
  appointment for, 7-4-2203
  attendance required when, 3-10-701
  attorney in, prohibited, 25-31-601
  execution, duties, 25-31-1104, 46-17-302; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 23C, 23D, 23F
  process — execution, service, and return, See **Service of process by**
Law, practice of — prohibited, 7-4-2210
Liabilities, 3-10-702
Livestock
  permits or certificates, exhibit to, 81-3-211, 81-3-231
  trespassing, retention when, 81-4-307
Parole hearings, service of subpoenas, 46-23-205
Police, chief of — powers, 7-32-4105
Powers and duties, laws governing, 3-10-702
Process, See **Service of process by**
Process servers or levying officers, registration provisions — nonapplicability, 25-1-1101
Railroad personnel as, 69-14-1003
Salary, 3-10-703, 7-6-2426
Sales finance companies, arrest warrants, 31-1-211
School attendance officers, as — when, 20-5-104
Service of process by, Title 25, chapter 20, M.R.Civ.P., Rule 4D; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
  compensation as county charge, 7-6-2426
  deputy constable, by, 3-10-704, 3-10-705
  fees, disposition, 3-10-222
  justice's or city court, for, 3-10-701; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
  mileage expenses, 7-32-2143
  obstruction, penalty, 25-3-105, 45-7-302
  parole hearings, 46-23-205
  process servers or levying officers, registration provisions — nonapplicability, 25-1-1101
  retiring constable, completion of execution by, 3-10-706
  small claims court, 25-35-604
Small claims court, service of process, 25-35-604
Trust indentures, posting of notice of foreclosure sale, 71-1-315
Water commissioners, authority as, 85-5-108

CONSTITUTIONAL CHALLENGES
Attorney general, notice to or service upon, 27-8-301; Title 25, chapter 20, M.R.Civ.P., Rule 24(d); Title 25, chapter 21, M.R.App.P., Rule 38
Criminal proceedings, 46-21-101
Declaratory judgment proceedings, 27-8-301
Drainage districts, contest of petition to create, 85-8-117
Initiative and referendum petitions, 7-5-135
Intervention by state, Title 25, chapter 20, M.R.Civ.P., Rule 24(d)
Public employees' liability following, 2-9-103

CONSTITUTIONAL CHALLENGES (Continued)

Supreme court proceedings, in, Title 25, chapter 21, M.R.App.P., Rule 38

CONSTITUTIONAL OFFICERS, Const., VI, 1
  See also **ATTORNEY GENERAL**; **GOVERNOR**; **LIEUTENANT GOVERNOR**; **SECRETARY OF STATE**; **STATE AUDITOR**; **SUPERINTENDENT OF PUBLIC INSTRUCTION**
"Agency head" defined, 2-18-1101, 50-40-203
"Department head" defined, 2-15-102
Future agencies and functions, allocation, 2-15-125
Incentive program for employees, Title 2, chapter 18, part 11
Publications, distribution, 22-1-211 — 22-1-218
Records, official, See **PUBLIC RECORDS, Executive branch officers**

CONSTITUTIONAL RIGHTS
  See **CONSTITUTION OF MONTANA, Rights**; **RIGHTS**

CONSTITUTION OF MONTANA
Abolishment of constitution, right of people, Const., II, 2
Adults, person 18 years of age or older an adult and exception, Const., II, 14
  elections, qualified electors, Const., IV, 2
  person under 18 years of age entitled to all rights not specifically precluded, Const., II, 15
Aged persons, economic assistance and social and rehabilitative services — provision for, Const., XII, 3
Agriculture, Const., XII, 1
  hours of work for laborers, Const., XII, 2
Agriculture, Department of, Const., XII, 1
Alcoholic beverages — legal age for purchase, consumption, or possession, Const., II, 14; II, 15
Amendment of constitution, See also **Convention for amendment of constitution**; **BALLOT ISSUES**, generally
  ballot arrangement, 13-12-207
  ballot form, transmittal to attorney general, 13-27-310
  "ballot issue" defined, 13-1-101
  bills for, governor's signature not required, 5-4-301; Const., VI, 10
  effective date, 13-27-105; Const., XIV, 8; XIV, 9
  "general election" defined, 13-1-101
  initiative, by, 13-27-101; Const., XIV, 2; XIV, 9
    petition, 13-27-201, 13-27-207, 13-27-308; Const., XIV, 9; XIV, 10
  interlocal cooperation commission, recommendations for, 7-11-230
  multiple amendments, submission to electorate, Const., XIV, 11
  publication of amendments or proposed amendments, 1-11-204, 13-27-311; Const., XIV, 9
  referendum, by, 13-27-105, 13-27-310; Const., XIV, 1; XIV, 8
  right of people, 13-27-101; Const., II, 2
  voter information pamphlets, inclusion of arguments, 13-27-402, 13-27-403
Appeals
  district court jurisdiction, Const., VII, 4
  supreme court jurisdiction, Const., VII, 2
  tax appeals, Const., VIII, 7
Apportionment of state into legislative and congressional districts, Const., V, 14
Archaeologic areas, preservation and administration, Const., IX, 4
Armed persons, importation, Const., II, 33
Arms, right to bear, Const., II, 12
Arrests
  electors at polling places, immunity, Const., IV, 6
  legislative members, immunity, Const., V, 8
  warrant for, required, Const., II, 11

CONSTITUTION OF MONTANA (Continued)

Assembly, freedom of, Const., II, 6
Attainder of treason or felony by legislature prohibited, II, 30
Attorney general, Const., VI, 1, See also **Executive branch**
- duties, Const., VI, 1; VI, 4
- election, 2-16-201; Const., VI, 2
- land commissioners, board of — member, Const., X, 4
- qualifications, Const., VI, 3
- term of office, Const., VI, 1
  - limitation, Const., IV, 8
- vacancy in office, Const., VI, 6

Attorneys at law
- attorney general to be, Const., VI, 3
- bar admission, rules of supreme court, Const., VII, 2
- criminal actions, right to counsel, Const., II, 24
- judicial officers, practice of law prohibited, Const., VII, 9
- judicial standards commission, appointment to, Const., VII, 11

Bail, Const., II, 21; II, 22, See also **Crimes and criminal procedure**
Ballot issues, Const., IV, 7
- challenges, pre- or postelection, Const., IV, 7
- elections, general or special, Const., III, 6; IV, 7
- initiatives, Const., III, 4
  - alcoholic beverages — to establish legal age for purchase, consumption, or possession, Const., II, 14
  - constitutional convention or amendment, for, Const., XIV, 2
  - gambling, authorization by, Const., III, 9
  - local government, powers reserved to qualified electors, Const., XI, 7; XI, 8
  - reservation of powers by the people, Const., V, 1
  - veto, not subject to, Const., VI, 10
- referendums, Const., III, 5
  - constitutional convention or amendment, for, Const., XIV, 1; XIV, 8
  - gambling, authorization by, Const., III, 9
  - local government, powers reserved to qualified electors, Const., XI, 7; XI, 8
  - reservation of powers by the people, Const., V, 1
  - veto, not subject to, Const., VI, 10

Bill of rights, Const., II, See also **Rights**
Budget
- appropriations not to exceed anticipated revenue, Const., VIII, 8; VIII, 9
- governor to submit to legislature, Const., VI, 9

Cemeteries, property tax exemption, Const., VIII, 5
Charities
- appropriations for private purposes prohibited, Const., V, 11
- perpetuities prohibited except for charitable purposes, Const., XIII, 6
- property tax exemption, Const., VIII, 5

Cities and towns, Const., XI, See **Local government**
Citizenship, restoration by governor, Const., VI, 12
Civil actions and procedure
- appeals, See **Appeals**
- courts open to every person, Const., II, 16
- debt, imprisonment for, Const., II, 27
- district court jurisdiction, Const., VII, 4
- due process of law, Const., II, 17
- eminent domain, Const., II, 29
- employment injury, right of employee to redress, Const., II, 16
- jury trial, right to, Const., II, 26
- libel or slander, evidence and determination of issues, Const., II, 7

CONSTITUTION OF MONTANA (Continued)
Civil actions and procedure (Continued)

  preexisting actions, effect of constitution, Const., Transition Schedule, 6
  right and justice to be administered without sale, denial, or delay, Const., II, 16
  sovereign immunity abolished except as provided by law, Const., II, 18
  speedy remedy for every injury, Const., II, 16
Civil disorder, prohibited activities and exceptions, 45-8-107 — 45-8-109
Civil rights, See **Rights**
Coal severance tax, trust fund, Const., IX, 5
Colleges, See **Education**
Commutations of sentences, governor's power to grant, Const., VI, 12
Compact with United States not affected by new constitution, Const., I
Concealed weapons, carrying not permitted, Const., II, 12
Congressional districts, districting and apportionment, Const., V, 14
Congressional representatives or senators
  legislature, member of — prohibited, Const., V, 9
  term limitations, Const., IV, 8
Consumer counsel, Const., XIII, 2
Consumer protection
  consumer counsel, representation of consumer interests before public service commission, Const., XIII, 2
  corporate practices, Const., XIII, 1
Continuity of government during periods of emergency, Const., III, 2
Contracts
  impairing obligation of contracts by law prohibited, Const., II, 31
  preexisting contracts, obligation unimpaired, Const., Transition Schedule, 6
Convention for amendment of constitution, Const., XIV, 1, See also **Amendment of constitution**
  applicability of general government laws, Const., III, 8
  call, 13-27-101, 13-27-102, 13-27-201, 13-27-206; Const., XIV, 2; XIV, 4
  duties, Const., XIV, 7
  expenses, Const., XIV, 5
  oath of delegates, Const., XIV, 6
  periodic submission of question to electorate, 13-1-121, 13-1-122; Const., XIV, 3
  petition, 13-27-102, 13-27-111 — 13-27-113, 13-27-201, 13-27-206, 13-27-308; Const., XIV, 2; XIV, 10
  proceedings of 1972 convention, disposition and distribution, 5-11-221
  vacancies among delegates, Const., XIV, 6
Corporations
  appropriation for private association or corporation prohibited, Const., V, 11
  charters granted, modified, or dissolved pursuant to general law and consumer protection laws to be provided, Const., XIII, 1
  municipal, property tax exemption, Const., VIII, 5
Counties, Const., XI, See **Local government**
Courts, Const., VII; Transition Schedule, 6, See also specific court or subject
Crimes and criminal procedure
  accused, rights generally, Const., II, 24
  appeals, See **Appeals**
  arrests, See **Arrests**
  attainder prohibited, Const., II, 30
  bail
    excessive, prohibited, Const., II, 22
    offenses bailable, Const., II, 21
  commencement of proceedings, Const., II, 20
  courts open to every person, Const., II, 16
  debt, imprisonment for, Const., II, 27
  deposition of witnesses, Const., II, 23

CONSTITUTION OF MONTANA (Continued)
Crimes and criminal procedure (Continued)

- district court jurisdiction, Const., VII, 4
- double jeopardy prohibited, Const., II, 25
- due process of law, Const., II, 17
- executive clemency, Const., VI, 12
- fines
  - excessive, prohibited, Const., II, 22
  - suspension or remission by governor, Const., VI, 12
- grand jury, Const., II, 20
- habeas corpus, privilege of writ, Const., II, 19
  - supreme court jurisdiction, Const., VII, 2
- jurisdiction, Const., VII, 2; VII, 4
- jury trial, right to, Const., II, 24; II, 26
- justices' courts jurisdiction, Const., VII, 5
- libel or slander, evidence and determination of issues, Const., II, 7
- punishment
  - cruel and unusual, prohibited, Const., II, 22
  - prevention, reformation, public safety, and victim restitution — founded on principles of, Const., II, 28
  - public office, eligibility suspended, Const., IV, 4
  - restoration of rights on termination of state supervision, Const., II, 28
  - voting, suspension of right, Const., IV, 2
- searches and seizures, requirements, Const., II, 11
- self-incrimination, compulsion prohibited, Const., II, 25
- treason, Const., II, 30
- venue of prosecutions and change, Const. II, 24
- witnesses
  - accused's right to meet face to face and to compel attendance, Const., II, 23; II, 24
  - detention of person as witness, limitations, Const., II, 23
  - treason, requirements, Const., II, 30

Cultural resources, preservation and administration, Const., IX, 4
Debt
- imprisonment for, Const., II, 27
- preexisting, effect of constitution, Const., Transition Schedule, 6

Debt limitations
- balanced budget, Const., VIII, 8; VIII, 9
- loan proceeds, use, Const., VIII, 11
- local governmental entities, establishment of limitations by legislature, Const., VIII, 10
- state debt, Const., VIII, 8

Defamation, evidence and determination of issues, Const., II, 7
Dignity of human being, protection, Const., II, 4
Disabilities, persons with — economic assistance and social and rehabilitative services, provision for, Const., XII, 3
Disasters, See **Emergencies**
Discrimination because of race, color, sex, culture, social origin or condition, or political or religious ideas prohibited, Const., II, 4
- education, nondiscrimination in, Const., X, 7
- military personnel and veterans, preferences, Const., II, 35

District courts, See also **Judiciary**
- criminal offenses, prosecution, Const., II, 20
- judges, Const., VII, 6, See also **Judges and justices**
  - compensation and terms, Const., VII, 7
  - judicial standards commission, appointment to, Const., VII, 11
  - qualifications, Const., VII, 9
  - selection, Const., VII, 8
  - supreme court justice, substitution for, Const., VII, 3

CONSTITUTION OF MONTANA (Continued)
District courts (Continued)

- judicial districts, Const., VII, 6
- jurisdiction, Const., VII, 4
- vesting of judicial power in, Const., VII, 1

Districting and apportionment of state into legislative and congressional districts, Const., V, 14
Double jeopardy prohibited, Const., II, 25
Due process of law guaranteed, Const., II, 17
Education, Const., X
- boards of education
  - board of public education, Const., X, 9
  - board of regents of higher education, Const., X, 9
  - school district trustees, Const., X, 8
  - state board of education, Const., X, 9
- discrimination prohibited, Const., X, 7
- equality of opportunity guaranteed, Const., X, 1
- goals and duties, Const., X, 1
- higher education, commissioner of, Const., X, 9
- private education, appropriations prohibited, Const., V, 11
- property tax exemptions, Const., VIII, 5
- public school fund, Const., X, 2
  - interest and income, apportionment, Const., X, 5
  - investment, Const., VIII, 13
  - inviolate and guaranteed against loss or diversion, Const., X, 3; X, 5
- religion
  - aid to sectarian schools prohibited, exception, Const., V, 11; X, 6
  - nondiscrimination in education, Const., X, 7
- school lands
  - income, apportionment to school districts, Const., X, 5
  - land commissioners, board of — authority, Const., X, 4
  - public school fund, proceeds from lands part of, Const., X, 2
- superintendent of public instruction, See **Superintendent of public instruction**
- university funds, Const., VIII, 13; X, 10
- university system, Const., X, 9

Elections, Const., IV, 3
- ballot, secret ballot required, Const., IV, 1
- constitutional convention, amendments proposed by — on, Const., XIV, 7
- electors
  - arrest, immunity at polling places, Const., IV, 6
  - number of qualified electors, determination, Const., III, 7
  - public office, eligibility, Const., IV, 4
  - qualifications, Const., IV, 2
- executive branch officers, of, Const., VI, 2; VI, 6
- initiative and referendum, See **Ballot issues**
- judges and justices, of, Const., VII, 8
- local government, voter review, Const., XI, 9
- results, largest number of votes elects, Const., IV, 5
- right of suffrage, Const., II, 13

Emergencies
- call of militia, Const., VI, 13
- continuity of government, Const., III, 2

Eminent domain, just compensation required, Const., II, 29
Employment, See **Labor and employment**
Enabling Act continued in force, Const., I
Environment, Const., Preamble, See also **Natural resources**
- protection and improvement, Const., IX, 1

CONSTITUTION OF MONTANA (Continued)
Environment (Continued)

- right to clean and healthful environment, Const., II, 3

Equality, Const., Preamble; II, 4; X, 1
Estates — descent not jeopardized by treason, felony conviction, or suicide, Const., II, 30
Ethics
- code prohibiting conflicts of interest involving legislators and other public officials, Const., XIII, 4
- judicial, discipline for violation, Const., VII, 11

Executive branch, Const., VI
- budget, Const., VI, 9
- departments, Const., VI, 7; VI, 8
  - agriculture, department of, Const., XII, 1
  - heads of departments, Const., VI, 8
    - removal from office, Const., V, 13; VI, 8
  - labor and industry, department of, Const., XII, 2
- ethics, code of — for officers and employees, Const., XIII, 4
- officers, See also specific officer
  - compensation, Const., VI, 5
  - duties, Const., VI, 4
  - election, Const., VI, 2
  - enumeration, Const., VI, 1
  - impeachment, Const., V, 13
  - information to governor, Const., VI, 15
  - oath of office, Const., III, 3
  - public office, may not hold other office but candidacy for permitted, Const., VI, 5
  - qualifications, Const., VI, 3
  - vacancy in office, Const., VI, 6
- public right of participation in decisionmaking process, Const., II, 8
- separation of powers, Const., III, 1
- temporary commissions, Const., VI, 7

Executive clemency, Const., VI, 12
Exemptions
- liberal exemption laws to be enacted, Const., XIII, 5
- property tax, Const., VIII, 5

Ex post facto laws prohibited, Const., II, 31; XIII, 1
Expression, freedom of, Const., II, 7
Finance, See **Revenue and finance**
Fines and forfeitures
- excessive, prohibited, Const., II, 22
- suspension and remission by governor, Const., VI, 12

Franchises, special grant by law prohibited, Const., II, 31
Gambling prohibited unless authorized by legislature or by people, Const., III, 9
- lottery, state — compliance, 23-7-102

Governor, Const., VI, 1, See also **Executive branch**
- appointments
  - department heads, Const., VI, 8; XII, 2
  - education, boards of, Const., X, 9
  - judges and justices, Const., VII, 8
  - vacancy in executive office, Const., VI, 6
- armed persons, importation into state, Const., II, 33
- budget, submission to legislature, Const., VI, 9
- departments of state government, supervision, Const., VI, 8
- duties, Const., VI, 1; VI, 4
- education, boards of — ex officio member, Const., X, 9
- election, 2-16-201; Const., VI, 2
- executive clemency, Const., VI, 12

CONSTITUTION OF MONTANA (Continued)
Governor (Continued)

- executive power vested in, Const., VI, 4
- fines and forfeitures, power to suspend or remit, Const., VI, 12
- impeachment, subject to, Const., V, 13
- information from executive branch and institution officers, authority to require, Const., VI, 15
- investment of public funds, report to, Const., VIII, 13
- land commissioners, board of — member, Const., X, 4
- legislature
  - budget and messages to, Const., VI, 9
  - special sessions, authority to convene, Const., V, 6; VI, 11
- military affairs, commander-in-chief, Const., VI, 13
- qualifications, Const., VI, 3
- reprieves, commutations, and pardons — power to grant, Const., VI, 12
- succession to office, Const., VI, 6; VI, 14
- term of office, Const., VI, 1
  - limitation, Const., IV, 8
- vacancy in office, Const., VI, 6; VI, 14
- veto power, Const., VI, 10

Habeas corpus, privilege of writ, Const., II, 19
- supreme court jurisdiction, Const., VII, 2

Higher education, commissioner of, Const., X, 9
Highway revenue non-diversion, Const., VIII, 6
Historic areas, preservation and administration, Const., IX, 4
Homestead, liberal laws to be enacted, Const., XIII, 5
Hospitals, property tax exemption, Const., VIII, 5
Immunities, special grant by law prohibited, Const., II, 31
Impeachment of officers, Const., V, 13
Indians
- cultural integrity, preservation as educational goal, Const., X, 1
- lands under jurisdiction of congress, Const., I

Information, freedom of, Const., II, 9
Initiatives, See **Ballot issues**
Institutions, Const., XII, 3
- information to governor, Const., VI, 15

Investment of public funds and public retirement assets, Const., VIII, 13; X, 10
Judges and justices, See also specific court; **Judiciary**
- compensation and terms, Const., VII, 7
- forfeiture of position when, Const., VII, 10
- qualifications, Const., VII, 9
- removal and discipline, Const., VII, 11

Judicial notice, Title 26, chapter 10, M.R.Ev., Rule 202
Judicial Standards Commission, Const., VII, 11
Judiciary, Const., VII, See also specific court or subject
- courts to be open to every person, Const., II, 16
- elections, contested — determination, Const., V, 10
- impeachment of officers, Const., V, 13
- judicial districts, Const., VII, 6
- oath of office, Const., III, 3
- separation of powers, Const., III, 1
- vesting of judicial power, Const., VII, 1

Juries
- grand jury, Const., II, 20
- libel and slander, determination of facts and law, Const., II, 7
- right to jury trial, Const., II, 24; II, 26

Justice, administration of, Const., II, 16

CONSTITUTION OF MONTANA (Continued)

Justices' courts, See also **Judiciary**
    jurisdiction, Const., VII, 5
    justices of the peace, Const., VII, 5; VII, 7; VII, 9, See also **Judges and justices**
    vesting of judicial power in, Const., VII, 1
Labor and employment
    hours of work, Const., XII, 2
    injury in employment, right to legal redress, Const., II, 16
Labor and Industry, Department of, Const., XII, 2
Land Commissioners, Board of, Const., X, 4; X, 11
Laws
    enactment, Const., V, 11, See **Ballot issues**; **Legislature**, bills
    preexisting, effect of constitution, Const., Transition Schedule, 6
Legislative Council, establishment, Const., V, 10
Legislative post-audit committee, establishment, Const., V, 10
Legislature, Const., V
    alcoholic beverages — establishment of legal age for purchase, consumption, or possession, Const., II, 14
    apportionment and districting, Const., V, 14
    appropriations
        agriculture, for, Const., XII, 1
        anticipated revenue, not to exceed, Const., VIII, 8; VIII, 9
        bills, generally, Const., V, 11; VI, 10
        coal severance tax, trust fund, Const., IX, 5
        expenditures, appropriation and issuance of warrant required, Const., VIII, 14
        initiative or referendum, not permitted for, Const., III, 4; III, 5
        sectarian education, prohibited for, Const., X, 6
    armed persons, importation into state, Const., II, 33
    arrest, immunity of members, Const., V, 8
    bills, Const., V, 11
        signing or veto by governor, Const., VI, 10
        special or local acts prohibited, Const., V, 12
    budget
        balanced, to be, Const., VIII, 8; VIII, 9
        submission by governor, Const., VI, 9
    compensation of members, Const., V, 5
    consumer counsel, provision for office, Const., XIII, 2
    continuity of government in emergency, laws to ensure, Const., III, 2
    disqualification of members for other office, Const., V, 9
    districting and apportionment, Const., V, 14
    election of members, Const., V, 3; V, 7; V, 10
    ethics, code of, Const., XIII, 4
    governor, inability to serve — duties, Const., VI, 14
    house of representatives, Const., V, 1
        districts, Const., V, 14
        number of members, Const., V, 2
    impeachment of officers, Const., V, 13
    investment of public funds, reports to, Const., VIII, 13
    judicial districts, formation, Const., VII, 6
    judicial standards commission, creation, Const., VII, 11
    justices of the peace, additional — to provide, Const., VII, 5
    local government
        debt limitations, establishment, Const., VIII, 10
        revenue, strict accountability, Const., VIII, 12
    messages submitted by governor, Const., VI, 9

CONSTITUTION OF MONTANA (Continued)
Legislature (Continued)

- needy persons — economic assistance and social and rehabilitative services, criteria set by, Const., XII, 3
- oath of office, Const., III, 3
- organization, Const., V, 10
- power, Const., V, 1
- procedure, Const., V, 10
- qualifications of members, Const., V, 4; V, 9; V, 10
- senate, Const., V, 1
  - districts, Const., V, 14
  - governor's appointments, confirmation, Const., VI, 8; VII, 8; X, 9; XII, 2
  - impeachment tribunal, Const., V, 13
  - number of members, Const., V, 2
- separation of powers, Const., III, 1
- sessions, Const., V, 6; V, 10
  - special sessions, Const., V, 6; VI, 11
- size, Const., V, 2
- sovereign immunity abolished except as provided by law, Const., II, 18
- speeches of members not to be questioned in other place, Const., V, 8
- structure, Const., V, 1
- supreme court
  - justices, number of — increase, Const., VII, 3
  - rules of procedure, disapproval, Const., VII, 2
- terms of members, Const., V, 3
  - limitation, Const., IV, 8
- vacancies, how filled, Const., V, 7

Libel, evidence and determination of issues, Const., II, 7
Libraries, property tax exemption, Const., VIII, 5
Lieutenant governor, Const., VI, 1, See also **Executive branch**

- acting governor, Const., VI, 14
- duties, Const., VI, 4
- election, 2-16-201; Const., VI, 2
- qualifications, Const., VI, 3
- succession to office of governor, Const., VI, 6; VI, 14
- term of office, Const., VI, 1
  - limitation, Const., IV, 8
- vacancy in office, Const., VI, 6

Livestock

- hours of work for laborers, Const., XII, 2
- levies, special — authority for, Const., XII, 1

Local government, Const., XI

- counties to be those existing at ratification of constitution, Const., XI, 2
- debt limitations, Const., VIII, 10; VIII, 11
- definition of "local government units", Const., XI, 1
- ethics, code of — for officers and employees, Const., XIII, 4
- forms of government, Const., XI, 3; XI, 6
- general powers, Const., XI, 4
- initiative and referendum powers extended to electors, Const., XI, 7; XI, 8
- intergovernmental cooperation, Const., XI, 7
- investment of public funds, Const., VIII, 13
- loan proceeds, use, Const., VIII, 11
- revenue received or spent, strict accountability, Const., VIII, 12
- self-government charters, Const., XI, 5
- self-government powers, Const., XI, 6
- sovereign immunity abolished except as provided by law, Const., II, 18

CONSTITUTION OF MONTANA (Continued)
Local government (Continued)

- taxation
  - appeal procedures for taxpayer grievances, Const., VIII, 7
  - property tax exemption, Const., VIII, 5
- voter review of structure of government, Const., XI, 9

Lotteries prohibited unless authorized by legislature or by people, Const., III, 9
- state lottery, compliance, 23-7-102

Military affairs
- civilian control, Const., II, 32
- importation of armed persons, Const., II, 33
- militia — call of forces, commander-in-chief, and composition, Const., VI, 13
- preference to military personnel and veterans, Const., II, 35
- quartering of soldiers in houses, Const., II, 32

Minors entitled to all rights not specifically precluded by law, Const., II, 14; II, 15
Naturalization power of district court, Const., VII, 4
Natural resources, Preamble
- coal severance tax, trust fund, Const., IX, 5
- cultural resources, preservation and administration, Const., IX, 4
- protection and improvement, Const., IX, 1
- reclamation of lands and resource indemnity trust, Const., IX, 2
- water rights, Const., IX, 3

Needy persons, economic assistance and social and rehabilitative services — provision for, Const., XII, 3
Nonprofit religious corporations, protection, 35-2-128
Obligations, preexisting — unimpaired, Const., Transition Schedule, 6
Open meetings, Const., II, 9
- legislature, Const., V, 10

Pardons, governor's power, Const., VI, 12
Perpetuities prohibited except for charitable purposes, Const., XIII, 6
Popular sovereignty, Const., II, 1
Press, freedom of, Const., II, 7
Privacy, right of, Const., II, 9; II, 10
Privileges, special grant by law prohibited, Const., II, 31
Property
- eminent domain, just compensation required, Const., II, 29
- estates — descent not jeopardized by treason, felony conviction, or suicide, Const., II, 30
- homestead and exemption laws, Const., XIII, 5
- perpetuities prohibited except for charitable purposes, Const., XIII, 6
- private, state agency action with taking or damaging implications — assessment, 2-10-101 — 2-10-105
- right of persons to acquire, possess, and protect, Const., II, 3; II, 12; II, 17
- state liability for injury, immunity as provided by law, Const., II, 18
- tax, VIII, 3 — 5

Protest of government action, right to, Const., II, 6
Publication with Montana Code Annotated, 1-11-204
Public Education, Board of, Const., X, 9
Public lands
- land commissioners, board of, Const., X, 4
- public school fund, proceeds from lands included in, Const., X, 2
- trust status and disposition, Const., X, 11

Public officers
- code of ethics, Const., XIII, 4
- oath of office, Const., III, 3

Public participation in government, Const., II, 8; II, 9; V, 10
Public records, Const., II, 9
- secretary of state, custodian, Const., VI, 4

CONSTITUTION OF MONTANA (Continued)
Public records (Continued)

  water rights, Const., IX, 3
Public retirement system assets and investment of, Const., VIII, 13; VIII, 15
Reclamation of lands, Const., IX, 2
Recreational areas, preservation and administration, Const., IX, 4
Redistricting and reapportionment of state into legislative and congressional districts, Const., V, 14
Referendums, See **Ballot issues**
Regents of Higher Education, Board of, Const., X, 9
Religion
  appropriation for religious purposes prohibited, Const., V, 11; X, 6
  establishment by law prohibited and free exercise guaranteed, Const., II, 5
  nondiscrimination in education, Const., X, 7
  tax exemption for church property, Const., VIII, 5
Reprieves, governor's power, Const., VI, 12
Resource indemnity trust, Const., IX, 2
Retrospective laws, Const., II, 31; XIII, 1
Revenue and finance
  accountability for revenue spent and received, Const., VIII, 12
  agriculture, levies for, Const., XII, 1
  anticipated, appropriations not to exceed, Const., VIII, 8; VIII, 9
  appropriations, See **Legislature**
  budget, Const., VI, 9
    balanced, to be, Const., VIII, 8; VIII, 9
  expenditures
    appropriation and issuance of warrant required, Const., VIII, 14
    strict accountability, Const., VIII, 12
  highway revenue non-diversion, Const., VIII, 6
  indebtedness
    loan proceeds, use, Const., VIII, 11
    local government, limitations, Const., VIII, 10
    state debt, limitations, Const., VIII, 8
  investment of public funds and public retirement system assets, Const., VIII, 13
  livestock, levies for, Const., XII, 1
  loan proceeds, use, Const., VIII, 11
  taxation, See **Taxation**
Rights
  criminal offenders, restoration upon termination of state supervision, Const., II, 28
  declaration of, Const., II
    creation for first time prospective and not retroactive, Const., Transition Schedule, 3
  inalienable, Const., II, 3
  institutions, persons committed to, Const., XII, 3
  preexisting rights and obligations unimpaired, Const., Transition Schedule, 6
  unenumerated rights not denied, impaired, or disparaged, Const., II, 34
Right to know, Const., II, 9
Riots
  call of militia by governor, Const., VI, 13
  importation of armed persons for preservation of peace or suppression of violence, Const., II, 33
Scenic areas, preservation and administration, Const., IX, 4
Schools, See **Education**
Scientific resources, preservation and administration, Const., IX, 4
Seal of state, custodian, Const., VI, 4
Searches and seizures, requirements, Const., II, 11
Seat of government in Helena, Const., III, 2
  executive officers to reside at, Const., VI, 1

CONSTITUTION OF MONTANA (Continued)

Secretary of state, Const., VI, 1, See also **Executive branch**
  congressional district plans filed with, Const. V, 14
  duties, Const., VI, 4
  election, 2-16-201; Const., VI, 2
  initiatives and referendums
    election on, invalid — resubmission of issue, Const., IV, 7
    petitions filed with, Const., III, 4; III, 5; XIV, 2; XIV, 9
  land commissioners, board of — member, Const., X, 4
  qualifications, Const., VI, 3
  records of office, Const., VI, 1; VI, 4
  term of office, Const., VI, 1
    limitation, Const., IV, 8
  vacancy in office, Const., VI, 6
  vetoed bills, poll of legislators, Const., VI, 10
Self-defense, right of, Const., II, 3; II, 12
Self-government, right of, Const., II, 1; II, 2
Self-incrimination, compulsion prohibited, Const., II, 25
Separation of powers among branches of government, Const., III, 1
Slander, evidence and determination of issues, Const., II, 7
Sovereign immunity abolished except as provided by law, Const., II, 18
Sovereignty
  indian lands, Const., I
  popular sovereignty, Const., II, 1
  state sovereignty, Const., II, 2
Special improvement districts, authorization, Const., VIII, 5
Speech, freedom of, Const., II, 7
Speedy legal remedies guaranteed, Const., II, 16; II, 24
State auditor, Const., VI, 1, See also **Executive branch**
  duties, Const., VI, 4
  election, 2-16-201; Const., VI, 2
  land commissioners, board of — member, Const., X, 4
  qualifications, Const., VI, 3
  term of office, Const., VI, 1
    limitation, Const., IV, 8
  vacancy in office, Const., VI, 6
State Board of Education, Const., X, 9
Suffrage, right of, Const., II, 13, See **Elections**
Superintendent of public instruction, Const., VI, 1, See also **Executive branch**
  duties, Const., VI, 4
  education, boards of — member, Const., X, 9
  election, 2-16-201; Const., VI, 2
  land commissioners, board of — member, Const., X, 4
  qualifications, Const., VI, 3
  term of office, Const., VI, 1
    limitation, Const., IV, 8
  vacancy in office, Const., VI, 6
Supreme court, See also **Judiciary**
  district judges, assignment for temporary service, Const., VII, 6
  judicial standards commission, recommendations, Const., VII, 11
  jurisdiction, Const., VII, 2
  justices, See also **Judges and justices**
    compensation and terms, Const., VII, 7
    qualifications, Const., VII, 9
    selection, Const., VII, 8
  organization, Const., VII, 3

CONSTITUTION OF MONTANA (Continued)
Supreme court (Continued)

- vesting of judicial power in, Const., VII, 1

Taxation
- agriculture, for, Const., XII, 1
- appeals, Const., VIII, 7
- coal severance tax, trust fund, Const., IX, 5
- consumer counsel, funding, Const., XIII, 2
- inalienable power to tax, Const., VIII, 2
- levy for public purposes, Const., VIII, 1
- livestock, for, Const., XII, 1
- property tax
  - administration by state, Const., VIII, 3
  - equal valuation, Const., VIII, 4
  - exemptions, Const., VIII, 5
- resource indemnity trust tax, Const., IX, 2
- sales tax or use tax rates, limitation, Const., VIII, 16
- special improvement districts authorized, Const., VIII, 5
- vehicle and fuel taxes, use, Const., VIII, 6

Towns, See **Local government**
Treason, Const., II, 30
Trial by jury, right to, Const., II, 24; II, 26
United States
- compact with united states not affected by new constitution, Const., I
- land grants, restrictions on disposition of, Const., X, 11
- property, tax exemption, Const., VIII, 5

University system, See **Education**
Veterans
- homes for care of, Const., XII, 3
- preferential treatment, Const., II, 35

War
- call of militia, Const., VI, 13
- importation of armed persons, Const., II, 33
- quartering of soldiers in houses, Const., II, 32
- treason, as, Const., II, 30

Water rights, Const., IX, 3
Weapons, right to bear arms, Const., II, 12
Writs, jurisdiction of
- district court, Const., VII, 4
- supreme court, Const., VII, 2

CONSTITUTION OF THE UNITED STATES
Refer to Annotations to Montana Code Annotated, Vol. 1, for text and index
Amendments
- bills for, governor's signature not required, 5-4-301; Const., VI, 10
- convention, 13-26-101, See **Convention**
- dingell-johnson bill, assent to — effect, 87-1-701
- federal law supersedes, 13-26-111
- pittman-robertson act, assent to — effect, 87-1-708
- vote, 13-26-104, 13-26-109

Applicability of laws, 13-26-111
Civil disorder, prohibited activities — effect, 45-8-107
Convention, 13-26-101
- applicability of laws, 13-26-111
- certification of result, 13-26-109
- delegates
  - compensation, 13-26-108

CONSTITUTION OF THE UNITED STATES (Continued)
Convention (Continued)
  delegates (Continued)
    election, 13-26-102, 13-26-104, 13-26-105, 13-26-107
    nomination, 13-26-103
    number, 13-26-102
    qualifications, 13-26-107, 13-26-110
    quorum, 13-26-107
    representation, 13-26-102
    rulemaking authority, 13-26-107
  federal law supersedes, 13-26-111
  location, 13-26-106
  majority vote, 13-26-109
  officers, 13-26-107, 13-26-108
  quorum, 13-26-107
  required, 13-26-101
  rulemaking authority, 13-26-107
  time of convention, 13-26-106
  vote, majority vote, 13-26-109
Extradition, applicability of laws, 46-30-201
Judicial notice, Title 26, chapter 10, M.R.Ev., Rule 202
Lands purchased by United States, consent and jurisdiction, 2-1-202
Law of state contained in, 1-1-105
Nonprofit religious corporations, protection, 35-2-128
Publication with Montana Code Annotated, 1-11-204

CONSTRUCTION BLASTING AND CONSTRUCTION BLASTERS
  See also **PROFESSIONAL AND OCCUPATIONAL LICENSING AND REGULATION**
Administration of provisions, 37-72-202
Charges against licensees, 37-72-203
Exemptions from provisions, 37-72-101
Explosives, use
  felonies involving, 37-72-203, 37-72-301
  regulation, 37-72-202
  rules and variances, 37-72-201, 37-72-202
  training programs, 37-72-302
Injunction, 37-72-102
Investigations, 37-72-202, 37-72-203
Licenses and licensing
  applications, 37-72-301, 37-72-306
  discrimination in issuance prohibited, 49-3-204
  examinations, 37-72-203, 37-72-303, 37-72-306
  fees, 37-72-202, 37-72-301, 37-72-303 — 37-72-306
  form of license, 37-72-202, 37-72-307
  issuance, 37-72-304
  nonresidents, 37-72-305
  pocket cards, 37-72-202, 37-72-307
  qualifications, 37-72-301
  renewal, 37-72-203, 37-72-306
  required, 37-72-101
  revocation or suspension, 37-72-203
  rules, 37-72-202
  training and experience requirements, 37-72-202, 37-72-301, 37-72-302
Minors' employment prohibited, 41-2-106, 41-2-107
Negligence, incompetence, or misconduct, 37-72-203
Reprimands, 37-72-203
Restrictions, 37-72-101
Training programs, 37-72-302

CONSTRUCTION BLASTING AND CONSTRUCTION BLASTERS (Continued)

Violations, 37-72-102, 37-72-203

CONSUMER COUNSEL, 69-1-201, 69-3-1203; Const., XIII, 2
Appearance at hearings, 69-2-201
Appointment, 5-15-201
Consolidation of legislative branch agencies, exception, 5-11-105
Consumer interests
  availability, notice, 69-2-212
  complaints in behalf of, when, 69-3-321
  representation, 69-2-102, 69-2-201, 69-2-202, 69-2-204, 69-7-112; Const., XIII, 2
Energy, state policy — development process, 90-4-1003
Evidence, authority, 69-2-201, 69-2-203
Funding of office, 69-1-223, 69-1-224; Const., XIII, 2
Investigatory powers, 69-2-203
Legislative Branch Computer System Planning Council, member, 5-11-402
Legislative Consumer Committee, advice and consultation, 69-1-211, See also **LEGISLATIVE CONSUMER COMMITTEE**
Municipal utilities, duties, 69-7-111, 69-7-112
Notice of Public Service Commission hearings, 69-2-211, 69-2-212
Qualifications, 5-15-201
Railroad sidetracks, spurs, or stock facilities — notice for removal, 69-14-813
Regulated companies, 69-1-201, See also **PUBLIC SERVICE COMMISSION, Regulated companies**
  action to collect fee, 69-1-230
  fees, 35-19-108, 69-1-223 — 69-1-228, 69-1-230, 69-2-205; Const., XIII, 2
  investigatory powers, 69-2-203
  proceedings involving, 69-2-202
  rate changes, 69-2-102, 69-3-302, 69-3-303
  violations, 69-2-205
Reports, 69-1-222
Restraining order, application for, 27-19-203, 69-2-202
Salary, 5-15-201
Staff, 69-1-221
Statewide classification and pay plans, exception, 2-18-103, 2-18-201
Telecommunications services, duties, 69-3-809, 69-3-837, 69-3-903, 69-3-904, 69-3-907
Utilities
  electric utility industry restructuring, "interested person", 69-8-103
  integrated least-cost resource plans, duties, 69-3-1203 — 69-3-1205

CONSUMER LOAN BUSINESSES
  See also **CREDIT TRANSACTIONS, Retail installment sales**
Actions
  contracts, on, 32-5-407
  injunction, for, 32-5-405
Advertising, 32-5-309
Assignments
  repayment of loan, return of canceled assignment, 32-5-304
  wage, 32-5-310
Citation of Montana Consumer Loan Act, 32-5-101
Confession of judgment to licensee prohibited, 32-5-305
Definitions, 32-5-102, 32-5-502
Discriminatory practices, See **DISCRIMINATION, Credit transactions; Financial institutions**
Dollar amounts, adjustment, 32-5-104, 32-5-201, 32-5-306
Electronic funds transfer, Title 32, chapter 6
Enforcement of provisions, 32-5-401

CONSUMER LOAN BUSINESSES (Continued)

- **Engaging in business of making loans**, restrictions, 32-5-103
- **Examination**, 32-5-403, 32-5-404
- **Fees**, 32-5-201, 32-5-204, 32-5-403
- **Hearings and evidence and testimony for**, 32-5-404
- **Injunction**, 32-5-405
- **Insurance**, indemnity, 33-1-211, See **SURETYSHIP AND SURETIES**, Surety insurance
- **Insurers**, restrictions regarding, 33-18-501
- **Investigations**, 32-5-201, 32-5-402, 32-5-404
- **Licenses**, 32-5-102, 32-5-201
  - application, 32-5-201, 32-5-202, 32-5-208
  - denial, 32-5-202
  - discrimination in issuance prohibited, 49-3-204
  - expiration, 32-5-206
  - failure to have, 32-5-406
  - fees, 32-5-201, 32-5-204
  - issuance, 32-5-202
  - reinstatement, 32-5-208
  - renewal, 32-5-204
  - revocation, 32-5-201, 32-5-204, 32-5-206 — 32-5-208, 32-5-401, 32-5-403
  - supplementary licenses, 32-5-201, 32-5-501, 32-5-505
  - surrender, 32-5-201, 32-5-205, 32-5-206
  - suspension, 32-5-201, 32-5-207, 32-5-208, 32-5-401, 32-5-403
  - termination, effect, 32-5-206
- **Loans**
  - advertising limitations, 32-5-309
  - bad checks, charges, 32-5-407
  - charges
    - bad checks, for, 32-5-407
    - computation, 32-5-301, 32-5-502
    - contract, statement in, 32-5-303
    - default charge, 32-5-323
    - deferral charge, 32-5-321
      - collection, 32-5-324
      - prohibited when, 32-5-323
      - rate, 32-5-322
    - open-end loans, 32-5-501, 32-5-502, 32-5-504, 32-5-506
    - past due amounts, on, 32-5-301
    - penalties for violations, 32-5-406
    - prepayment, for, 32-5-301
    - rate limitation exemption, 31-1-111, 31-1-112, 32-5-103
    - refunds or credits, 32-5-201, 32-5-301, 32-5-303, 32-5-322, 32-5-323
    - restrictions generally, 32-5-103
    - supplementary licensees, applicability to, 32-5-201
  - contract
    - actions on, attorney fees — statement in, 32-5-407
    - charges, for, 32-5-301, 32-5-501, 32-5-504
    - copy or statement of contents to borrower, 32-5-303
    - deferral, provision for, 32-5-321
    - installment payment, period for, 32-5-302
    - past due amount, charges for, 32-5-301
    - void when, 32-5-103
  - default, 32-5-301, 32-5-323, 32-5-503
  - deferral, 32-5-321 — 32-5-324
  - dollar amounts, adjustment, 32-5-104, 32-5-201, 32-5-306
  - fees paid to public officials or agencies, inclusion in principal, 32-5-301, 32-5-303, 32-5-501

CONSUMER LOAN BUSINESSES (Continued)
Loans (Continued)

- homesteads subject to execution for certain judgments, acknowledgment required, 70-32-221
- incomplete instruments, 32-5-305
- installment loans, applicability of laws, 31-1-202
- installment payments, 32-5-301, 32-5-302, 32-5-303, 32-5-321 — 32-5-323, 32-5-503
- insurance, 32-5-301, 32-5-303, 32-5-306, 32-5-504
- limitations, 32-5-201
- motor vehicle dealer and wholesaler licensing provisions, effect of selling repossessed collateral, 61-4-108
- open-end loans, 32-5-501, 32-5-506
  - charges
    - additional, 32-5-504
    - computation, 32-5-502
  - early payment, 32-5-503
  - security, 32-5-505
- prepayment, 32-5-301, 32-5-303, 32-5-322
- real estate security, charges related to — inclusion in principal, 32-5-301
- receipt for payments, 32-5-304, 32-5-506
- repayment, return of note or canceled assignment, 32-5-304, 32-5-506
- rule of 78ths, applicability, 32-5-301
- sale of consumer loan business to another financial institution, effect, 32-5-103
- security, 32-5-102
  - contract, statement in, 32-5-303
  - insurance for property given as, 32-5-306
  - open-end loans, 32-5-505
  - release upon repayment of loan, 32-5-304
  - wage assignments as, 32-5-310
- wage assignments, 32-5-310

Place of business, 32-5-201, 32-5-203, 32-5-404
Power of attorney to licensee prohibited, 32-5-305
Private investigators, nonapplicability of provisions, 37-60-105
Receivers, appointment when, 32-5-405
Records, 32-5-307, 32-5-402 — 32-5-405
Regulation, 32-5-401
Reports, annual, 32-5-308
Rules governing, 32-5-104, 32-5-203, 32-5-307, 32-5-401, 32-5-403
Sale of business to another financial institution, 32-5-103
Secured transactions, applicability of provisions, 30-9-203
Short title, 32-5-101
Subpoena, 32-5-404
Supervision, 32-5-201, 32-5-401, 32-5-403
Violations

- injunction to restrain, 32-5-405
- investigation, 32-5-402
- license revocation or suspension for, 32-5-207
- penalties, 32-5-406

Wage assignments, 32-5-310

CONSUMER PRODUCT SAFETY ACT OF 1975, Title 50, chapter 30
See **HAZARDOUS SUBSTANCES**, generally

CONSUMER PROTECTION
Child care education, grant program, 52-2-711
Child support income deductions, amount and priority, 40-5-309, 40-5-416, 40-5-813
Construction contractors, education regarding hiring of, 39-9-206
Consumer counsel, Const., XIII, 2, See **CONSUMER COUNSEL**
Consumer Product Safety Act of 1975, Title 50, chapter 30

CONSUMER PROTECTION (Continued)

Consumer Protection Act, Title 30, chapter 14, part 1
Contracts, plain language in, Title 30, chapter 14, part 11
Cosmetics, Title 50, chapter 31
Credit ratings and reports, Title 31, chapter 3, part 1, See **CONSUMER REPORTS AND REPORTING AGENCIES**
Deferred deposit loans, Title 31, chapter 1, part 7
Door-to-door sales, Title 30, chapter 14, part 5
Drugs and devices, Title 50, chapter 31
Escrow businesses, regulation, Title 32, chapter 7
Food, Title 50, chapter 31
Health care policy, state, 50-4-104
Health care services and costs, consumer report cards, 50-4-312
Hearing aid dispensers, 37-16-301, 37-16-303
Indian arts or crafts articles, sale of authentic or imitation, 30-14-601 — 30-14-604
Insurance
    commissioner of, duties, 33-1-311, 33-1-501
    fraud, 33-1-1301 — 33-1-1301; Title 33, chapter 1, part 12
    gap insurance and gap amount, 33-1-217
    information and privacy protection, Title 33, chapter 19
    insurance producers and consultants, continuing education, 33-17-1201 — 33-17-1207
    involuntary unemployment, 33-1-216
    long-term care insurance contract provisions, 33-22-1107
Insurers, prohibited practices, Title 33, chapter 18
Leases subject to consumer protection statutes, 30-2A-104
Legislative Consumer Committee, See **LEGISLATIVE CONSUMER COMMITTEE**
Living Trust Act, Title 30, chapter 10, part 9
Medicaid managed care community networks, 33-1-102
Mental health managed care ombudsman, responsibilities, 2-15-210
Mental Health Oversight Advisory Council, representation on, 53-21-701
Milk price control, Title 81, chapter 23
Motor vehicles
    odometer mileage requirements, 61-3-201, 61-3-206, 61-3-607
    warranties, new vehicles, Title 61, chapter 4, part 5
Personal solicitation sales, Title 30, chapter 14, part 5
Pharmacies, out-of-state mail service, Title 37, chapter 7, part 7
Postattack emergency regulation, 10-3-505
Products liability, See **PRODUCTS LIABILITY**
Telemarketing and telemarketers, registration and fraud prevention, Title 30, chapter 14, part 14
Telephone operator service providers charging exorbitant rates, protection from, Title 69, chapter 3, part 11
Timeshare brokers or salespersons, convictions from violations — effect, 37-53-302
Unfair trade practices, Title 30, chapter 14
Utility restructuring, Title 69, chapter 3, part 14 and chapter 8
Warranties, See **SALES**; **WARRANTY**
Weights, measures, and grades, Title 30, chapter 12
Wheelchairs, warranty, Title 30, chapter 14, part 12

CONSUMER REPORTS AND REPORTING AGENCIES
Actions available to consumer, 31-3-141
    jurisdiction and venue, 31-3-151
Bank records, 32-1-218
Child support debt information, 31-3-141, 31-3-151, 40-5-206, 40-5-261, 40-5-262
Compliance procedures, 31-3-114
Construction of provisions, 31-3-102

CONSUMER REPORTS AND REPORTING AGENCIES (Continued)

Consumers, disclosures to, 31-3-102, 31-3-122
  conditions, 31-3-123
  disputed accuracy, 31-3-124, 31-3-141
  fees, 31-3-125
Definitions, 31-3-102
Enforcement, 31-3-152
Governmental agencies, disclosures to, 31-3-121
Insurance information and privacy protection, Title 33, chapter 19
Investigative consumer reports, 31-3-102, 31-3-113, 31-3-114
  adverse information, 31-3-115
Liability for noncompliance, 31-3-142, 31-3-143
Negligence in preparation and disclosure, 31-3-141, 31-3-143
Obsolete information, 31-3-112, 31-3-114
Privacy, 31-3-101, 31-3-141
Property right, credit rating is, 31-3-103
Public record information
  employment purposes, for, 31-3-126
  inclusion, 31-3-115
Purpose of provisions, 31-3-101
Purposes of report, permissible, 31-3-111
Rules, 31-3-102, 31-3-152
Title insurance, applicability, 33-25-401
Users of reports, requirements, 31-3-131
Violations, 31-3-113, 31-3-131, 31-3-153

CONTEMPT
Acts or omissions which constitute, 3-1-501, 45-7-309
  abortion reports, failure to make, 50-20-306, 50-20-307
  aeronautics investigations, failure to obey court orders, 67-2-502
  affidavit, refusal to subscribe, 26-2-104
  assigned counsel, nonpayment of costs by defendant, 46-8-115
  assignment for benefit of creditor, failure to allow examination of records, 31-2-214
  attorneys at law, practicing without license, 37-61-210
  child abuse and neglect, failure to comply with order for protection from, 41-3-403
  child parenting plan, failure to follow terms, 40-4-234
  child support
    duties, enforcement, 40-5-162
    nonsupport, 40-5-275, 40-5-601
    orders, effect, 40-5-206, 40-5-226, 40-5-227
  city court, in, 3-11-303
  clinical laboratory science practitioners, injunction to stop practice — failure to comply, 37-34-307
  contumacy, 3-1-501, 26-2-102, 30-14-221, 45-7-309, 46-23-206
  criminal contempt, 45-7-309
  criminal proceedings, discovery — noncompliance, 46-15-329
  delivery to party, disobedience of judgment, 25-8-102, 25-13-203; Title 25, chapter 20, M.R.Civ.P., Rule 70
  deposit in court, disobedience of judgment, 25-8-102, 25-13-203
  depositions
    failure to be sworn or answer question, Title 25, chapter 20, M.R.Civ.P., Rule 37(b)
    subscribe, refusal to, 26-2-104
  discovery orders, failure to comply, Title 25, chapter 20, M.R.Civ.P., Rule 37(b)
  drainage district commissioners, failure to follow court's directions, 85-8-314
  escrow business examinations, investigations, or hearings — failure to obey order for production or giving of evidence, 32-7-123

CONTEMPT (Continued)
Acts or omissions which constitute (Continued)

- estates and probate
  - inheritance tax investigations, witness' refusal to testify, 72-16-204
  - misappropriation of estate, person's refusal to testify, 72-15-110
  - will, refusal to deliver to court, 72-2-536
- execution
  - sales, refusal of purchaser to pay costs, 25-13-705
  - supplemental proceedings, disobedience to order of court or referee, 25-14-108
- facility siting requirements or rules, public officer's or employee's failure to enforce, 75-20-404
- fish and wildlife, restitution payments for illegal killing or possession — failure to make, 87-1-113
- grand jury, disclosure of proceedings, 46-11-317
- guardianship, interference with request for termination, 72-5-325
- habeas corpus, disobedience to writ, 46-22-303
- hazardous or deleterious substance, remedial action upon release — failure to obey order requiring testimony or production of documents, 75-10-707
- investigative subpoenas
  - disclosure without privilege, 46-4-304
  - failure to appear or obey, 46-4-302
- judgment
  - counsel's failure to deliver and pay fee, Title 25, chapter 19, M.U.Dist.Crt.Rule 11
  - disobedience to, 3-1-501, 25-8-102, 25-9-406, 25-13-203, 40-6-117, 45-7-309; Title 25, chapter 20, M.R.Civ.P., Rule 70
  - summary judgment, affidavits in bad faith, Title 25, chapter 20, M.R.Civ.P., Rule 56(g)
- judicial proceeding, interruption or disturbance, 3-1-501, 3-10-401, 3-11-303, 45-7-309
- jurors, improper conduct, 3-1-501, 45-7-309
- justices' courts, in, 3-10-401
- legislative statutory or interim committee subpoena, disobedience to, 5-11-107
- licensing boards, injunctions — violation, 37-1-136
- megalandfill siting requirements or rules, public officer's or employee's failure to enforce, 75-10-940
- midwives, direct-entry — violation of injunction, 37-27-325
- mines and mining
  - metal mine reclamation requirements or rules, public officer's or employee's failure to enforce, 82-4-354
  - strip and underground mine reclamation requirements or rules, public officer's or employee's failure to enforce, 82-4-252
  - strip and underground mine siting requirements or rules, public officer's or employee's failure to enforce, 82-4-142
  - survey or inspection of claim under court order, interference, 70-19-204
  - wage proceedings, failure to pay costs or furnish bond, 39-3-514
- motor vehicle violations, failure to pay fines, 61-8-711, 61-9-511
- oil and gas, wage proceedings — failure to pay costs or furnish bond, 39-3-514
- orders
  - disobedience to, 3-1-501, 3-10-401, 3-11-303, 45-7-309, 75-11-512
  - refused by court, reapplication or contrary orders, 3-1-502, 3-1-503
- paternity proceedings
  - failure to testify or produce evidence, 40-6-111
  - judgment or order, failure to obey, 40-6-117
- physicians, injunction — violation, 37-3-326
- process
  - disobedience or resistance to, 3-1-501, 3-10-401, 3-11-303, 45-7-309
  - return, failure to make or file, 25-3-301
- professional and occupational licensees, violation of injunction, 37-1-317, 37-1-412

CONTEMPT (Continued)
Acts or omissions which constitute (Continued)

- property
  - conveyance, disobedience of judgment, 25-8-102, 25-13-203; Title 25, chapter 20, M.R.Civ.P., Rule 70
  - reentry after eviction, 3-1-504
- public service commission, noncompliance with subpoenas issued by, 69-3-327
- quo warranto proceedings, refusal to deliver assets or documents, 27-28-307, 27-28-506
- railroads, violation of court decrees, 69-14-134
- sales finance companies, refusal to produce evidence, 31-1-211
- securities investigations, disobedience to court order, 30-10-304
- service of process, failure to make or file return, 25-3-301
- subpoena, disobedience, See **Acts or omissions which constitute**, witnesses
- supreme court
  - district court judge, failure to comply with apportionment of judicial business, 3-5-403
  - rules of court, judge's failure to comply, 3-1-112
- tax, individual income — failure of taxpayer to comply with show cause order, 15-30-316
- underground storage tanks, corrective action orders — disobedience, 75-11-512
- unfair trade practices, disobedience to court order, 30-14-134, 30-14-221
- water commissioners
  - failure to perform court-ordered duty, 85-5-109, 85-5-301
  - interference with commissioner of corporate or jointly controlled ditches, 85-5-406
- water well contractors, drillers, and monitoring well constructors — violation of injunction, 37-43-314
- witnesses
  - arrest of, 26-2-403
  - execution, supplemental proceedings — disobedience to order or court or referee, 25-14-108
  - media, refusal to disclose source not a contempt, 26-1-902
  - refusal to obey subpoena or testify, 3-1-501, 3-5-125, 26-2-102, 26-2-104, 26-2-402, 45-7-309, 46-4-302, 46-15-113, 69-3-327; Title 25, chapter 20, M.R.Civ.P., Rules 37(b), 45(f)
    - administrative proceedings, 2-4-104
    - aeronautics investigations, 67-2-502
    - city-county department or office investigations, 7-3-1252
    - city court, 3-11-303
    - county commissioners, board of — examinations by, 7-5-2127
    - depositions, Title 25, chapter 20, M.R.Civ.P., Rule 37(b)
    - environmental quality council hearings, 75-1-312
    - hazardous waste violation hearings or investigations, 75-10-413
    - inheritance tax investigations, 72-16-204
    - insurers, examinations of, 33-1-408
    - justices' courts, 3-10-401
    - labor and industry, department of, 50-71-303
    - legislative proceedings, 5-5-103
    - legislative statutory or interim committee hearings, 5-11-107
    - masters, before, Title 25, chapter 20, M.R.Civ.P., Rule 53(d)
    - medical examiners, board of, 37-3-328
    - oil and gas conservation, board of, 82-11-142
    - parole hearings, 46-23-206
    - paternity proceedings, 40-6-111
    - personnel appeals, board of — before, 39-31-106
    - retail installment sales investigations, 31-1-211
    - revenue, department of, 15-1-302, 72-16-204
    - securities investigations, 30-10-304
    - state tax appeal board, 15-2-201
    - underground storage tank violations, 75-11-512

CONTEMPT (Continued)
Acts or omissions which constitute (Continued)
  witnesses (Continued)
    refusal to obey subpoena or testify (Continued)
      unfair trade practices investigations, 30-14-221
      workers' compensation, subpoena or testimony order — disobedience, 39-71-304
  underground storage tanks, corrective action orders — disobedience, 75-11-512
  youth court
    obligations, failure to meet, 41-5-1412
    probable cause hearings, failure to appear, 41-5-333
    records, failure to destroy or seal, 41-5-216
Affidavit of facts, 3-1-512
Appearance of party charged with contempt, 3-1-521
  excuse for nonappearance, 3-1-522
Appellate alternative dispute resolution/mediation, applicability, Title 25, chapter 21, M.R.App.P., Rule 54(a)
Arrest and custody, 3-1-515
  bail, 3-1-514 — 3-1-516
  detention center, use, 7-32-2203
  failure of party to appear after warrant returned, 3-1-521
  hearing, 3-1-518
  imprisonment
    assigned counsel, nonpayment of costs by defendant, 46-8-115
    performance of required act compelled by, 3-1-520
    prohibited when, 3-1-522
  warrants of attachment or commitment, 3-1-513 — 3-1-517, 3-1-520 — 3-1-522, 3-10-403
Bail
  allowed when, 3-1-514, 3-1-515
  failure of party to appear, 3-1-521
  form and conditions, 3-1-516
  jumping bail, effect, 45-7-308
City courts, 3-11-303
  discovery rule or orders, noncompliance — effect of sanctions, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 13B
  pretrial conferences, noncompliance, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14C
Commission in presence of court, 3-1-511, 3-10-402, 45-7-309
Commission not in presence of court, 3-1-512, 3-1-513, 3-10-403, See also **Arrest and custody**
Criminal code, effect, 45-1-104
Criminal contempt, 45-7-309
  sexual offenders, chemical treatment — failure to continue, 45-5-512
Dissolution of marriage, separation agreement, 40-4-201
Fines, 3-1-519, 3-10-404, See also **Punishment**
Hearings, 3-1-518, 46-11-307
Judgment and orders
  conclusive and final, 3-1-523
  justices' courts, 3-10-405
  review, 3-1-523, 3-2-212, 27-25-102
Justices' courts, in
  acts which constitute, 3-10-401
  arrest when, 3-10-403
  commission in presence of court, 3-10-402
  commission not in presence of court, 3-10-403
  conviction, entry in docket, 3-10-405
  discovery rule or orders, noncompliance — effect of sanctions, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 13B
  judgment, review, 3-1-523

CONTEMPT (Continued)
Justices' courts, in (Continued)

pretrial conferences, noncompliance, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14C
punishment, 3-10-402, 3-10-404
Municipal infractions, violation of orders imposed, 7-1-4151
Nonresidents, service of papers, 25-3-402
Punishment, 3-1-519
assigned counsel, nonpayment of costs by defendant, 46-8-115
bail-jumping, effect on court's power to punish, 45-7-308
court's power, 3-1-403, 45-1-104, 45-7-308
criminal contempt, 45-7-309
justices' courts, 3-10-402, 3-10-404
summary, 3-1-511, 3-10-402
workers' compensation judge, authority, 39-71-2901
Workers' compensation judge, authority, 39-71-2901

CONTINUITY IN GOVERNMENT ACT, Title 10, chapter 3, part 6
See **EMERGENCIES AND EMERGENCY POWERS, Continuity of government**

CONTRABAND
See also **SEARCH AND SEIZURE, Evidence, contraband, or persons seized or to be seized**
Alcoholic beverages, 16-6-106
Cigarettes or tobacco products, 16-10-306
Controlled substances, 44-12-104
Correctional institutions, disposition, 53-1-105
Undercover agents, funds to purchase, 44-13-103

CONTRACTOR REGISTRATION, CONSTRUCTION CONTRACTORS
Appeals, 39-9-401
Applications for registration, 39-9-201
Business practices, 39-9-301
Certificate of registration, 39-9-204, 39-9-206
Definitions, 39-9-102
Education program, 39-9-206
Exclusivity of provisions, 39-9-304
Exemptions, 39-9-206, 39-9-211
Fees, 39-9-206, 39-9-303, 39-9-304
Hearings, 39-9-301, 39-9-401
Independent contractors, 39-9-206, 39-9-211
Liability, limitation, 39-9-207
List of registered construction contractors, 39-9-303
Local government authority, 39-9-304
Partnership or joint venture, considered registered when, 39-9-205
Purpose of provisions, 39-9-101
Required, 39-9-201
Rulemaking authority, 39-9-103
Unemployment insurance, 39-9-207
Violations, 39-9-301, 39-9-401
Workers' compensation, 39-9-201, 39-9-207, 39-9-401

CONTRACTS
See also generally **INSTRUMENTS**; **PUBLIC CONTRACTS**
Abolished causes of action, agreements settling to be void, 27-1-605
Acceptance
absolute, to be, 28-2-504
accord and satisfaction, 28-1-1401 — 28-1-1403
communication of, 28-2-501, 28-2-512

CONTRACTS (Continued)
Acceptance (Continued)

- full performance, 28-1-1101
- implied, 28-2-503
- novation, rescission, 28-1-1504
- offer of performance, effect of refusal, 28-1-1202
- partial performance, 28-1-1403
- qualified, 28-2-504
- refusal of performance, 28-1-1113, 28-1-1304
- reservation of rights, under, 30-1-207
- retention of thing refused, effect, 28-1-1113
- revocation, 28-2-512
- time of effectiveness, 28-2-502, 28-2-511

Accord and satisfaction, 28-1-1401 — 28-1-1403
- defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
- reservation of rights, performance or acceptance under — nonapplicability, 30-1-207

Action arises from obligation, 27-1-104
Actions on, See also **Enforcement**
- arrest of defendant, prejudgment, 27-16-102
- attachment of property, 27-18-101
- attorney's fees
  - construction contractors and subcontractors, payment — enforcement, 28-2-2105
  - contractual right reciprocal, 28-3-704
- change of venue, costs, 25-10-204
- complaint for specific performance, form, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 11
- confession of judgment, contract provision to accept illegal, 28-2-709
- counterclaim, 25-4-403
  - judgment, 25-4-602
- damages, See **Damages**
- declaratory judgment, 27-8-202, 27-8-203
- default, contract provision empowering entry illegal, 28-2-709
- evidence, See **Evidence**
- execution when only some of defendants served, 25-13-303
- interpleader by substitution, Title 25, chapter 20, M.R.Civ.P., Rule 22(b)
- jurisdiction, Title 25, chapter 20, M.R.Civ.P., Rule 4B
  - city court, 3-11-103
  - justice's court, 3-10-301
- parties, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 10A
  - substitution, Title 25, chapter 20, M.R.Civ.P., Rule 22(b)
- plain language provisions, noncompliance, 30-14-1111, 30-14-1112
- real party in interest, Title 25, chapter 20, M.R.Civ.P., Rule 17(a)
- rescission, adjudication, 28-2-1714 — 28-2-1716
- revision of contract, 28-2-1611 — 28-2-1613
- service of process, contract provision empowering acceptance illegal, 28-2-709
- statutes of limitation, 27-2-202, 27-2-208, 28-2-708
- successive actions on same contract, 28-2-1501
- venue, 25-2-118, 25-2-121, 25-2-122, 25-10-204; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3A

Agency
- authorization to enter contract, 28-10-203, 28-10-702
- capacity to contract, applicability, 28-10-104, 28-10-704, 28-10-802
- delivery of contract to, 28-2-906
- prohibited provisions respecting, 28-2-709
- ratification rescinded when, 28-10-215
- who may appoint, 28-10-104

Agricultural marketing, See **AGRICULTURAL MARKETING ASSOCIATIONS, Marketing agreements**

CONTRACTS (Continued)

Alteration, See **Modification**
Arbitration
  applicability, 27-5-114, 28-2-708
  construction contractors and subcontractors, payment — enforcement, 28-2-2105
Assignment, See **Transfers**
Attorney's fees
  construction contractors and subcontractors, payment — enforcement actions, 28-2-2105
  reciprocal right, 28-3-704
Avoidance, See **Rescission**; **Voidable contracts**
Bank safe deposit boxes, liability of bank, 32-1-446
Beer brewers and wholesalers, Title 16, chapter 3, part 2
Boat rental, 70-8-201
Breach of contract, See also **Actions on**; **Enforcement**
  attachment of property, 27-18-101
  barbers, 39-51-204
  costmetologists, 39-51-204
  damages, See **Damages**
  declaratory judgment, 27-8-202, 27-8-203
  floor covering installers, 39-51-204
  injunction, 27-19-103
  insurance contracts, 33-15-1101, 33-15-1103, 33-18-242
  insurers, 33-2-1322, 33-2-1332, 33-2-1333
    professional liability, 33-9-102
  interest set by contract, validity, 27-1-213
  money, obligation to pay, 27-1-312
  outfitters and guides, 37-47-341
  partial performance, 28-1-1403
  real estate improvement contract price, 71-3-522
  surety, extent of liability, 28-11-411
  venue of actions, 25-2-122
Breach of duty, 28-1-104, 28-2-406
Building and loan association stock, contract for repurchase upon stockholder's death, 32-2-245
Cancellation of contract, effect, 28-2-1702, 28-2-1703
Capacity to contract, See **Parties**
Carriage, of, 69-11-101, 69-11-105
Carriers, freight
  freightage, for payment, 69-11-406, 69-11-408
  liability, limitation, 69-11-421
  time period for damage claims, providing, 69-11-425
Claims based on, See **Actions on**
Collective bargaining, See **COLLECTIVE BARGAINING, Agreements**; **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING, Agreement**
Conditions
  conditions concurrent, 28-1-402, 28-1-404, 28-1-406, 28-1-1211
  conditions precedent, 27-1-414, 28-1-402, 28-1-403, 28-1-406, 28-1-1211, 28-2-512
    pleading of, Title 25, chapter 20, M.R.Civ.P., Rule 9(c)
  conditions subsequent, 28-1-402, 28-1-405
  confession of judgment by agent void, 28-2-709
  default, acceptance by agent void, 28-2-709
  definitions, 28-1-401 — 28-1-405
  forfeiture, conditions involving, 28-1-408
  impossibilities or illegalities void, 28-2-707
  kinds of conditions, 28-1-402
  legal proceedings, restraint void, 28-2-708

CONTRACTS (Continued)
Conditions (Continued)

- liquidated damages, provision fixing, 28-2-721
- nonperformance, notice, 28-1-407
- performance, prior, 28-1-406, 28-1-407
- proposal, acceptance, 28-2-503, 28-2-512
- service of process, acceptance by agent void, 28-2-709

Confession of judgment, provision to accept illegal, 28-2-709
Conflict of laws, 28-3-102
Consent
- act, consent to — effect, 1-3-206
- alteration of oral contract, 28-2-1601
- communication, 28-2-301, 28-2-501, 28-2-502, See also **Acceptance**
- destruction, cancellation, or alteration of contract, 28-2-1702, 28-2-1703
- duress, obtained through, 28-2-401 — 28-2-403, 28-2-1711, 28-2-1713
- fraud, obtained through, 28-2-401, 28-2-402, 28-2-404 — 28-2-406, 28-2-1711, 28-2-1712
- free, 28-2-301
- free, not
  - effect, 28-2-302
  - when, 28-2-401
- implied, 28-2-503
- lack of, effect, 28-2-304
- menace, obtained through, 28-2-401, 28-2-403, 28-2-1711, 28-2-1713
- mistake, obtained through, 28-2-401, 28-2-408 — 28-2-411, 28-2-1711, 28-2-1712
- mutual, 28-2-301, 28-2-303
- required, 28-2-102, 28-2-304
- rescission of contract, 28-2-1711
- specific performance, effect on, 27-1-415
- undue influence, obtained through, 28-2-401, 28-2-407, 28-2-1711, 28-2-1713

Conservatorships, See **ESTATES AND PROBATE, Contracts**
Consideration
- acceptance, implied, 28-2-503
- accord and satisfaction, 28-1-1402, 28-1-1403
- alteration of contract, not required, 28-2-1601
- amount, determination, 28-2-812 — 28-2-814
- element of contract, 28-2-102
- evidence of, 26-1-602, 28-2-804, 28-2-805
- exclusive method for determination, 28-2-814
- executed, 28-2-811
- executory, 28-2-811, 28-2-812
- good consideration, what constitutes, 28-2-801, 28-2-802
- interested party, determination by, 28-2-813
- joint and several promise, 28-3-703
- lack, burden of proof, 28-2-805
- lawful, must be, 28-2-803
- legal or moral obligation, 28-2-802
- negotiable instruments, 30-3-303
- party receiving, thing to do or not to do as object of contract, 28-2-601
- performance, 28-1-1303, 28-1-1403
- property transfers, not required, 70-1-502
- release of debtor by creditor, 28-1-1601
- rescission upon failure, 28-2-1711
- specific performance, prerequisite for, 27-1-415
- unlawful, effect, 28-2-803

Construction, See **Interpretation**
Construction contractors and subcontractors, payment, 28-2-2103
- definitions, 28-2-2101

CONTRACTS (Continued)
Construction contractors and subcontractors,... (Continued)

delay, obligations upon, 28-2-2104
enforcement actions, costs and attorney fees, 28-2-2105
performance entitles, 28-2-2102
remedies not exclusive, 28-2-2106
residential dwellings, exception when, 28-2-2107
Construction contracts requiring lien or bond waiver, void, 28-2-723
Consumer contracts, plain language in, Title 30, chapter 14, part 11, See **Plain language in**
Consumer loan businesses, See **CONSUMER LOAN BUSINESSES, Loans**
Contractors, registration requirements, 39-9-207, 39-9-211
Conveyances, See **Transfers**
Cooperative association, effect of merger or consolidation, 35-15-505
Corporations, See **CORPORATIONS**
Covenants not to compete, 28-2-703 — 28-2-705
Credit unions
authority, 32-3-401
services, facilities, personnel, or equipment, 32-3-104, 32-3-809
Custom and usage, See **Interpretation**, usage
Damages, See also **Obligations generally**; **DAMAGES**, generally
amount, 27-1-303, 27-1-311, 30-14-1111, 30-14-1112
emotional or mental distress, prohibited when, 27-1-310
inadequate relief, 27-1-411
interest rate set by contract, 27-1-213
liquidated, 28-2-721
specific performance, not a bar to, 27-1-418
measure of, 27-1-311
punitive
actual fraud, nonapplicability of provisions, 27-1-221
not allowed, 27-1-220, 30-14-1112
Dealership or distribution contracts, canceled — inventory repurchase requirements, See **SALES, Dealership or distribution contracts**; **Farm implements dealership agreements**
Debt adjustment, 31-3-201
Debtors, contracts valid, 31-2-103
Deed, contract for, See **PROPERTY, REAL, Contract for deed**
Default, See **Breach of contract**
Definitions
accord, 28-1-1401
actual fraud, 28-2-404, 28-2-405
agreement, 28-2-905
conditional obligation, 28-1-401
condition concurrent, 28-1-404
condition precedent, 28-1-403
condition subsequent, 28-1-405
construction contractor and subcontractor provisions, 28-2-2101
constructive fraud, 28-2-406
contract, 28-2-101, 28-2-709, 30-1-201
customary, 1-1-206
duress, 28-2-402
executed contract, 28-2-104
execution, 1-1-203
executory contract, 28-2-104
express contract, 28-2-103
good consideration, 28-2-801
implied contract, 28-2-103
menace, 28-2-403

CONTRACTS (Continued)
Definitions (Continued)

- mistake of fact, 28-2-409
- mistake of foreign laws, 28-2-411
- mistake of law, 28-2-410
- novation, 28-1-1501
- object of contract, 28-2-601
- obligation, 27-1-105, 28-1-101
- payment, 28-1-101
- satisfaction, 28-1-1402
- signature or subscription, 1-1-203
- third persons, 1-1-206
- undue influence, 28-2-407
- unlawful object of contract, 28-2-701
- usage or usual, 1-1-206
- writing, 1-1-203

Delivery, effect, 28-2-906
Destruction of contract, effect, 28-2-1702, 28-2-1703
Disaffirmance
- minors, 41-1-302, 41-1-304 — 41-1-306
- persons of unsound mind, 28-2-204

Discharge, See **Extinction**
Duress, consent obtained through, 28-2-401 — 28-2-403, 28-2-1711, 28-2-1713
Electronic records and signatures, Title 2, chapter 20, part 1, See **ELECTRONIC RECORDS AND SIGNATURES**
Elements of contract, 28-2-102
Employment, See **LABOR AND EMPLOYMENT**
Enforcement, See also **Actions on**; **Breach of contract**
- construction contractors and subcontractors, payment, 28-2-2105
- damages fixed in contract, 28-2-721
- illegal agreement unenforceable, 28-2-709
- obligations arising by operation of law, 28-1-203
- personal services contracts, extent of enforcement, 28-2-722
- restraint by contract provision void, 28-2-708
- revised contract, specific enforcement, 28-2-1614
- successive actions on same contract, 28-2-1501
- third person who is benefited, by, 28-2-205
- trust, promise to create, 72-33-209
- writing, when prevented by fraud, 28-2-902

Escrow business, interest received on funds deposited with — depositing party, 32-7-117
Estates and probate, See **ESTATES AND PROBATE**
Evidence
- consideration
  - lack of, burden of proof, 28-2-805
  - presumption, 26-1-602, 28-2-804
- creditor, voluntary retention of benefit — presumption when partial performance, 28-1-1105
- damages, actual amount presumed when contract fixes, 28-2-721
- extinction, presumption, 26-1-602
- joint and several promise, presumption when, 28-3-703
- parol or extrinsic, 1-4-102, 28-2-904, 28-2-905, 28-3-402
- personal services contracts, measure of compensation presumed, 28-2-722
- revision of contract, presumption of equitable agreement, 28-2-1612
- third person's obligation, 26-1-104
- uncertainty, presumption of party causing, 28-3-206
- writings, 28-2-903

Exchange as, 30-11-112, See **SALES**

CONTRACTS (Continued)

Exculpatory contracts, 28-2-702
    employer negligence, discharging, 39-2-705
    mining companies, negligence of fellow servant, 39-2-704
    railway corporations, negligence of fellow servant, 39-2-703
    securities contracts when, 30-10-307
Executed contract, 28-2-104
Execution, 1-1-203
Executory contract, 28-2-104, 28-2-1703
Express contract, 28-2-103
Extinction, 28-1-1101, 28-2-1701
    accord and satisfaction, See **Accord and satisfaction**
    alteration or modification, by, 28-2-1601, 28-2-1703
    cancellation or destruction, by, 28-2-1702, 28-2-1703
    novation, See **Novation**
    offer of performance, by, See **Offer of performance**
    performance, by, See **Performance**
    presumption, 26-1-602
    release of debtor by creditor, 28-1-1601 — 28-1-1603
    rescission, by, 28-2-1701, See **Rescission**
    specific performance, 27-1-411, See **REMEDIES**
    specific relief, 27-1-401
Farm implements dealership agreements, See **SALES**
Foreign capital depository safe deposit boxes, liability of depository, 32-1-446
Foreign-money claims, supplementary principles of law, 25-9-714
Forfeiture, condition involving, 28-1-104, 28-1-408
Fraternal benefit societies
    benefit contracts, See **FRATERNAL BENEFIT SOCIETIES**, **Benefits and benefit contracts**
    consolidations and mergers, 33-7-215
Fraud
    actual fraud, 28-2-404, 28-2-405
        punitive damages, nonapplicability of provisions, 27-1-221
    consent obtained through, 28-2-401, 28-2-402, 28-2-404 — 28-2-406, 28-2-1711, 28-2-1712
    constructive fraud, 28-2-404, 28-2-406
    evidence to establish, 28-2-905
    exculpation from responsibility unlawful, 28-2-702
    inducement, in, 27-1-712
    rescission for, 28-2-1711, 28-2-1712
    revision of contract when, 28-2-1611
    writing
        disregarded when, 28-3-304
        prevention by, 28-2-902
Fraudulent transfers, Title 31, chapter 2, part 3
Funeral plans, prearranged, 37-19-827, 37-19-828
Good faith
    counterclaim in action on contract, 25-4-403
    offer of performance, 28-1-1209
    plain language, compliance, 30-14-1112
    revision without prejudice to rights acquired by third parties, 28-2-1611
    uniform commercial code, 30-1-203
Good faith and fair dealing, implied covenant of, 28-1-211
Goods
    lease of, See **LEASES**, **Contracts**
    sale of, See **SALES**, **Contract for sale**
Goodwill of business, sale, 28-2-704

CONTRACTS (Continued)

Grain storage, See **AGRICULTURAL COMMODITIES**, **Warehouses and warehouse operators**, storage and storage contracts
Grants, See **Transfers**
Guarantor, liability
  illegal contract or contract void against principal, 28-11-203
  incomplete contract, 28-11-202
Health maintenance organization, See **HEALTH MAINTENANCE ORGANIZATIONS**
Health service corporations, 33-30-302
  membership contracts, See **HEALTH SERVICE CORPORATIONS**
Husband and wife, See **HUSBAND AND WIFE**
Illegality, See also **Void contracts**
  conditions, 28-2-707
  consideration, 28-2-803
  construction contracts requiring lien or bond waiver, 28-2-723
  defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
  evidence to establish, 28-2-905
  exculpatory contracts, 28-2-702
  guarantor, liability, 28-11-203
  law, against policy of, 28-2-701, 28-2-702
  object, effect, 28-2-603, 28-2-604
    specific performance not possible, 27-1-412
  rescission, adjudication, 28-2-1714
  unfair trade practices, recovery on — forbidden, 30-14-219
  what is unlawful, 28-2-701
Impairment by law prohibited, Const., II, 31
Implied consent, 28-2-503
Implied contract, 28-2-103, See also **Obligations generally**
Implied covenant of good faith and fair dealing, 28-1-211
Implied provisions, See **Interpretation**, statutory implication
Impossibility
  alternative performances, among, 28-1-504
  conditions of contract, 28-2-707
  consideration, method of determination, 28-2-814
  defense, 1-3-222
  object of contract, 28-2-602, 28-2-603
Indemnity, 28-11-301, See **INDEMNITY**
Installment sales contracts, See **CREDIT TRANSACTIONS**, **Retail installment sales**
Insurance, See **INSURANCE, DISABILITY**; **INSURANCE, LIFE**; **INSURANCE, SURPLUS LINES**; **INSURERS REGULATION GENERALLY**, **Policies**, generally
Insurance guaranteeing performance of, 33-1-211, See **SURETYSHIP AND SURETIES**, **Surety insurance**
Insurance guaranty associations, negotiation and party to, 33-10-105, 33-10-205
Insurance premium finance companies, charges for financing, 33-14-302
Insurers
  breach of contract
    professional liability insurers, 33-9-102
    rehabilitation orders do not constitute anticipatory breach, 33-2-1332
    rehabilitator, powers, 33-2-1333
    seizure orders do not constitute anticipatory breach, 33-2-1322
  controlled insurers and controlling producers, 33-2-1510
  domestic stock and mutual insurers, 33-3-309
  managing general agents, 33-2-1602, 33-2-1603
  professional liability insurers, 33-9-102
  reinsurance intermediary-brokers or intermediary-managers, 33-2-1702, 33-2-1705, 33-2-1707

CONTRACTS (Continued)

Intention, See **Interpretation**
Interest on delayed payments to construction contractors and subcontractors, 28-2-2104
Interest on judgment, 25-9-205
Interest on obligation, 28-1-1202
Interest set by, 31-1-105 — 31-1-107
Interpretation, See also **INSTRUMENTS**, generally
- absurdities, 28-3-401
- alternative performances, 28-1-504
- ambiguity, 28-2-905, 28-3-206, 28-3-306
- belief at time of making contract, 28-3-306
- circumstances surrounding execution, consideration, 1-4-102
- effect to contract, favor of interpretation giving, 1-3-232, 1-4-101, 28-3-201
- extrinsic evidence, 28-2-905, 28-3-402
- forfeiture, condition involving, 28-1-408
- grants of property, applicability of laws, 70-1-513
- indemnity, contract of, 28-11-313, See **INDEMNITY**, generally
- intention of parties, specific provisions
  - ambiguity, 28-3-306
  - ascertainment, 28-3-302
  - mutual, effect given to, 28-3-301
  - objects of contract, restriction to, 28-3-305
  - particular clauses subordinate to general, 1-4-103, 28-3-307
  - writing, effect, 28-3-303, 28-3-304
- joint and several promise, presumption, 28-3-703
- judge's authority, 1-4-101
- language to govern, 1-4-106, 1-4-107, 28-3-401
- law and usage to determine, 28-3-102
- natural right, favor to, 1-4-104
- necessary and incidental terms, 28-3-702
- original terms control form, 28-3-205
- parol evidence, 1-4-102, 28-2-905, 28-3-402, 70-20-202
- particular expressions, 1-3-225, 1-4-103, 28-3-307
- parts of contract, effect given to, 28-3-202
- reasonableness, 1-3-233, 28-3-701
- repugnancies, how reconciled, 28-3-204, 28-3-205
- revision of contract, 28-2-1611 — 28-2-1613
- rules of, general, 28-1-103, 28-3-201 — 28-3-206
- several contracts taken together, 28-3-203
- statutory implication, 28-3-701 — 28-3-704
- suretyship, contract of, 28-11-403
- time of performance, 28-3-601 — 28-3-603
- uncertainty, resolution, 28-3-206
- uniformity, 28-3-101
- usage, 1-1-206, 28-3-701
- voidness to be avoided, 1-3-232, 28-3-201
- words
  - inconsistencies, rejection, 28-3-503
  - ordinary meaning to govern, 1-4-107, 28-3-501
  - technical words, 1-4-107, 28-3-501, 28-3-502
- writing controls printed terms, 1-4-105, 28-3-205

Joint contracts, 28-1-301
- contribution from joint debtor, right to, 28-1-303
- joint and several, 28-1-301, 28-1-302
- performance by one of several joint debtors, extinction by, 28-1-1102

CONTRACTS (Continued)
Joint contracts (Continued)

  release of some joint debtors, effect, 28-1-1603
Justice of the peace, not permitted to draw, 3-1-602
Landscape architecture, practice of, 37-66-103
Language, plain, See **Plain language in**
Law, policy of — contracts against, 1-3-204, 28-2-701, 28-2-702
Lease contracts, Title 30, chapter 2A
Legal separation agreements, 40-4-201
Lien created by, 71-3-102, 71-3-104, See **LIENS**, generally
Limited liability companies, 35-8-107, 35-8-304, 35-8-501, 35-8-1001, 35-8-1002
Limited liability partnerships, liability of partners, 35-10-307
Limited partnerships, 35-12-1307
Livestock dealers or markets and video auction markets, 81-8-264, 81-8-265
Loans as, 31-1-101, 70-7-102, 70-7-202
Marriage, 40-1-103, 40-1-106, See **MARRIAGE**
Menace, consent obtained through, 28-2-401, 28-2-403, 28-2-1711, 28-2-1713
Mines and mining
  consignment of ores, payment, 82-2-421
  partnerships, when contract is binding, 35-13-201
Minors, power to contract, See **MINORS, Contracts**
Mistake
  consent, obtained through, 28-2-401, 28-2-408 — 28-2-411, 28-2-1711, 28-2-1712
  fact, of, 28-2-408, 28-2-409, 28-2-411
  foreign laws, of, 28-2-411
  law, of, 28-2-408, 28-2-410
  parol evidence when issue, 28-2-905
  rescission for, 28-2-1711, 28-2-1712, 28-2-1715
  revision of contract when, 28-2-1611
  specific performance, effect, 27-1-415
  writing disregarded when, 28-3-304
Modification
  court, by, 28-2-1611 — 28-2-1613
  enforcement when revised, 28-2-1614
  extinction by, 28-2-1701, 28-2-1703
  oral agreement, executed — by, 28-2-1602
  oral contract, 28-2-1601
  specific performance, 27-1-411, See **REMEDIES**
  specific relief, 27-1-401
  unsealed writing, effect, 1-4-207
  written contract, by, 28-2-1602
Money, delivery of
  breach, amount of detriment, 27-1-312
  illegal provisions, 28-2-709
  nonnegotiable written contract, transfer, 28-2-206
  offer of, 28-1-1202, 28-1-1225
  "payment" defined, 28-1-101
  receipt for payment, 28-1-1111
  tender, objections to, 28-1-1112, 28-1-1212
Mortgage as, 71-1-101
Motor carriers, See **MOTOR CARRIERS**
Motor club service companies, service contracts, See **MOTOR CLUB SERVICE COMPANIES**
Motor vehicle manufacturers, distributors, and importers — franchises, 61-4-201, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
Mutuality, 28-2-301, 28-2-303
Negotiable instruments, obligation, See **NEGOTIABLE INSTRUMENTS, Obligation**

CONTRACTS (Continued)

Nonnegotiable written contract, assignment, 28-2-206
Nonprofit corporations, See **NONPROFIT CORPORATIONS**
Notice
  actual and constructive, 1-1-217
  alternative performances, selection, 28-1-502
  nonnegotiable written contract, assignment, 28-2-206
  nonperformance, 28-1-407
  refusal of performance before offer, 28-1-1304
  revocation of proposal, 28-2-512
Novation, 28-1-1501, 28-1-1503
  acceptance rescinded when, 28-1-1504
  kinds of, 28-1-1502
  timeshare purchasers, agreement not required, 37-53-306
Nurses, collective bargaining agreements, 39-32-109
Object of contract, 28-2-601
  characteristics, 28-2-602
  consideration to be relative to, 28-2-813, See also **Consideration**
  element of contract, 28-2-102
  exculpatory contracts, 28-2-702
  goodwill of business, sale, 28-2-704
  illegal, See **Illegality**, generally
  law, against the policy of, 28-2-701, 28-2-702
  marriage, restraint, 28-2-706
  partnerships, dissolution, 28-2-705
  restraint of trade, 28-2-703 — 28-2-705
  restriction of contract to, 28-3-305
  several objects, one unlawful and one lawful — effect, 28-2-604
  unlawful, effect, 28-2-603, 28-2-604, See also **Illegality**
Obligations generally
  accord and satisfaction, 28-1-1401 — 28-1-1403
  action arises from, 27-1-104
  action on, statutes of limitation, 27-2-202, 27-2-208
  arise how, 27-1-105, 28-1-102
  attorney's fees, reciprocal right, 28-3-704
  care, duty of, 28-1-201, 28-1-202, See **PROPERTY, GENERALLY, Care, duty of**; **TORTS, Care**
  conditional, 28-1-401
  conditions concurrent, 28-1-402, 28-1-404, 28-1-406, 28-1-1211
  conditions precedent, 28-1-402, 28-1-403, 28-1-406, 28-1-1211
  conditions subsequent, 28-1-402, 28-1-405
  custom and usage, definitions, 1-1-206
  damages
    breach of obligation, measure of damages, 27-1-317
    emotional or mental distress, prohibited when, 27-1-310
    interest, discretionary, 27-1-212
    limitation, 27-1-303
    money, obligation to pay, 27-1-312
  definitions, 1-1-206, 27-1-105, 28-1-101
  forfeiture, condition involving, 28-1-104, 28-1-408
  good faith and fair dealing, implied covenant of, 28-1-211
  injunction to prevent breach, 27-19-102
  interest on, 28-1-1202
  interpretation, rules governing, 28-1-103
  joint and several, 28-1-301 — 28-1-303
  nonperformance, notice, 28-1-407

CONTRACTS (Continued)
Obligations generally (Continued)

- novation, 28-1-1501, 28-1-1503
  - acceptance rescinded when, 28-1-1504
  - kinds of, 28-1-1502
- offer of performance
  - ability of offeror, 28-1-1210
  - conditions, 28-1-1211
  - delay, 28-1-1301
  - effect, 28-1-1202, 28-1-1203
  - extinction by, 28-1-1201
  - failure, 28-1-1301
  - good faith, 28-1-1209
  - late performance with compensation, offer of, 28-1-1208
  - money, deposit when offered in payment, 28-1-1225
  - objections to offer, 28-1-1212
  - parties, 28-1-1204, 28-1-1205
  - place, 28-1-1206
  - refusal of performance as, 28-1-1304
  - thing offered, 28-1-1221 — 28-1-1224
  - time, 28-1-1207
- operation of law, arise by, 27-1-105, 28-1-102
  - enforcement, 28-1-203
- performance
  - alternative performances
    - entirety, selection to be in, 28-1-503
    - right of selection, 28-1-501, 28-1-502
    - unenforceable or impossibility among alternatives, 28-1-504
  - conditions prior to, 28-1-406, 28-1-407
  - creditors
    - directions by, when followed, 28-1-1104
    - retention of thing refused, 28-1-1113
  - delay, 28-1-1208, 28-1-1301
  - failure, 28-1-1301
  - full performance, 28-1-1101
  - joint creditors, one of several — to, 28-1-1103
  - joint debtors, one of several — by, 28-1-1102
  - partial performance, 28-1-1105, 28-1-1203, 28-1-1403
  - prevention, 28-1-1301 — 28-1-1303
  - refusal to accept, 28-1-1304
  - several obligations, application, 28-1-1106
- receipt for money, instrument, or property delivered, 28-1-1111
- release of debtor by creditor
  - extinction by, 28-1-1601
  - joint debtors, release of some — effect, 28-1-1603
  - survival of claim, 28-1-1602
- statutory, 27-1-105, 28-1-102, 28-1-201, 28-1-202, 41-1-306
- tender, objections to, 28-1-1112, 28-1-1212
- third person's obligation, dispute, 26-1-104
- transfer of rights and duties, 28-1-1001, 28-1-1002

Offer of performance
- ability of offeror, 28-1-1210
- conditions, 28-1-1211
- delay, 28-1-1301
- effect, 28-1-1202, 28-1-1203
- extinction by, 28-1-1201
- failure, 28-1-1301

CONTRACTS (Continued)
Offer of performance (Continued)
  good faith, 28-1-1209
  late performance with compensation, offer of, 28-1-1208
  money, deposit when offered in payment, 28-1-1225
  objections to offer, 28-1-1212
  partial performance, offer of, 28-1-1203
  parties, 28-1-1204, 28-1-1205
  place, 28-1-1206
  refusal of performance as, 28-1-1304
  thing offered, 28-1-1221 — 28-1-1224
  time, 28-1-1207
  title, 28-1-1202, 28-1-1221
Oral contracts
  alterationn, 28-2-1601
  fraud, by, 28-2-902
  permissible when, 28-2-901
  writing, effect on, 28-2-904
Parties
  agent, applicability, 28-10-104, 28-10-704, 28-10-802
  arbitration, applicability, 27-5-114
  attorney's fees, right reciprocal, 28-3-704
  capacity, 28-2-201, 49-2-403
  death, 28-2-512
  intention, See **Interpretation**
  landlord and tenant, applicability, 70-24-105
  limited understanding, 28-2-203
  marriage, contract of — applicability, 40-1-106
  mental incapacity, 28-2-201 — 28-2-204, 28-2-512, 49-2-403
  minors, See **MINORS, Contracts**
  offer of performance, 28-1-1204, 28-1-1205
  personal representative's power, 72-3-613
  required, 28-2-102
  rescission, See **Rescission**
  third person, contract for benefit of, 28-2-205
  uniform commercial code, applicability, 30-1-103
  without understanding, 28-2-202
Partnerships, 26-1-602, 35-10-307, 35-10-312
Payment, See **Money, delivery of**; **Offer of performance**; **Performance**
Performance
  acceptance, 28-1-1101, 28-1-1113, 28-1-1304, 28-2-503
  alternative
    entirety, selection to be in, 28-1-503
    right of selection, 28-1-501, 28-1-502
    unenforceable or impossibility among alternatives, 28-1-504
  conditional obligations, 28-1-406, 28-1-407
  construction contractor and subcontractors, by — entitlement to payment, 28-2-2102
  creditors
    directions by, when followed, 28-1-1104
    joint, one of several — to, 28-1-1103
    prevention of performance caused by, 28-1-1301, 28-1-1302
    several obligations, application, 28-1-1106
  delay, 28-1-1208, 28-1-1301
  failure, 28-1-1301
  full performance, effect, 28-1-1101
  impossibility, See **Impossibility**
  interpretation facilitating preferred, 1-3-220, 28-3-201

CONTRACTS (Continued)
Performance (Continued)

- joint creditors, one of several — to, 28-1-1103
- joint debtors, one of several — by, 28-1-1102
- money, delivery of — payment as, 28-1-101
- offer of, See **Offer of performance**
- partial performance, 28-1-1105, 28-1-1203, 28-1-1403
- prevention, effect, 28-1-1301 — 28-1-1303
- receipt for, 28-1-1111
- refusal to accept, 28-1-1304
- refusal to accept thing given in performance, creditor's retention, 28-1-1113
- reservation of rights, under, 30-1-207
- several obligations, application, 28-1-1106
- specific performance, 27-1-411, See **REMEDIES, Specific performance**
- substantial performance, 27-1-416
- tender, objections, 28-1-1112
- time, 28-2-903, 28-3-601 — 28-3-603

Personal services, for, 27-1-412, 28-1-202, 28-2-722; Title 25, chapter 20, M.R.Civ.P., Rule 4B
Pipeline carriers, 69-13-101
Plain language in
- citation of plain language in contracts act, 30-14-1101
- definitions, 30-14-1102
- exceptions, 30-14-1104
- remedies, 30-14-1111 — 30-14-1113
- requirements, 30-14-1103
- scope of provisions, 30-14-1104
- waiver void, 30-14-1113

Pledge created by, 71-2-102
Power of attorney, statutory — authority, 72-31-223, 72-31-228 — 72-31-230, 72-31-232, 72-31-233
Premarital agreements, Title 40, chapter 2, part 6
Presumptions, See **Evidence**
Probate matters, See **ESTATES AND PROBATE, Contracts**
Professional employer organizations and groups
- clients, 39-8-206, 39-8-207
- employee leasing or professional employer arrangements, 39-8-102

Property rights in, 28-1-1001, 28-1-1002
Property, voluntary transfer — applicability, 70-1-502
Public contracts, See **PUBLIC CONTRACTS**
Public obligation registration, applicability, 17-5-1104
Rail authorities, operation and use of facilities, 7-14-1635
Railroads
- employees, death or injury — liability, to exempt, 69-14-1006
- livestock, transported — time limitations for notification of injury, 69-14-216
- rates, excess — actions to recover, evidence. 69-14-322
- spurs, construction, 69-14-811

Real estate appraisers, 37-54-305, 37-54-416
Real estate brokers
- franchise agreements, 37-51-102
- salespersons, 37-51-302, 37-51-308, 37-51-309

Real estate improvement contracts, construction liens, Title 71, chapter 3, part 5
Reformation, See **Modification**
Release of debtor by creditor
- extinction by, 28-1-1601
- joint debtors, release of some — effect, 28-1-1603
- survival of claim, 28-1-1602

Religious corporations sole, power to, 35-3-205

CONTRACTS (Continued)

Remedies, See **Breach of contract**
Rescission, 28-2-1711, 28-2-1713, See also **Voidable contracts**
    adjudication, 28-2-1714 — 28-2-1716
    consent not free, contract subject to, 28-2-302, 28-2-1711
    extinction by, 28-2-1701
    limited understanding, contracts of persons with — subject to, 28-2-203
    restoration, 28-2-1713, 28-2-1715, 28-2-1716
    specific performance, 27-1-411, See **REMEDIES**
    stipulation against, 28-2-1712
Restraint of trade, 28-2-703 — 28-2-705
Retail installment sales contracts, See **CREDIT TRANSACTIONS**
Revision, See **Modification**
Revocation of proposal, 28-2-511, 28-2-512
Sales, 30-11-101, 30-11-104 — 30-11-106, See **SALES**
Satisfaction, See **Accord and satisfaction**; See also **Extinction**
Seals, 1-4-204, See also **INSTRUMENTS, Unsealed**
Secured transactions, See **SECURED TRANSACTIONS**
Securities, sale or purchase — enforceability, 30-8-123
Ship rental, 70-8-201
Signature, 1-1-203, 27-1-417, 28-2-1702
Small employer health reinsurance program, powers, 33-22-1819
Spouses, See **HUSBAND AND WIFE**
Statute of frauds, 28-2-901, 28-2-903
Strikebreakers, to procure — prohibited, 39-33-203, 39-33-205
Substitution, See **Novation**
Suretyship, of — interpretation, 28-11-403
Telemedicine certificates, physicians granted — jurisdiction of state, 37-3-349
Tender, See **Money, delivery of**; **Offer of performance**; **Performance**
Third persons, 1-1-206
    consideration, determination by, 28-2-812
    enforcement by, 28-2-205
    evidence of obligation of, 26-1-104
    revision of contract, effect, 28-2-1611
    trustee, liability, 72-36-101, 72-36-105
Timeshare purchase agreements, Title 37, chapter 53
Title insurance policies or contracts of reinsurance, 33-25-105, See **INSURANCE, TITLE, Policies**; **Reinsurance**
Transfers
    applicability of laws, 28-2-907, 70-1-513
    fraudulent, Title 31, chapter 2, part 3, See **FRAUDULENT TRANSFERS**
    minors, to, 72-26-601, 72-26-603, 72-26-706
    nonnegotiable written contract, 28-2-206
    rights and duties, 28-1-1001, 28-1-1002, 28-1-1502
Trusts, applicability, See **TRUSTS, Contracts**
Undue influence, consent obtained through, 28-2-401, 28-2-407, 28-2-1711, 28-2-1713
Uniform commercial code, applicability, 28-2-903, 30-1-103, 30-1-201, 30-1-203
Unlawful provisions, See **Conditions**; **Illegality**
Usage, See **Interpretation**
Venue, See **Actions on**
Voidable contracts
    avoidance, 1-3-232, 28-3-201
    consent, lack, 28-2-304
    corporations, foreign, 35-1-1027
    errors of description when, 28-2-1712
    health service corporations, membership contracts, 33-30-1005

CONTRACTS (Continued)
Voidable contracts (Continued)

- insurance
  - industrial life insurance, voidable policy if insured has had disease or has been rejected for insurance, 33-20-122
  - minor's contracts, 33-15-103
- insurers
  - fraudulent transfers, 33-2-1333
  - liquidator's power to disaffirm, 33-2-1345, 33-2-1353
  - rehabilitation, transfers just prior to or during, 33-2-1353
- lease contracts, casualty to identified goods, 30-2A-221
- limited liability companies, foreign, 35-8-1002
- minors, contracts of, 33-15-103, 41-1-302, 41-1-304 — 41-1-306
- personal representative, transactions involving conflicts of interest, 72-3-615
- personal services, contracts for, 28-2-722
- public officers, when conflict of interest in contract, 2-2-203, 7-3-1257, 7-3-4256, 7-3-4367
- sales of goods
  - inspection of goods, impossibility, 30-2-513
  - unconscionable contracts or clauses, 30-2-302
- timeshare purchase agreements, 37-53-304

Void contracts

- abolished causes of action, agreements settling illegal, 27-1-605
- avoidance, 1-3-232, 28-3-201
- building and loan associations
  - foreign associations, contracts made before registration with secretary of state, 32-2-263
  - income payments to others, unapproved contracts, 32-2-305
  - preexisting noncomplying contracts not void, 32-2-104
- cigarette sales restrictions, contracts violating, 16-10-302
- conditions which are void, 28-2-707
- confession of judgment by agent, provision for, 28-2-709
- consideration
  - determination, method an impossibility, 28-2-814
  - rescission when void, 28-2-1711
  - unlawful, 28-2-803
- construction contracts requiring lien or bond waiver, 28-2-723
- consumer loan business loan contracts when, 32-5-103
- damages, fixing, 28-2-721, 30-2-718
- default, acceptance by agent — provision for, 28-2-709
- employer liability for negligence, discharging, 39-2-705
- exculpatory contracts, 28-2-702, 39-2-705
- fine art, sale by art dealer — waiver of provisions, 22-2-505
- fraternal benefit societies, benefit contract — waiver of statements as representations and not warranties, 33-7-523
- gasoline sales on other than gross volume basis, 30-12-409
- guarantor, liability, 28-11-203
- health service corporations, policies excluding institutionally rendered services, 33-30-1002
- impossibility, 28-2-603, 28-2-707
- indemnity of unlawful acts, 28-11-302
- insurance holding company system contracts with affiliates, 33-2-1120
- irrigation district contracts, splitting or division when, 85-7-1904
- leases, goods — fraudulent possession of lessor or seller, 30-2A-308
- legal proceedings, restraint, 28-2-708
- liens, providing forfeiture or restraint of redemption, 71-3-109
- liquidated damages, fixing, 28-2-721, 30-2-718
- livestock carriers, limitation of time to make claim to less than 4 months, 69-14-216
- marriage, restraint, 28-2-706
- motion picture license agreements when, 30-14-305, 30-14-307

CONTRACTS (Continued)
Void contracts (Continued)

  motor vehicles, certain finance agreements between manufacturer or wholesaler and dealer, 61-4-403
  partially void contracts, 28-2-604
  price discrimination, recovery forbidden, 30-14-905
  railway employees, contracts exculpating operators of railroad, 69-14-1006
  remedies, restraint, 18-1-403, 28-2-708
  restraint of trade and exceptions, 28-2-703 — 28-2-705
  sales
    damages, liquidated, 30-2-718
    fraudulent possession of seller, 30-2-402
  securities contracts, provisions for unlawful acts, 30-10-307
  service of process by agent, provision for, 28-2-709
  state procurement, 18-4-141, 18-4-242
  unemployment insurance, waiver of rights or agreement to pay employer's contributions, 39-51-3102
  unlawful object, 28-2-603, 28-2-604, 28-2-707
  wage laws, contract violating, 39-3-208
Warranty, See **GUARANTY**; **WARRANTY**
Water well contractors, 37-43-301, 37-43-402
Writing, 1-1-203
  agent's authorization to enter contract, 28-10-203
  alteration of
    oral contract, 28-2-1601
    written contract, 28-2-1602, 28-2-1703
  consideration, presumption of, 26-1-602, 28-2-804
  destruction or cancellation, 28-2-1702, 28-2-1703
  disregarded when, 28-3-304
  effectiveness, time of, 28-2-906
  illegal agreement unenforceable, 28-2-709
  intention, determination, 28-3-303
  mining partnerships, when binding, 35-13-201
  nonnegotiable written contract, transfer, 28-2-206
  offer of performance, 28-1-1202
  parol or extrinsic evidence when, 28-2-904, 28-2-905
  partial performance, extinction by, 28-1-1403
  plain language in contracts
    "agreement" and "consumer" defined, 30-14-1102
    requirements, 30-14-1103
  precedence, 28-2-904
  prevention by fraud, 28-2-902
  printed terms, written terms control, 1-4-105, 28-3-205
  receipt of money, instrument, or property delivered, 28-1-1111
  release of debtor by creditor, 28-1-1601
  required when, 28-2-901, 28-2-903
  rescission of written contract, 28-2-1714
  specific performance, 27-1-411
    signature, effect on, 27-1-417
  transfers in general, applicability of rules concerning, 28-2-907
  unsealed, effect on compromise or settlement of debt, 1-4-207
Wrongful discharge from employment, preemption of common-law remedies, 39-2-913

CONTROLLED ALLOCATION OF LIABILITY ACT, 75-10-742 — 75-10-752
  See **HAZARDOUS WASTES**, **Remedial action upon release of hazardous substance**, liability

CONTROLLED SUBSTANCES
  See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Dangerous drugs**

CONVALESCENT HOMES AND HOSPITALS
  See generally **HEALTH CARE FACILITIES; NURSING HOMES**

CONVENTION AND VISITORS BUREAUS, 15-65-121, 15-65-122

CONVERSION
  See also **TORTS**, generally
Arrest, prejudgment — when, 27-16-102
Assignment for benefit of creditors, assignee's rights, 31-2-209, 31-2-220
Child support medical support orders, reimbursement payments — failure to payover, 40-5-822
Damages, 27-1-320, 27-1-321
Documents of title, 30-7-204, 30-7-210, 30-7-308, 30-7-309, 30-7-502, 30-7-601
Health care facility, property of patient, 50-5-207
Insurance against wrongful conversion, 33-1-206, See **INSURANCE, CASUALTY,** generally
Insurance producers, adjusters, consultants, and administrators — ground for license revocation, suspension, or refusal, 33-17-1001
Leases, 30-2A-511, 30-2A-512, 30-2A-531
Liens, wrongful conversion, 27-1-321, 71-3-121
Negotiable instruments, 30-3-122, 30-3-419, 30-4-203
Real estate brokers and salespersons, judgments against, 37-51-503
Restoration, 27-1-713
Sales
  rejected goods excluded, 30-2-603, 30-2-604
  third party actions, 30-2-722
Securities, 30-8-502, 30-8-503, 30-8-510, 30-10-105
Security interest, 30-9-505
Telemarketers, effect on application for registration, 30-14-1404

COOPERATIVE ASSOCIATIONS
Actions
  dissolution, petition for, 35-15-412
  right to sue and be sued, 35-15-103
  sale of assets, merger, or consolidation — invalidation, statute of limitations, 35-15-507
Agricultural, Title 35, chapters 16 and 17
Assets, sale or disposition, 35-15-506, 35-15-507
Board of directors, See **Directors, board of**
Borrow money, power to, 35-15-103
Bylaws
  adoption and amendment, 35-15-203, 35-15-206
  directors, officers, and districting — provisions for, 35-15-304
  distribution of earnings, provisions, 35-15-412
  filing, 35-15-204
  meetings, provisions for, 35-15-302
  membership, increase — provisions for, 35-15-301
  merger or consolidation, surviving association, 35-15-504
  stock, provisions on forfeiture for nonpayment, 35-15-402
Commissioners, 35-15-201, 35-15-203, 35-15-204
Consolidation, See **Merger or consolidation**
Credit unions, Title 32, chapter 3
Directors, board of
  articles of incorporation, amendment, 35-15-205

COOPERATIVE ASSOCIATIONS (Continued)
Directors, board of (Continued)

- assignment of stock, consent, 35-15-403
- distributions and dividends, authority, 35-15-411
- election and terms, 35-15-203, 35-15-204, 35-15-304
- meetings, calling, 35-15-302
- merger or consolidation, plan for, 35-15-502
- officers, election, 35-15-304

Dissolution, 35-15-412
Distributions and dividends, 30-14-215, 30-14-902, 35-15-411, 35-15-412
- classes of stock, effect, 35-15-401

Districts, 35-15-304
Educational fund, 35-15-411
Fees, 35-15-201, 35-15-204, 35-15-205
Filing
- articles of incorporation, 35-15-201
  - certificate of amendment, 35-15-205
- bylaws, not necessary, 35-15-206
- certificate of organization, 35-15-204
- facsimile copies of documents, 35-15-211
- first meeting report, 35-15-204
- merger or consolidation documents, 35-15-504
- preexisting associations, declaration of compliance, 35-15-305

Foreign associations, merger or consolidation, 35-15-501
Incorporation, 35-15-201
- articles of incorporation, 35-15-201
  - amendment, 35-15-205
  - consolidation of association
    - new articles, 35-15-502, 35-15-503
    - surviving association, 35-15-504
  - meetings, provisions for, 35-15-302
  - merger, surviving association, 35-15-504
- certificate of organization, 35-15-204, 35-15-205

Legislative reservation of power, 35-15-101
Liability, 35-15-201, 35-15-211, 35-15-403
License to open books for subscription, 35-15-201
Meetings, 35-15-302
- articles of incorporation, amendment, 35-15-205
- assets, sale or disposition, 35-15-506
- bylaws, adoption or amendment, 35-15-206
- directors and officers, election — ratification, 35-15-304
- distribution of earnings and dividends, 35-15-411
- first meeting, 35-15-203, 35-15-204
- merger or consolidation, 35-15-503
- voting by mail, 35-15-303

Merger or consolidation
- authorization, 35-15-501
- effect, 35-15-505
- filing of documents, 35-15-504
- invalidation, statute of limitations, 35-15-507
- meeting and notice, 35-15-503
- plan for, 35-15-502, 35-15-503, 35-15-505

Name, 35-15-201
Notice
- assets, sale or disposition, 35-15-506
- meetings, 35-15-302
  - first meeting, 35-15-203, 35-15-204

COOPERATIVE ASSOCIATIONS (Continued)
Notice (Continued)
    meetings (Continued)
        merger and consolidation, to consider, 35-15-503
    voting by mail, 35-15-303
Officers, 35-15-304
    articles of incorporation, execution of statement of amendment, 35-15-205
    meetings, call of annual or special, 35-15-302
    merger or consolidation, duties, 35-15-504
    preexisting associations, execution of declaration of compliance, 35-15-305
Offices, 35-15-204, 35-15-205, 35-15-302, 35-15-504
Powers generally, 35-15-103, 35-15-304
Preexisting associations, 35-15-305
Property, 35-15-103, 35-15-505
Purpose, 35-15-201
Requirements of provisions exclusive, 35-15-102
Reserves, 35-15-411
Seal, 35-15-103, 35-15-205
Securities, offer or sale — registration and federal covered securities, exemption, 30-10-105
Stockholders and stock
    articles of incorporation
        amendment by stockholders, 35-15-205
        statement pertaining to stock, 35-15-201
    assignment of stock, 35-15-403
    bylaws, adoption and amendment by stockholders, 35-15-206
    classes of stock, 35-15-401
    control of stock, 35-15-202
    death of stockholder, 35-15-404
    directors and officers, election by stockholders, 35-15-304
    exemption of stock from attachment and execution, 35-15-404
    forfeiture of stock for nonpayment, 35-15-402
    meetings of stockholders, See **Meetings**
    membership, increase by stockholders, 35-15-301
    merger or consolidation, plan for, 35-15-502
    preexisting associations, declaration of compliance, 35-15-305
    subscription, 35-15-202 — 35-15-204
    voting, 35-15-205, 35-15-206, 35-15-302, 35-15-305, 35-15-401, 35-15-403, 35-15-503, 35-15-506
        by mail, 35-15-303
Taxation, exempt property, 15-6-201
Trucks owned by, exemption from gross vehicle weight fees, 61-10-206

COOPERATIVE EXTENSION SERVICE
Agricultural chemical ground water protection
    administration, funding, 80-15-302
    best management plans and practices, consultations concerning, 80-15-102
    educational programs, cooperation and fees, 80-15-106
    management plans, benefits of appropriate use of chemicals — consultations, 80-15-215
Appropriations, unexpended — reversion, 17-7-304
Budget provisions, 17-7-102, See **BUDGET AND BUDGETING**
Building codes education program, contracts for development and conducting, 50-60-116
Commercial fertilizer assessments, allocation, 80-10-104
County funding and agents, 7-21-3203
Crop insect detection and management, 80-7-508
Crop weed management research grants, 80-7-508, 80-7-814
Federal funds, 20-25-226
Fertilizer Advisory Committee, director's appointments to or meetings with, 2-15-1516, 80-10-106

COOPERATIVE EXTENSION SERVICE (Continued)

Forestry and natural resources program, funding, 76-13-415
Forestry services, funding, 76-13-414, 76-13-415
Mosquito control board, county agent as ex officio member, 7-22-2419
Noxious weed management projects and plans, reports, 80-7-814
Noxious Weed Seed Free Forage Advisory Council, director as member, 80-7-904
Pesticides — educational, certification, and training programs, 80-8-109, 80-8-209, 80-8-212
Sustainable agriculture research and education, duties, 20-25-235, 20-25-236
Teachers' Retirement System, qualification of employment service when, 19-20-401, 19-20-405, 19-20-410, See **TEACHERS' RETIREMENT SYSTEM**
Transportation, Department of — advice regarding seeding practices, 60-2-208
Vertebrate Pest Management Advisory Council, technical advisers as ex officio members when, 80-7-1104

COOPERATIVE MARKETING ACT, Title 35, chapter 17
  See **AGRICULTURAL MARKETING ASSOCIATIONS**

COORDINATE SYSTEM, MONTANA, Title 70, chapter 22, part 2
  See **PROPERTY, REAL**

CORAM NOBIS, 46-21-101
  See also **CRIMINAL PROCEDURE, Postconviction hearing**

CORNER RECORDATION ACT OF MONTANA, Title 70, chapter 22, part 1
  See **PROPERTY, REAL, Corner records**

CORONER'S INQUESTS
  See **COUNTY CORONER**

CORPORAL PUNISHMENT
Detention center inmates, prohibited, 7-32-2248
Developmental disabilities, persons with — in residential facilities, prohibited, 53-20-142
Force, justifiable use, 45-3-107
"Physical abuse" defined, 41-3-102
School district personnel, 20-4-302

CORPORATE TAX
Income tax, Title 15, chapter 31, part 4
License tax, Title 15, chapter 31, part 1

CORPORATIONS
Abuse of authority, 35-1-425, 35-1-938, 35-6-102, See also **Ultra vires acts**; **QUO WARRANTO, WRIT OF**
Acknowledgments, 35-1-217, 35-1-221
  filing of documents, receipt, 35-1-1309
  name, contest of registration — notice, 35-1-310
Actions and proceedings
  appeals from decisions by secretary of state, 35-1-310, 35-1-1040, 35-1-1310
  arrest of officer, prejudgment — when, 27-16-102
  articles of incorporation, amendment — effect, 35-1-233
  criminal proceedings, plea, 46-12-204
  depositions, Title 25, chapter 20, M.R.Civ.P., Rules 30(b), 31(a), 32(a), 37(a), 37(b), 37(d)
  directors, board of
    conflicting interest transactions, 35-1-462, 35-1-464
    election, irregular — ouster, 27-28-401, 27-28-402
    removal, 35-1-425
  dissenting shareholders, unsettled demands for payment, 35-1-838
  dissolution, 35-1-940
    claims, enforcement, 35-1-936

CORPORATIONS (Continued)
Actions and proceedings (Continued)
- dissolution (Continued)
  - effect, 35-1-935
  - involuntary, for, 35-1-220, 35-6-102
  - judicial dissolution, 35-1-938
  - receiver, authority, 35-1-941
  - survival of remedy, right, or claim, 35-1-937
- foreign corporations
  - certificate of authority
    - required, 35-1-1027
    - revocation, 35-1-1038
  - security for costs, 25-10-601
  - tort actions, venue, 25-2-122, See also **TORTS**
  - transaction of business exclusion, 35-1-1026
- incorporation, to cancel or revoke, 35-1-220
- indemnification of directors, officers, employees, and agents
  - advance for expenses, 35-1-454, 35-1-457, 35-1-459
  - application of provisions, 35-1-459
  - authority for, 35-1-452, 35-1-456
  - court order for, 35-1-455, 35-1-457
  - definitions, 35-1-451
  - determination of permissibility, 35-1-456
  - insurance for, 35-1-458
  - mandatory, 35-1-453, 35-1-455, 35-1-457
  - notice to shareholders, 35-1-1111
  - officers, employees, and agents — specific provision, 35-1-457
- interrogatories, Title 25, chapter 20, M.R.Civ.P., Rule 33(a)
- jurisdiction of courts, Title 25, chapter 20, M.R.Civ.P., Rule 4B
- liability created by law, enforcement — statute of limitations, 27-2-211
- mandamus, writ of — issuance and enforcement, 27-26-102, 27-26-206
- merger, effect, 35-1-817
- name, amendment to change — effect, 35-1-233
- name in suit, 35-1-115, 35-1-935, 35-1-937
- penalty or forfeiture imposed, statute of limitations, 27-2-211
- pleadings, verification, 25-4-203
- "proceeding" defined, 35-1-113, 35-1-451
- prohibition, writ of — function and issuance, 27-27-101, 27-27-102
- quo warranto, Title 27, chapter 28
- reorganization plan, court order or decree for, 35-1-232
- rescission of purchase, enforcement of right, 35-1-820
- service of process, See **Service of process**
- small claims court, in, 25-35-505
- sue and be sued, power to, 35-1-115
- ultra vires, 27-28-101, 27-28-102, 35-1-117; Title 25, chapter 21, M.R.App.P., Rule 7
- vote, consent, waiver, or proxy appointment — acceptance or rejection, validity of action based on, 35-1-527

Actions by shareholders
- derivative proceedings, Title 25, chapter 20, M.R.Civ.P., Rule 23.1
  - commencement, 35-1-542
  - definitions, 35-1-541
  - demand, 35-1-543 — 35-1-545
  - discontinuance or settlement, 35-1-546
  - dismissal, 35-1-545
  - expenses, payment, 35-1-547
  - foreign corporations, applicability to, 35-1-548
  - record date, 35-1-113
  - stay, 35-1-544

CORPORATIONS (Continued)
Actions by shareholders (Continued)
- derivative proceedings (Continued)
  - ultra vires acts, 35-1-117
- directors
  - conflicting interest transactions, 35-1-462
  - removal, 35-1-425
- dissolution, 35-1-938, 35-1-939
- list of shareholders, refusal or failure to prepare or make available — to allow inspection or copying, 35-1-523
- records, inspection, 35-1-1109

Affidavits, 35-1-310
Affiliates, 35-1-535
Agents, 35-1-115, See also **AGENCY**, generally
- abuse of authority by corporation, notice, 35-6-102
- alcoholic beverage violations, liability, 16-6-310
- compensation, shares issued as, 35-1-535
- criminal accountability, 45-2-311, 45-2-312
- death or incapacity of shareholder, notice to, 35-1-525
- director's conflicting interest transactions, 35-1-461 — 35-1-464
- foreign corporations, orders obtained by — transaction of business exclusion, 35-1-1026
- indemnification, See **Actions and proceedings**
- liability, 16-6-310, 35-1-237, 35-1-458, 35-1-527
- notaries public, as, 1-5-417; Title 1, chapter 5, part 6, See **NOTARIES PUBLIC**
- proxy appointment, 35-1-525, 35-1-527
- records, 35-1-1106, 35-1-1108
- registered agent, 35-1-313
  - annual report, designation in, 35-1-1104
  - appointment, 35-1-313 — 35-1-315, 35-1-1032, 35-1-1033, 35-1-1036, 35-6-102
  - articles of incorporation, information included in, 35-1-216
  - change, 35-1-314, 35-1-1033, 35-1-1038, 35-6-102
  - demand on corporation, agent for, 35-1-317
  - dissolution
    - effect, 35-1-935
    - involuntary, notices, 35-6-104
  - foreign corporations, 35-1-1028, 35-1-1032, 35-1-1033, 35-1-1036, 35-1-1038, 35-1-1039
  - initial agent, amendment to delete name and address, 35-1-226
  - notices to, 35-1-116, 35-1-317
  - resignation, 35-1-315, 35-1-1036, 35-1-1038
  - tax list, designation in, 15-31-603
- service of process on, See **Service of process**
- shareholders, of, 35-1-523, 35-1-532
- ultra vires acts, 35-1-117
- vote, consent, waiver, or proxy appointment — acceptance or rejection, 35-1-527

Agricultural associations, Title 35, chapters 16 and 17
Agricultural commodity dealers, licensing, 80-4-601, 80-4-603
Agricultural loan authority program loans, nonapplicability, 80-12-203
Alteration of corporate acts, 35-1-939
Alternative livestock ranches, licensing, 87-4-409
Amendment of provisions, legislative reservation of power, 35-1-118
Annual reports, 35-1-1104
- copies kept at offices, 35-1-1106
- directors and officers listed in, 35-1-316
- failure to file, 35-1-1038, 35-6-102
- filing, 35-1-1104, 35-1-1312
- foreign corporations, 35-1-1036, 35-1-1038, 35-1-1039
- form, 35-1-1308
- offices, designation, 35-1-113, 35-1-116, 35-1-1036, 35-1-1039

CORPORATIONS (Continued)

Appeals from decisions by secretary of state, 35-1-310, 35-1-1040, 35-1-1310
Appropriations by state prohibited, Const., V, 11
Architects, corporations licensed as — prohibited, 37-65-302
Articles of incorporation, 35-1-113, 35-1-216
  agricultural marketing associations, applicability of laws, 35-17-202
  amendment
    articles of amendment, 35-1-230, 35-1-232, 35-1-619, 35-1-630, 35-1-1207
    authority, 35-1-225
    cancellation or alteration of provisions in, 35-1-939
    committees, no authority, 35-1-439
    copies kept at offices, 35-1-1106
    directors, board of and shareholders — by, 35-1-227
    directors, board of — by, 35-1-226, 35-1-229
    dissent, right to, 35-1-827
    dissolution, requirements, 35-1-932
    effect, 35-1-233
    existence, corporate — to extend, 35-1-235
    incorporators, adoption, 35-1-229
    merger or share exchange, 35-1-813, 35-1-815, 35-1-817, 35-1-818
    reorganization, pursuant to, 35-1-232
    restatement, statement in, 35-1-231
    sale of assets, shareholder approval, 35-1-823
    shareholder agreement, to delete, 35-1-820
    shareholders, voting, 35-1-528, 35-1-530, 35-1-531
    shares, 35-1-619, 35-1-630
    voting groups and shareholders, voting, 35-1-227, 35-1-228
  bylaws — adoption, amendment, or repeal, 35-1-115, 35-1-234, 35-1-236 — 35-1-238
  cancellation or alteration of provisions in, 35-1-939
  copies kept at offices, 35-1-1106
  directors, board of
    committees, 35-1-439
    compensation, 35-1-427
    election, 35-1-420, 35-1-531
    initial, named in, 35-1-222
    meetings, provisions for, 35-1-431 — 35-1-433
    number fixed by, 35-1-419
    powers, limitation, 35-1-416
    qualifications, 35-1-417
    quorum or voting requirements, 35-1-435
    removal, 35-1-424
    terms fixed by, 35-1-422
    vacancy, 35-1-426
  dissent, right to, 35-1-827
  dissolution, requirements, 35-1-235, 35-1-932
  distributions, provisions for, 35-1-712, 35-1-713
  existence, corporate — perpetual, 35-1-115
  filing, 35-1-215, 35-1-220, 35-1-1207
  fraud, obtaining by, 35-1-938
  indemnification provisions, statement in, 35-1-453, 35-1-455, 35-1-457, 35-1-459
  license fee, 35-1-1207
  merger or share exchange, 35-1-815, 35-1-827
  notices
    requirements, 35-1-116, 35-1-521
    waiver, 35-1-434

CORPORATIONS (Continued)
Articles of incorporation (Continued)

- purpose of corporation
    - limitation, 35-1-114
    - statement in, 35-1-216, 35-1-308
- records, inspection — right of, 35-1-1107
- restatement, 35-1-231, 35-1-1106
- shareholders
    - agreements, provisions for, 35-1-820
    - cumulative voting, 35-1-531
    - dissent, right to, 35-1-827
    - liability, 35-1-534
    - meetings, provisions for, 35-1-517, 35-1-520
    - preemptive rights, 35-1-535
    - quorum, 35-1-530
    - sale of corporate assets, approval, 35-1-822, 35-1-823
    - voting groups and requirements, 35-1-113, 35-1-528 — 35-1-530
- shares
    - authorized shares, provisions for, 35-1-535, 35-1-618
    - classes, 35-1-420, 35-1-618, 35-1-619
    - corporation, purchase by, 35-1-630
    - issuance, 35-1-620, 35-1-623, 35-1-624
    - nonvoting, 35-1-228
    - preferences, limitations, and rights, 35-1-619
    - share dividend, 35-1-624
    - transfer restrictions, 35-1-628
    - uncertificated, 35-1-627
    - voting provisions, 35-1-524, 35-1-618

Assets, See also **Property**
- dissolution
    - collection, 35-1-935
    - deposits for unlocatable creditors, claimants, or shareholders, 35-1-943
    - distribution, 35-1-712, 35-1-931, 35-1-937
    - grounds for, 35-1-938
    - involuntary, disposition, 35-6-104, 35-6-201
    - preservation, 35-1-940
    - receipt, 35-1-618, 35-1-620
    - sale and proceeds, 35-1-941
- distributions, limitations, 35-1-712, 35-1-931, See also **Distributions**
- financial statement, 35-1-1110
- liquidation, 35-1-621, 35-1-937, 35-6-104, See **Liquidation**
- misapplication or waste, 27-16-102, 35-1-938
- name, acquisition, 35-1-308, 35-1-1031
- preferential rights of shareholders, 35-1-535
- sale, 35-1-822, 35-1-823, 35-1-827, 35-1-941

Assignment for benefit of creditors, applicability of laws, 31-2-201
Assumed business name registration, 35-1-308, 35-1-1031; Title 30, chapter 13, part 2, See also **ASSUMED BUSINESS NAME REGISTRATION**
Ballot issues, contributions, 13-35-227
Banks and trust companies, applicability, 32-1-101, 32-1-102, 32-1-112, 35-1-114
Benefit plans, 35-1-115
Benevolent associations, Title 33, chapter 6
Board of directors, See **Directors, board of**
Bonds, issuance, 35-1-115, 35-1-618
Borrow money, power to, 35-1-115, See **Indebtedness**
Building and loan associations, Title 32, chapter 2, See **BUILDING AND LOAN ASSOCIATIONS**

CORPORATIONS (Continued)

Business trusts, applicability, 35-1-113, 35-5-103, 35-5-204
Bylaws, 35-1-236
  adoption, amendment, or repeal, 35-1-115, 35-1-222, 35-1-234, 35-1-236 — 35-1-239, 35-1-439, 35-1-935, 35-1-1106
  articles of incorporation, statement in, 35-1-216
  cancellation or alteration of provisions in, 35-1-939
  copies kept at offices, 35-1-1106
  directors, board of
    authority, 35-1-234, 35-1-236 — 35-1-238
    committees, 35-1-439
    compensation, 35-1-427
    meetings, provisions for, 35-1-237, 35-1-431 — 35-1-433
    number fixed by, 35-1-419
    qualifications, 35-1-417
    quorum or voting requirements, 35-1-239, 35-1-435
    removal, 35-1-424
    terms fixed by, 35-1-422
  dissent, right to, 35-1-827
  dissolution, effect, 35-1-935
  emergency bylaws, 35-1-237
  incorporators, authority, 35-1-236
  indemnification of officers, employees, and agents, 35-1-457, 35-1-459
  notices
    requirements, 35-1-116, 35-1-521
    waiver, 35-1-434
  officers, provisions for and duties, 35-1-441, 35-1-442, 35-1-444, 35-1-626
  record date, fixing, 35-1-522
  records, inspection — right of, 35-1-1107
  shareholders
    agreements, provisions for, 35-1-820
    authority or quorum or voting requirements, 35-1-234, 35-1-237 — 35-1-239
    meetings, provisions for, 35-1-516, 35-1-517, 35-1-520
  shares, provisions for, 35-1-627, 35-1-628, 35-1-630
Campaign practices and contributions, 13-35-226 — 13-35-228
Cancellation of corporate acts, 35-1-939
Cemetery associations, powers, 35-20-104, 35-20-209
Charter — how granted, modified, or dissolved, Const., XIII, 1
Citation of Montana Business Corporation Act, 35-1-112
Close corporations, 35-1-550; Title 35, chapter 9
Conservators
  appointment of corporation as, 72-5-410
  authority, 72-5-427
  vote, consent, waiver, or proxy appointment — acceptance, 35-1-527
Consolidation, See **Merger or share exchange**
Contractor registration, 39-9-201
Contracts
  director's conflicting interest transactions, 35-1-461 — 35-1-464
  foreign corporations, 35-1-1026, 35-1-1027
  indemnification of directors, officers, employees, and agents, 35-1-457, 35-1-459
  officers, rights, 35-1-445
  power to contract, 35-1-115
  public contracts, bid requirements, 18-1-103
  services, for — shares issued for, 35-1-623, 35-1-1111
  subscription agreement, 35-1-622
Cooperative associations, Title 35, chapter 15

CORPORATIONS (Continued)

Creditors
    dissolution
        claims due and owing, 35-1-938, 35-1-943
        receiver, application for appointment, 27-20-103
    distributions to shareholders, effect, 35-1-712
    liability of shareholders, 35-1-534
    proxy, appointment as, 35-1-525
Credit unions, Title 32, chapter 3, See **CREDIT UNIONS**
Criminal accountability, 45-2-311, 45-2-312
Damages
    directors
        conflicting interest transactions, 35-1-462
        liability, 35-1-216
    falsification of documents by filing of facsimile copies, 35-1-218
    ultra vires acts, injunction to restrain, 35-1-117
    vote, consent, waiver, or proxy appointment — liability for acceptance or rejection, 35-1-527
Day-care facilities, establishment, 52-2-721, 52-2-741, See also **DAY CARE**
Default, See **Dissolution**, involuntary
Definitions, 35-1-113, 35-1-535, 35-1-628, 35-1-815, 35-1-936, 35-1-1107
    derivative proceedings, 35-1-541
    directors' conflicting interest transactions, 35-1-461, 35-1-463, 35-1-464
    dissenting shareholder provisions, 35-1-826
    indemnification provisions, 35-1-451
    person, 1-1-201, 15-1-102; Title 25, chapter 20, M.R.Civ.P., Rule 4A; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4A
    public statutes, 1-1-106
Demand on, 35-1-316, 35-1-317
    derivative proceedings, 35-1-543 — 35-1-545
    dissenters, payment, See **Dissenting shareholders**
    list of shareholders, inspection, 35-1-523
    meetings of shareholders, for, 35-1-517, 35-1-518, 35-1-522
    records, inspection, 35-1-1107 — 35-1-1109
    shares, subscription — payment, 35-1-622
Derivative proceedings, See **Actions by shareholders**
Development corporations, Title 32, chapter 4
Directors, board of
    action without meeting, 35-1-432, 35-1-439, 35-1-1106, 35-1-1107
    annual report, statement in, 35-1-1104
    appointment, 35-1-421
    articles of incorporation
        amendments, authority, 35-1-226, 35-1-227, 35-1-229, 35-1-230, 35-1-232, 35-1-619, 35-1-630
        reorganization, action not necessary, 35-1-232
        restatement, 35-1-231
        statement in, 35-1-216
    assets, disposition, 35-1-822, 35-1-823
    bylaws
        adoption, amendment, or repeal, 35-1-234, 35-1-236, 35-1-238, 35-1-239
        emergency, 35-1-237
    committees of, 35-1-418, 35-1-439, 35-1-456, 35-1-463, 35-1-545, 35-1-1106, 35-1-1107
    compensation, 35-1-427, 35-1-535
    conflicting interest transactions
        definitions, 35-1-461
        director's action, 35-1-463
        judicial action, 35-1-462, 35-1-464

CORPORATIONS (Continued)
Directors, board of (Continued)
- conflicting interest transactions (Continued)
  - shareholder's action, 35-1-464
- conflict of interest, 35-1-227, 35-1-815, 35-1-823, 35-1-932
- deadlocks, 35-1-938
- dissent
  - directors, 35-1-435
  - shareholders, right to, 35-1-827, See **Dissenting shareholders**
- dissolution
  - adoption without shareholder action, 35-1-933
  - court order for relief other than, 35-1-939
  - custodian, authority, 35-1-941
  - effect, 35-1-935
  - initial directors, by, 35-1-931
  - involuntary
    - notices and disposition of property, 35-6-104
    - reinstatement, 35-6-201
  - recommendation to shareholders, 35-1-932
  - revocation, 35-1-934
  - service of process, 35-1-316
  - survival of remedy, right, or claim, 35-1-937
- distributions, 35-1-216, 35-1-712, 35-1-713
- documents, execution, 35-1-217
- duties generally, 35-1-416, 35-1-418
- election, 35-1-115, 35-1-222, 35-1-419 — 35-1-422, 35-1-424, 35-1-528, 35-1-531, 35-1-545, 35-1-938
  - irregularity, quo warranto proceedings, 27-28-401, 27-28-402
- elimination, 35-1-820
- employees, as — when, 35-1-113
- foreign corporations
  - certificate of authority, application — inclusion, 35-1-1028
  - falsification of documents, 35-1-1038
  - fictitious name, adoption — resolution for, 35-1-1031
- group insurance, nonapplicability when, 33-20-1101
- indemnification, See **Actions and proceedings**
- initial directors, 35-1-216, 35-1-222, 35-1-226, 35-1-421, 35-1-931
- liability, 35-1-216, 35-1-237, 35-1-418, 35-1-458, 35-1-713, 35-1-820
- list of, 35-1-1106
- meetings, See **Meetings of directors**
- merger or share exchange
  - plan of merger, 35-1-813, 35-1-815, 35-1-816, 35-1-818
  - plan of share exchange, 35-1-814 — 35-1-816
  - subsidiary, merger of, 35-1-818
- notaries public, as, 1-5-417; Title 1, chapter 5, part 6, See **NOTARIES PUBLIC**
- notices, waiver, 35-1-434, 35-1-439
- number, 35-1-419, 35-1-420, 35-1-426, 35-1-435, 35-1-439
- officers
  - appointment and duties, 35-1-441
  - removal, 35-1-444
- organizational meeting, 35-1-222
- qualifications, 35-1-417
- quorum, 35-1-237, 35-1-239, 35-1-426, 35-1-435, 35-1-439, 35-1-456, 35-1-463, 35-1-545, 35-1-935
- removal, 35-1-424, 35-1-425, 35-1-820, 35-1-935
- requirement for, 35-1-416
- resignation, 35-1-423, 35-1-426, 35-1-935
- secretary, delegation of responsibility to, 35-1-113

CORPORATIONS (Continued)
Directors, board of (Continued)

- shareholders
    - as directors, 35-1-417
    - meetings, special — calling, 35-1-517
    - preemptive rights, 35-1-535
    - record date, fixing, 35-1-522
    - removal of directors, 35-1-424
    - vacancies, filling, 35-1-426
- shares
    - bonds, debentures, or obligations — conversion terms and conditions, 35-1-618
    - cancellation, 35-1-630
    - certificates, 35-1-626
    - exchange, plan of, 35-1-814 — 35-1-816
    - issuance, 35-1-623, 35-1-627
    - preemptive rights of shareholders, 35-1-535
    - records, 35-1-1106
    - rights, options, or warrants — terms, 35-1-625
    - scrip, issuance, 35-1-621
    - share dividend, 35-1-624
    - subscriptions, payment terms, 35-1-622
    - terms of classes or series, determination, 35-1-619, 35-1-626
    - uncertificated, issuance, 35-1-627
- standards generally, 35-1-418, 35-1-439, 35-1-452, 35-1-454 — 35-1-456, 35-1-713, 35-1-935
- term, 35-1-419, 35-1-421, 35-1-422, 35-1-820, 35-1-938
- ultra vires acts, 35-1-117
- vacancies, 35-1-421, 35-1-426, 35-1-439
- voting requirement, 35-1-239, 35-1-426, 35-1-432, 35-1-435, 35-1-439, 35-1-456, 35-1-461, 35-1-463, 35-1-820, 35-1-935
- witnesses in proceedings, as, 35-1-459

Discriminatory practices prohibited, Const., II, 4, See **DISCRIMINATION**, generally
Dissenting shareholders

- after-acquired shares, 35-1-836
- articles of incorporation, amendment — creation of right, 35-1-227
- beneficial shareholders, 35-1-826, 35-1-828
- close corporations, 35-9-103, 35-9-205, 35-9-402, 35-9-501
- court action and costs, 35-1-838, 35-1-839
- definitions, 35-1-826
- failure to take action, 35-1-835
- merger or share exchange, rights under, 35-1-817, 35-1-819
- notice
    - dissenters', 35-1-831, 35-1-832, 35-1-835
    - dissenters' rights, 35-1-829
    - partial dissenters, 35-1-828
    - payment
        - estimate, dissenter's, 35-1-837
        - intent to demand, 35-1-830
- partial dissenters, 35-1-828
- payment, 35-1-819, 35-1-834, 35-1-836
    - court action, 35-1-838, 35-1-839
    - demand, 35-1-830 — 35-1-833, 35-1-835 — 35-1-838
    - dissatisfaction, procedure, 35-1-837
    - withheld when, 35-1-836
- record shareholders, 35-1-826, 35-1-828
- reorganization, rights under, 35-1-232
- right to dissent, 35-1-827, 35-1-828
- uncertificated shares, transfer restrictions, 35-1-831, 35-1-833, 35-1-835, 35-1-837

CORPORATIONS (Continued)

Dissolution
- articles of dissolution, 35-1-931, 35-1-933, 35-1-934, 35-1-1312
- articles of revocation of dissolution, 35-1-934
- assumed business name registration, cancellation, 30-13-214
- certificate, 15-31-552, 35-1-944
- claims against
  - known, procedure, 35-1-936, 35-1-942
  - unknown, procedure, 35-1-937, 35-1-942
  - unlocatable claimants, deposits for, 35-1-943
- close corporations, 35-9-404, 35-9-501, 35-9-504
- conservator's authority, 72-5-427
- custodian pendente lite, authority, 35-1-940, 35-1-941
- decree, 35-1-939, 35-1-942, 35-1-944
- deposits for unlocatable creditors, claimants, or shareholders, 35-1-943
- directors, by, 35-1-931, 35-1-932, 35-1-939
- dissent, right to — when, 35-1-827
- effect, 35-1-935
- effective date, 35-1-933, 35-1-934, 35-1-942
- existence, corporate — expiration, dissolution by, 35-1-235
- foreign corporations, certification, 35-1-1038
- incorporators, by, 35-1-931
- insurers, domestic — applicability of provisions, 33-3-103, 33-3-601 — 33-3-603
- involuntary
  - action for, 35-1-220, 35-6-102
  - decree, 35-1-944
  - defaulting corporations, 35-6-101, 35-6-103
  - grounds, 35-6-102 — 35-6-104
  - procedure, 35-6-104
  - professional corporations, applicability, 35-4-503
  - reinstatement and certificate of reinstatement, 35-6-201, 35-6-203
    - new name, acquisition, 35-6-203
    - relation back of rights restored, 35-6-202
  - service of process, 35-1-316
  - tax clearance certificate, 35-1-944, 35-6-201
- judicial dissolution
  - decree, 35-1-942, 35-1-944
  - grounds, 35-1-938
  - procedure for and venue, 35-1-940
  - receivership or custodianship, 35-1-940, 35-1-941
  - relief other than, 35-1-939
- limited partnership general partner, effect, 35-12-802, 35-12-1105
- name, period of distinguishability following, 35-1-308, 35-1-1031, 35-2-305, 35-2-826, 35-8-103
- personal representative's authority, 72-3-613
- quo warranto proceedings, in, 27-28-502, 27-28-504 — 27-28-506
- receiver, 27-20-103, 35-1-940, 35-1-941
- revocation, 35-1-934
- service of process, 35-1-316
- shareholders, approval for or dissolution by, 35-1-820, 35-1-932, 35-1-934, 35-1-939
- shares, rights or preferences respecting, 35-1-228, 35-1-618, 35-1-620, 35-1-712
- survival of remedies, rights, or claims, 35-1-937
- taxes
  - return and payment, 15-31-143, 15-31-552, 35-1-944
  - tax clearance certificate, 35-1-944, 35-6-201

CORPORATIONS (Continued)
Dissolution (Continued)

  trustee's authority, 35-1-316, 72-34-308, 72-34-329
    quo warranto proceedings, in, 27-28-504 — 27-28-506
  unfair trade practices, for, 30-14-141
  winding up, 35-1-931, 35-1-935, 35-1-941, 35-1-942
Distributions, 35-1-113, 35-1-712
  committees, no authority, 35-1-439
  credit respecting shares against purchase price, 35-1-623
  dissolution, upon, 35-1-618, 35-1-931, 35-1-935, 35-1-943
    quo warranto proceedings, in, 27-28-504, 27-28-505
    receiver, duties, 27-20-103
  preferential rights of shareholders, 35-1-535
  principal and income determinations, 72-34-404, 72-34-405, 72-34-407
  property, disposal for, 35-1-823
  record date, 35-1-113
  shareholder agreements, 35-1-820
  shares, rights or preferences respecting, 35-1-228, 35-1-618
  unlawful, liability, 35-1-216, 35-1-713
Dividends
  declaration or payment, distribution as, 35-1-113
  fractional shares, on, 35-1-621
  principal and income determinations, 72-34-404, 72-34-407
  securities, exempt transactions, 30-10-105
  share dividend, 35-1-624
  shareholders' rights, 35-1-225, 35-1-228, 35-1-618
  unclaimed, composition of public school fund, Const., X, 2
Documents generally
  correction of filed document, 35-1-221, 35-1-1104
  effective time and date, 35-1-219
  execution, 35-1-217, 35-1-221, 35-1-428
  falsification, 35-1-218, 35-1-428, 35-1-1038
  fees for filing and copying, 35-1-1206
  filing requirements, 35-1-217, 35-1-1309, See also **Filings**
  foreign corporations, 35-1-1038
  form, 35-1-217, 35-1-1308
Donations by, 35-1-115
Duration, See **Existence**
Electrical contractors, business as, 37-68-103, 37-68-302, 37-68-322
Employee benefit plans, indemnification of directors, See **Actions and proceedings**
Employee-owned enterprises and employee ownership development, 90-5-301 — 90-5-305
Employees, 35-1-113, 35-1-115
  compensation, shares issued as, 35-1-535
  directors, information to, 35-1-418
  foreign corporations, orders obtained by — transaction of business exclusion, 35-1-1026
  indemnification, See **Actions and proceedings**
  liability, 15-31-543, 35-1-237, 35-1-458
  notaries public, as, 1-5-417; Title 1, chapter 5, part 6, See **NOTARIES PUBLIC**
  officers, information to, 35-1-443
  proxy, appointment as, 35-1-525
  tax violations, 15-31-543
  ultra vires acts, 35-1-117
  unemployment insurance taxes, penalties, and interest — payment, liability, 39-51-1105
Engineering, professional — practice of, 37-67-320
Entities, 35-1-113
  directors' conflicting interest transactions, 35-1-461, 35-1-462

CORPORATIONS (Continued)
Entities (Continued)

powers of corporation, 35-1-115
vote, consent, waiver, or proxy appointment — acceptance, 35-1-527
Evidence
articles of incorporation, filing — conclusive proof of satisfaction of conditions, 35-1-220
derivative proceedings not in best interest, burden of proof, 35-1-545
directors, action without meeting — written consents, 35-1-432
dissenting shareholders, appraisals to determine fair value of shares, 35-1-838
existence, of, 35-1-1312
filings
copies, evidentiary effect, 35-1-1311
effective time and date, 35-1-219
validity or invalidity of document, presumption not created, 35-1-1309
name, registration — contest, hearing, 35-1-310
notice, effective time, 35-1-116
records as, 35-1-1107
shareholders
action without meeting, written consents, 35-1-519
preemptive rights, waiver evidenced by writing, 35-1-535
vote, consent, waiver, or proxy appointment — acceptance requirements, 35-1-527
Existence
articles of incorporation, statement in, 35-1-115
certificate of, 35-1-1312
cessation, tax clearance certificate, 35-1-944
commencement, 35-1-220
dissolution
effect, 35-1-935
involuntary, relation back of rights restored, 35-6-202
expiration, 35-1-235, 35-1-316
extension, 35-1-226, 35-1-235
foreign corporations
certificate of existence, 35-1-217, 35-1-311, 35-1-1028, 35-1-1308
period of existence, change, 35-1-1029
merger, effect, 35-1-817
perpetual, 35-1-115
shareholders' rights, 35-1-225
Federal liens, filing, 71-3-204
Fees, 35-1-1206
certificate of existence or certificate of authority, statement of payment, 35-1-1312
dissent proceedings, 35-1-839
failure to pay, 35-6-102
filing, 35-1-217, 35-1-1206, 35-1-1309, 35-6-104, 35-6-201
license, 35-1-1207, 35-6-201
name, registration — contest of, 35-1-310
records, copies, 35-1-1108
rules for, 35-1-1307
Fictitious name, 35-1-308, 35-1-309, 35-1-1031
Fiduciary
documents, execution, 35-1-217
oath on behalf of corporation, 72-31-101
vote, consent, waiver, or proxy appointment — acceptance or rejection, 35-1-527
Filings, 35-1-217
agent, registered
change, 35-1-314, 35-1-1033, 35-6-102
resignation, 35-1-315, 35-1-1036
annual report, 35-1-1104, 35-1-1312

CORPORATIONS (Continued)
Filings (Continued)

- articles of amendment, 35-1-230, 35-1-232, 35-1-619, 35-1-630, 35-1-1207
- articles of incorporation, 35-1-215, 35-1-220, 35-1-1207
- articles of merger or share exchange, 35-1-815, 35-1-816, 35-1-818, 35-1-1207
- articles of restatement, 35-1-231
- correction of filed document, 35-1-221, 35-1-1104
- dissolution
  - articles of dissolution, 35-1-931, 35-1-933, 35-1-1312
  - articles of revocation of dissolution, 35-1-934
  - decree, 35-1-942, 35-1-944
  - involuntary
    - failure to file as grounds for, 35-6-102
    - reinstatement application, 35-6-201
  - service of process, trustees for, 35-1-316
  - tax clearance certificate, 35-1-944
- duty of secretary of state, 35-1-1309
- effective time and date, 35-1-219
- evidentiary effect of copies, 35-1-1311
- facsimile copies of documents, 35-1-218
- falsification, 35-1-428, 35-1-1038
- fees, 35-1-217, 35-1-1206, 35-1-1309, 35-6-104, 35-6-201
- foreign corporations
  - certificate of authority
    - application, 35-1-1028, 35-1-1207
    - revocation, certificate of, 35-1-1039
  - certificate of withdrawal, application, 35-1-1037
  - falsification of documents, 35-1-1038
  - fictitious name, resolution of adoption, 35-1-1031
  - registered office and registered agent
    - change, 35-1-1033, 35-1-1038
    - resignation of agent, 35-1-1036, 35-1-1038
- forms, 35-1-217, 35-1-428, 35-1-1308
- name
  - foreign corporation, fictitious name — resolution of adoption, 35-1-1031
  - registration
    - contest, notice of, 35-1-310
    - foreign corporation, 35-1-311
  - reserved name, application, 35-1-309
- office, registered — change, 35-1-314, 35-1-1033, 35-6-102
- refusal by secretary of state, 35-1-1309, 35-1-1310
- tax clearance certificate, 35-1-944

Financial statements, 35-1-712, 35-1-834, 35-1-1106, 35-1-1110
Fire department relief associations, formation, 19-18-102
Foreign corporations, 35-1-113

- annual report, 35-1-1104
- assumed business name registration prohibited when, 30-13-205
- banks and trust companies, 32-1-103
- business trusts, applicability, 35-5-102, 35-5-103, 35-5-201, 35-5-202, 35-5-205
- certificate of authority, 35-1-1026, 35-1-1040, 35-1-1312
  - amended, 35-1-1029, 35-1-1031
  - application, 35-1-116, 35-1-1028, 35-1-1207, 35-1-1308
  - effect, 35-1-1030
  - failure to obtain, 35-1-1027
  - name, requirements, 35-1-1029, 35-1-1031
  - revocation or suspension, 30-13-214, 30-14-134, 35-1-1030, 35-1-1038 — 35-1-1040
    - certificate of revocation, 35-1-1039, 35-1-1040

CORPORATIONS (Continued)
Foreign corporations (Continued)

- certificate of existence, 35-1-217, 35-1-311, 35-1-1028, 35-1-1308
- certificate of withdrawal, 15-31-552, 35-1-944, 35-1-1037, 35-1-1308
- contract provisions, 35-1-1026, 35-1-1027
- derivative proceedings, applicability, 35-1-548, See **Actions by shareholders**
- development corporation stock, ownership, 32-4-208
- dissent proceedings, 35-1-838
- dissolution
  - claims, unknown — enforcement, 35-1-937
  - receiver or custodian, appointment as, 35-1-941
- filings, See **Filings**
- health maintenance organizations, qualification for certificate of authority, 33-31-201
- license fee, 35-1-1207
- limited liability companies, 35-8-102, 35-8-1004
- limited partnerships, as agent for, 35-12-507
- name, 35-1-1028, 35-1-1029, 35-1-1031
  - fictitious name, 35-1-308, 35-1-309, 35-1-1031
  - registration, 35-1-311
- registered office and registered agent, 35-1-1032
  - change of, 35-1-1033, 35-1-1038
  - resignation of agent, 35-1-1036, 35-1-1038
  - revocation of agent's authority, 35-1-1037
- service of process, 35-1-1034, 35-1-1037, 35-1-1039; Title 25, chapter 20, M.R.Civ.P., Rule 4D
- tax clearance certificate, 35-1-944, 35-1-1037
- transaction of business, requirements, 35-1-1026, 35-1-1027
- withdrawal, 15-31-552, 30-13-214, 35-1-944, 35-1-1037

Foreign-money claims, Title 25, chapter 9, part 7
Foreign-trade zones — establishment, operation, and maintenance, 30-15-101 — 30-15-104
Franchise tax, 35-1-217, 35-1-1038
Fraternal benefit societies, Title 33, chapter 7
Fraud
- actions by corporation, 35-1-827
- articles of incorporation obtained by, 35-1-938
- directors, board of, 35-1-425, 35-1-938
- dissolution, involuntary — grounds for, 35-6-102
- tax fraud, 15-31-521, 15-31-543

Fraudulent transfers, Title 31, chapter 2, part 3
Good will, 35-1-823
Health information to Department of Public Health and Human Services on request, 50-16-101
Health maintenance organizations, 33-31-102, 33-31-201, 33-31-311
Health service corporations, See **HEALTH SERVICE CORPORATIONS**
Housing authorities, See **HOUSING AUTHORITIES, COUNTY; HOUSING AUTHORITIES, MUNICIPAL**
Housing development sponsor, as, 90-6-103
Impairment, See **Dissolution; Liquidation**
Income tax, Title 15, chapter 31, part 4
Incorporation, 35-1-114, 35-1-220, See also **Incorporators**
- articles of incorporation, See **Articles of incorporation**
- bylaws, See **Bylaws**
- cancellation or revocation, 35-1-220
- certificate of incorporation, 35-6-102
- expenses, 35-1-629
- personal representative's authority, 72-3-613
- shares, subscription prior to, 35-1-622
- trustee's authority, 72-34-308

CORPORATIONS (Continued)

Incorporators, 35-1-215, See also **Incorporation**
  articles of incorporation, 35-1-216, 35-1-229
    amendment, 35-1-230
  bylaws, adoption, 35-1-236
  conditions precedent to incorporation, proof of satisfaction, 35-1-220
  dissolution, authorization, 35-1-931, 35-1-934
  documents, execution, 35-1-217
  foreign corporations, falsification of documents, 35-1-1038
  organizational meeting called by, 35-1-222
Indebtedness
  dissolution, at, 35-1-931
  distribution, 35-1-113, 35-1-712
  foreign corporations, power to incur or create, 35-1-1026
  ostensible corporations, liability, 35-1-119
  repayment, property for, 35-1-822
  shareholders, liability, 35-1-216, 35-1-534
Indemnification of directors, officers, employees, and agents, See **Actions and proceedings**
Information lists, 2-6-109, 2-15-403
Injunctions
  court order for, 35-1-939, 35-1-940
  director's conflicting interest transactions, 35-1-462
  dissolution proceedings, 35-1-940
  ultra vires challenges, 35-1-117
Insolvency, 35-1-938, See also **Dissolution**
Instruments, seal required, 1-4-205
Insurance
  actions, existence of casualty insurance not to be made evident, 33-23-102
  adjusters, licensing, 33-17-301
  group, See **INSURANCE, LIFE**
  indemnification of directors, officers, employees, and agents — for, 35-1-458
  indemnify, to, 33-1-211, See **SURETYSHIP AND SURETIES**, **Surety insurance**
  insurance producers, licensing as, 33-17-211, 33-17-212, 33-17-214, 33-17-216, 33-17-217, 33-17-401, 33-17-1001, 33-17-1002, 33-17-1103
  premium finance companies, See **INSURERS REGULATION GENERALLY**, **Premium finance companies**
Insurers
  domestic stock and mutual, applicability of laws, 33-3-103, See **INSURERS, DOMESTIC STOCK AND MUTUAL**
  farm mutual, powers generally, 33-4-103, See **INSURERS, FARM MUTUAL**
  reciprocal, as subscribers, See **INSURERS, RECIPROCAL**
Investment companies, 32-1-108, See **BANKS AND TRUST COMPANIES**
Investments, 35-1-115
Irrigation districts, 85-7-109, 85-7-301, 85-7-308, 85-7-1004, 85-7-1006, 85-7-1710, 85-7-1902
Judgments
  appeal, stay pending — not allowed when, Title 25, chapter 21, M.R.App.P., Rule 7
  declaratory judgments, See **JUDGMENTS AND DECREES**
  dissenting shareholders, entitlement, 35-1-838
  dissolution, unsatisfied creditor's claims — effect, 35-1-938
  foreign corporation, use of other corporation's name, 35-1-1031
  indemnification of directors, officers, employees, and agents, 35-1-451, 35-1-452
  name applied for, judgment establishing right to use, 35-1-308
Land surveying, professional — practice of, 37-67-320
Legislative reservation of power, 35-1-118

CORPORATIONS (Continued)

Liability, See also **GOVERNMENTAL LIABILITY**
  criminal, 45-2-311, 45-2-312
  directors, 35-1-216, 35-1-237, 35-1-418, 35-1-458, 35-1-713
  distributions, unlawful, 35-1-216, 35-1-713
  falsification of documents by filing of facsimile copies, 35-1-218
  foreign corporations, 35-1-1037
  indemnification, See **Actions and proceedings**
  insurance, 35-1-458
  officers, employees, or agents, 15-31-543, 16-6-310, 35-1-237, 35-1-443, 35-1-458, 35-1-527, 39-51-1105
  ostensible corporations, of and to, 35-1-119
  shareholders, 35-1-216, 35-1-534, 35-1-937
  taxes, penalties, or interest, 35-1-935, 35-1-944, 35-1-1037
License fee, 35-1-217, 35-1-1207, 35-6-201
License tax, Title 15, chapter 31, part 1
Limited liability companies, 35-8-102, 35-8-107, 35-8-1004, See also **LIMITED LIABILITY COMPANIES**
Limited partnerships, as agent for, 35-12-507
Liquidation
  conservator's authority, 72-5-427
  dissolution, upon, 35-1-935, 35-1-937, 35-1-941, 35-1-942
    involuntary dissolution, 35-6-104, 35-6-201
  fractional shares, holders of — rights, 35-1-621
  insurers, domestic, 33-3-602
  personal representative's authority, 72-3-613
  principal and income determinations, 72-34-404, 72-34-407
  trustee's authority, 72-34-329
Livestock, See **LIVESTOCK**, generally
Loans by, 35-1-115
Management, investigation, 2-15-201
Meetings of directors, 35-1-431
  action without, 35-1-432, 35-1-439
  committees, applicability, 35-1-439
  derivative proceedings, dismissal — determination, 35-1-545
  emergency, 35-1-237
  foreign corporations, transaction of business exclusion, 35-1-1026
  minutes, 35-1-113, 35-1-431, 35-1-432, 35-1-434, 35-1-435, 35-1-441, 35-1-1106, 35-1-1107
  notice, 35-1-433, 35-1-434
  objections, dissent, or abstention, 35-1-435
  organizational, 35-1-222
  quorum requirements, 35-1-237, 35-1-435, 35-1-545
  voting, 35-1-432, 35-1-435
Meetings of shareholders
  action without, 35-1-519, 35-1-1106, 35-1-1107
  adjournment, 35-1-520, 35-1-522, 35-1-523, 35-1-528
  annual, to be, 35-1-516, 35-1-518, 35-1-520
  articles of incorporation
    amendment, 35-1-227
    restatement, 35-1-231
  assets, corporate — disposal, 35-1-823
  court, order for or adjournment by, 35-1-518, 35-1-522
  directors
    election, 35-1-419, 35-1-421, 35-1-528, 35-1-531
    removal, for, 35-1-424
    terms, expiration, 35-1-421, 35-1-422

CORPORATIONS (Continued)
Meetings of shareholders (Continued)

- dissenters
  - notice, 35-1-831
  - payment, intent to demand — notice, 35-1-830
  - rights, notice, 35-1-829
- dissolution, for, 35-1-932
- foreign corporations, transaction of business exclusion, 35-1-1026
- list of shareholders, 35-1-523
- merger or share exchange, plan of, 35-1-815
- minutes, 35-1-113, 35-1-441, 35-1-519, 35-1-521, 35-1-1106, 35-1-1107
- notice, See **Notices**
- quorum, 35-1-518, 35-1-528, 35-1-531
- record date, 35-1-113, 35-1-522, 35-1-528
- special, 35-1-517, 35-1-518, 35-1-520, 35-1-522
- trustee's powers, 72-34-326
- vote, 35-1-522
  - consent for action without meeting as, 35-1-519
  - court-ordered meeting, 35-1-518
  - cumulative, 35-1-531
  - special meeting, demand for, 35-1-517
- voting groups, quorum and voting requirements, 35-1-528
- voting of shares, 35-1-524

Merger or share exchange
- articles of incorporation, amendment, 35-1-228, 35-1-230, 35-1-813
- articles of merger, 35-1-818, 35-1-1207
- articles of merger or share exchange, 35-1-815, 35-1-816
- committees, authority, 35-1-439
- conservator's authority, 72-5-427
- dissenting shareholders, 35-1-817, 35-1-819, 35-1-826, 35-1-827, See **Dissenting shareholders**
- effect, 35-1-817
- effective date, 35-1-816
- foreign corporation
  - certification, 35-1-1038
  - domestic corporation, merger with, 35-1-819, 35-1-1207
- license fee upon, 35-1-1207
- name, effect, 35-1-308, 35-1-1031
- personal representative's authority, 72-3-613
- plan of merger, 35-1-813, 35-1-815, 35-1-816, 35-1-818, 35-1-827
- plan of share exchange, 35-1-814 — 35-1-816, 35-1-827
- principal and income, determination of distributions pursuant to, 72-34-404, 72-34-407
- subsidiary, merger of, 35-1-818, 35-1-827
- taxes
  - net operating loss, 15-31-119
  - reports, 15-31-142
- trustee's authority, 72-34-329

Microbusiness development corporations, Title 17, chapter 6, part 4
Mortgages
- execution, governing law, 71-1-112
- foreign corporations, 35-1-1026
- power generally, 35-1-115, 35-1-822

Motor carriers, See **MOTOR CARRIERS**
Name, 35-1-308
- actions in, 35-1-115, 35-1-935, 35-1-937
- annual report, statement in, 35-1-1104
- articles of amendment, statement in, 35-1-230, 35-1-232, 35-1-619, 35-1-630

CORPORATIONS (Continued)
Name (Continued)

- articles of incorporation
  - statement in, 35-1-216
  - restatement, statement in, 35-1-231
- assumed business name registration, Title 30, chapter 13, part 2, See also **ASSUMED BUSINESS NAME REGISTRATION**
- certificate of existence, statement on, 35-1-1312
- change, 35-1-226, 35-1-233, 35-1-308, 35-1-310, 35-1-1029, 35-1-1031
- dissolution, inclusion in
  - articles of dissolution, 35-1-931, 35-1-933
  - articles of revocation of dissolution, 35-1-934
  - involuntary, reinstatement, 35-6-201
    - new name, acquisition upon, 35-6-203
  - period of distinguishability, 35-1-308, 35-1-1031, 35-2-305, 35-2-826, 35-8-103
- distinguishability, 35-1-308, 35-1-311, 35-1-1031
- documents, filing requirements, 35-1-217
- exclusivity, 30-13-202, 35-1-308, 35-1-309, 35-1-311, 35-1-1031, 35-2-826, 35-4-206, 35-12-505
- existence in, perpetual, 35-1-115
- fictitious name, 35-1-308, 35-1-309, 35-1-1031
- foreign corporations, 35-1-1031
  - certificate of authority, inclusion, 35-1-1028, 35-1-1312
  - certificate of withdrawal, statement in, 35-1-1037
  - change, 35-1-1029
  - registered agent or office, inclusion in statement of change, 35-1-1033
- merger or share exchange
  - plan of merger, inclusion, 35-1-308, 35-1-813, 35-1-818
  - plan of share exchange, inclusion, 35-1-814
- registered agent or office, inclusion in statement of change, 35-1-314, 35-1-1033
- registration
  - contest, procedures, 35-1-310
  - foreign corporation, 35-1-311, 35-2-826
- reserved name, 35-1-308, 35-1-309, 35-1-1031, 35-2-826
- share certificates, statement on, 35-1-626
- tax list, inclusion on, 15-31-603

Negotiable instruments
- fiduciary or represented person, breach of fiduciary duty, 30-3-308
- negotiation when exceeding powers, effectiveness, 30-3-209

Nonprofit corporations, Title 35, chapter 2
Notes, issuance, 35-1-115, 35-1-1111
Notices, 35-1-113, 35-1-116
- abuse of authority, of, 35-6-102
- agent, registered — address change, 35-1-314, 35-1-1033
- annual report, noncompliance, 35-1-1104
- corporation, to — requirements, 35-1-116, 35-1-317
- directors
  - meetings, 35-1-433, 35-1-434
  - objections, dissent, or abstention, 35-1-435
  - ouster, new election, 27-28-402
  - resignation, 35-1-423
- dissenting shareholders
  - dissenters' notice, 35-1-831
  - payment, estimate by dissenter, 35-1-837
  - record shareholders, of partial dissenters, 35-1-828
- dissolution
  - claimants, to, 35-1-936, 35-1-942
  - involuntary, 35-6-104

CORPORATIONS (Continued)
Notices (Continued)
- dissolution (Continued)
  - meetings of shareholders, 35-1-932
  - receiver or custodian, prior to appointment, 35-1-941
- effective date, 35-1-113, 35-1-116
- foreign corporations
  - certificate of authority, revocation, 35-1-1039
  - contract requirements, 35-1-1026
  - registered agent, address change, 35-1-1033
- indemnification
  - court order, 35-1-455
  - shareholders, to, 35-1-1111
- meetings of shareholders, 35-1-522, 35-1-523
  - adjourned, 35-1-520
  - annual, 35-1-520
  - articles of incorporation
    - amendment, 35-1-227
    - restatement, 35-1-231
  - assets, corporate — disposal, 35-1-823
  - directors' removal, for, 35-1-424
  - dissenters
    - payment, intent to demand, 35-1-830
    - rights, 35-1-829
  - dissolution, for, 35-1-932
  - indemnification of director, 35-1-1111
  - merger or share exchange, plan of, 35-1-815
  - shares authorized or issued, when, 35-1-1111
  - special, 35-1-517, 35-1-518, 35-1-520
  - trustees, waiver, 72-34-326
- name
  - registration, contest, 35-1-310
  - reserved, transfer, 35-1-309
- officers, resignation, 35-1-444
- records, inspection — demand, 35-1-1107
- shareholder's death or incapacity, 35-1-525
- shareholders, to
  - derivative proceedings
    - demand, rejection, 35-1-543
    - discontinuance or settlement, 35-1-546
    - proposed dismissal or compromise, Title 25, chapter 20, M.R.Civ.P., Rule 23.1
  - director's conflicting interest transaction, 35-1-464
  - effective when, 35-1-116
  - nonvoting, of proposed action without meeting, 35-1-519
  - waiver, 35-1-521
- shares, redemption, 35-1-524
- waiver, 35-1-434, 35-1-439, 35-1-521

Officers, 35-1-115, 35-1-441
- agricultural chemical ground water protection violations, penalties, 80-15-411
- alcoholic beverage violations, liability, 16-6-310
- annual report, listed in, 35-1-1104
- appointment, 35-1-115, 35-1-222, 35-1-441, 35-1-444, 35-1-445
- arrest, prejudgment, 27-16-102
- compensation, shares issued as, 35-1-535
- conduct, standards, 35-1-443, 35-1-935
- contract rights, 35-1-445
- directors
  - conflicting interest transactions, shareholders' vote — information regarding, 35-1-464

CORPORATIONS (Continued)
Officers (Continued)
  directors (Continued)
    information to, 35-1-418
  dissolution
    court order for relief other than, 35-1-939
    custodian, authority, 35-1-941
    effect, 35-1-935
    involuntary
      notices and disposition of property, 35-6-104
      reinstatement, 35-6-201
    service of process, 35-1-316
    survival or remedy, right, or claim, 35-1-937
  documents, execution, 35-1-217
  duties generally, 35-1-441 — 35-1-443
  employee, definition includes, 35-1-113
  foreign corporations
    certificate of authority, application — inclusion, 35-1-1028
    falsification of documents, 35-1-1038
  indemnification, See **Actions and proceedings**
  information provided by, 35-1-418, 35-1-443
  instruments, acknowledgment, 70-21-203
  liability, 15-31-543, 16-6-310, 35-1-237, 35-1-443, 35-1-458, 35-1-527, 39-51-1105
  list of, 35-1-1106
  notaries public, as, 1-5-417; Title 1, chapter 5, part 6, See **NOTARIES PUBLIC**
  oath on behalf of corporation as fiduciary, 72-31-101
  pleadings, verification, 25-4-203
  proxy appointment, 35-1-525, 35-1-527
  removal, 35-1-444, 35-1-445, 35-1-935
  resignation, 35-1-444, 35-1-445, 35-1-935
  secretary, See **Secretary**
  share certificates, signature, 35-1-626
  shareholders, death or incapacity — notice to, 35-1-525
  tax violations, 15-31-543
  ultra vires acts, 35-1-117
  unemployment insurance taxes, penalties, and interest — payment, liability, 39-51-1105
  vacancies, 35-1-444
  vote, consent, waiver, or proxy appointment — acceptance or rejection, 35-1-527
Offices, 35-1-113
  annual report, designation in, 35-1-113, 35-1-116, 35-1-1036, 35-1-1039, 35-1-1104
  demand on or notice to corporation, procedure, 35-1-317
  foreign corporations, transaction of business, 35-1-1026
  location, 35-1-115
  records, 35-1-1106, 35-1-1107, 35-1-1109
  registered, 35-1-313
    articles of incorporation, statement in, 35-1-216
    change, 35-1-314, 35-1-1033, 35-1-1038, 35-6-102
    discontinuance, 35-1-315, 35-1-1036, 35-1-1038
    foreign corporations, 35-1-1032, 35-1-1033, 35-1-1036, 35-1-1038, 35-1-1039
    name and address, amendment for deletion, 35-1-226
  tax list, designation in, 15-31-603
Organization, 35-1-222, See **Incorporation**; **Incorporators**
Ostensible corporations, liability of and to, 35-1-119
Outfitters and guides, 37-47-304, 37-47-310, 37-47-311
Partnerships
  close corporation shareholders, 35-1-550
  corporate power, 35-1-115
  director's conflicting interest transactions, 35-1-461 — 35-1-464

CORPORATIONS (Continued)
Partnerships (Continued)

  "entity" defined, 35-1-113
  indemnification of partners, See **Actions and proceedings**
Penalties, 35-1-217, 35-1-428, 35-1-451, 35-1-1027, 35-1-1030, 35-1-1038, 35-1-1312, 35-6-104
Pensions, pension plans, or pension trusts, 35-1-115
Plumbers, licensing as, 37-69-303, 37-69-305, 37-69-306
Power of attorney
  vote, consent, waiver, or proxy appointment — acceptance or rejection, 35-1-525, 35-1-527
  statutory, authority, 72-31-229
Powers generally, 35-1-115, 35-1-216
  abuse, 35-1-425, 35-1-938, See also **Ultra vires acts**
  directors to exercise, 35-1-416
  shareholder agreements, 35-1-820
Private investigators, licensing, 37-60-303
Professional corporations, applicability, 35-4-111, 35-4-205, 35-4-209, 35-4-401, 35-4-404, 35-4-502, 35-4-503, See also **PROFESSIONAL CORPORATIONS**
Professional employer organizations and groups, licensing conditions, 39-8-202
Profit-sharing, 35-1-115
Property, See also **Assets**
  deeds, execution — governing law, 71-1-112
  disposal, 35-1-822, 35-1-823, 35-1-827
  dissolution
    effect, 35-1-935
    involuntary, disposition, 35-6-104
  execution
    availability of property, determination
      judgment debtor, debts owed to and holders of property, 25-14-103, 25-14-104
      receiver's title, relation back, 25-14-205
    redemption of real property, 25-13-801, 25-13-804
  foreign corporations, 35-1-1026
  liquidation, 35-6-104
  merger or share exchange, 35-1-813, 35-1-814, 35-1-817, 35-1-818
  powers generally, 35-1-115
  shareholder agreements, 35-1-820
  shareholders, rights, 35-1-225
  shares
    exchange, 35-1-814, 35-1-817
    issuance, consideration for, 35-1-623
    subscription, default, 35-1-622
  transfer, See **Distributions**
  transfer certificates, exemptions, 15-7-303, 15-7-307
  unclaimed property, Title 70, chapter 9, part 8; Const., X, 2
Purposes, 35-1-114
  articles of incorporation, statement in, 35-1-216, 35-1-308
  foreign corporation, application for certificate of authority — inclusion, 35-1-1028
Railroads, See **RAILROADS**
Real estate appraisers, use of term, 37-54-201, 37-54-301
Real estate brokers and salesmen, licensing exemption or restriction, 37-51-103, 37-51-301
Receiver
  dissolution, 27-20-103, 35-1-316, 35-1-940, 35-1-941
  documents, execution, 35-1-217
  tax returns, preparation by, 15-31-111
  ultra vires proceedings, 35-1-117
  vote, consent, waiver, or proxy appointment — acceptance or rejection, 35-1-527
Reclaimable material, property to collect or process — tax credits and deduction, Title 15, chapter 32, part 6

CORPORATIONS (Continued)

Record date, See **Shareholders and shares**
Records, 35-1-1106
  authentication, 35-1-113, 35-1-441
  directors
    actions without meeting, evidence, 35-1-432
    waivers of notices, 35-1-434
  inspection, 35-1-532, 35-1-1107 — 35-1-1109
  shareholders, 35-1-116, 35-1-1106 — 35-1-1108
    actions taken without meeting, 35-1-519
  shares, registration, 35-1-113, 35-1-826
  share transfer, 35-1-935
  voting trust agreement, 35-1-532
  waiver of notice, filing, 35-1-521
Religious corporations sole, Title 35, chapter 3, See **RELIGIOUS CORPORATIONS SOLE**
Reorganization
  amendment of articles of incorporation pursuant to, 35-1-232
  conservator, by, 72-5-427
  expenses, 35-1-629
  name, effect, 35-1-308, 35-1-1031
  personal representative, by, 72-3-613
  principal and income, determination of distributions pursuant to, 72-34-404, 72-34-407
  trustee's authority, 72-34-329
Repeal of provisions, legislative reservation of power, 35-1-118
Rules, 35-1-217, 35-1-1206, 35-1-1307, 35-1-1308
Sales
  assets, 35-1-822, 35-1-823, 35-1-827, 35-1-941
  foreign corporations, transaction of business exclusion when, 35-1-1026
Seal, 1-4-205, 35-1-115, 35-1-217, 35-1-221, 35-1-626
Secretary, 35-1-113
  demand on corporation, procedure, 35-1-317
  director's conflicting interest transactions, shareholders' vote — information regarding, 35-1-464
  documents, attestation, 35-1-217
  foreign corporation, fictitious name — certification of resolution for, 35-1-1031
  instruments, acknowledgment, 70-21-203
  meetings of shareholders, demand for special meeting, 35-1-517
  notices to, 35-1-116, 35-1-317
  proxy appointment, receipt or rejection, 35-1-525, 35-1-527
  shareholders, death or incapacity — notice to, 35-1-525
  vote, consent, or waiver — rejection, 35-1-527
Sectarian schools, aid to — prohibited, Const., X, 6
Securities, See also **Shareholders and shares**
  dissolution, effect, 35-1-935
  dividends as exempt transaction, 30-10-105
  federal covered securities, exemption, 30-10-104
  foreign corporation offices, transaction of business, 35-1-1026
  powers of corporation, 35-1-115
  registration, exemption, 30-10-104, 35-1-628
  shares
    authorized, issuance, 35-1-623
    redemption, conversion, or exchange, 35-1-618, 35-1-813 — 35-1-815, 35-1-817, 35-1-818
Service of process, 35-1-313, 35-1-316, 35-1-819, 35-1-1032; Title 25, chapter 20, M.R.Civ.P., Rules 4A, 4D; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 4A; 4D

CORPORATIONS (Continued)
Service of process (Continued)

- foreign corporations, 35-1-1034, 35-1-1037, 35-1-1039
  - merger or share exchange, 35-1-819
- jurisdiction acquired by, Title 25, chapter 20, M.R.Civ.P., Rule 4B
- summons, 46-6-211 — 46-6-213

Shareholders and shares, See also **SECURITIES AND SECURITIES REGULATION**

- action by shareholders without meeting, 35-1-519, 35-1-1106, 35-1-1107
- agreements, shareholder, 35-1-820
- annual report, statement in, 35-1-1104
- articles of amendment, information included in, 35-1-230
- articles of incorporation
  - amendment, 35-1-226 — 35-1-231
  - information included in, 35-1-216
  - reorganization, shareholder action not necessary, 35-1-232
  - restatement, 35-1-231
- attachment, shares subject to, 27-18-101, 27-18-102, 27-18-409 — 27-18-411, 27-18-502, 27-18-503
- authorized shares, 35-1-113, 35-1-216, 35-1-226, 35-1-228, 35-1-535, 35-1-618, 35-1-620, 35-1-630, 35-1-1104
- beneficial owner, 35-1-113, 35-1-526, 35-1-527, 35-1-532, 35-1-541, 35-1-826, 35-1-828, 35-1-836, 35-1-1107
- beneficial shareholder, 35-1-826, See **Dissenting shareholders**
- bylaws — amendment, repeal, or adoption by shareholders, 35-1-234, 35-1-237 — 35-1-239
- cancellation of shares, 35-1-230, 35-1-620, 35-1-623, 35-1-630
- certificates, 35-1-626
  - dissenters, deposit, 35-1-831, 35-1-832, 35-1-835, 35-1-837
  - proxy appointment noted on, 35-1-525
  - scrip, representing, 35-1-621
  - shareholder agreement noted on, 35-1-820
  - transfer restrictions noted on, 35-1-628
  - voting trust, 35-1-532
- classes of shares, 35-1-618
  - annual report, statement in, 35-1-1104
  - certificate, information on, 35-1-626
  - designation, 35-1-228, 35-1-439, 35-1-618, 35-1-619, 35-1-626, 35-1-815
  - exchange, 35-1-228, 35-1-814 — 35-1-816, 35-1-819
  - foreign corporations, acquisition, 35-1-819
  - issuance, 35-1-618, 35-1-627
  - list of shareholders, arrangement, 35-1-523
  - new class, creation, 35-1-228
  - outstanding, 35-1-226, 35-1-228, 35-1-425, 35-1-624, 35-1-814, 35-1-815, 35-1-818
  - par value, 35-1-216
  - preferences, limitations, and rights, 35-1-228, 35-1-439, 35-1-618, 35-1-619, 35-1-626, 35-1-815, 35-1-1106
  - reclassification, 35-1-228
  - resolutions creating, 35-1-1106
  - series, 35-1-228, 35-1-619, 35-1-624, 35-1-626, 35-1-814, 35-1-819, 35-1-1104, 35-1-1106
  - share dividend, 35-1-624
  - terms, 35-1-619
  - voting group, 35-1-113, 35-1-420
  - voting trusts, 35-1-532
- close corporations, 35-1-550, See **CLOSE CORPORATIONS**
- committees, authority, 35-1-439
- consent, acceptance or rejection, 35-1-527
- conservator's rights as shareholder, 72-5-427

CORPORATIONS (Continued)
Shareholders and shares (Continued)

- conversion, 35-1-535, 35-1-618, 35-1-620, 35-1-813, 35-1-815, 35-1-817, 35-1-818, 72-3-613, 72-5-427
- corporation, acquisition of shares by, 35-1-524, 35-1-535, 35-1-630
- court order for purchase of shares, 35-1-939
- death or incapacity of shareholder, 35-1-525
- definitions, 35-1-113, 35-1-464, 35-1-535, 35-1-541, 35-1-628, 35-1-815, 35-1-826, 35-1-1107
- derivative proceedings, See **Actions by shareholders**
- directors
  - conflicting interest transactions, 35-1-462, 35-1-464
  - not required to be shareholder, 35-1-417
  - number and election, 35-1-419, 35-1-420, 35-1-938
  - removal, 35-1-424
  - vacancies, filling, 35-1-426
- dissenting shareholders, See **Dissenting shareholders**
- dissolution of corporation
  - approval or adoption without, 35-1-932, 35-1-933
  - court order for relief other than, 35-1-939
  - deposit for unlocatable shareholders, 35-1-943
  - judicial dissolution, grounds, 35-1-938
  - parties to proceedings, 35-1-940
  - preferential rights, 35-1-712
  - receiver, application for appointment, 27-20-103
  - revocation, 35-1-934
  - survival of remedy, right, or claim, 35-1-937
- distributions, See **Distributions**
- dividends, See **Dividends**
- employee-owned enterprises and employee ownership development, 90-5-301 — 90-5-305
- escrow, placed in — when, 35-1-623
- exchange of shares, 35-1-228, 35-1-230, 35-1-814, 35-1-815, 35-1-819, 35-1-827
- execution
  - redemption of real property by shareholders, 25-13-801, 25-13-804
  - shares subject to, 25-13-501, See **EXECUTION**
- expense of issue, 35-1-629
- financial statements available to shareholders, 35-1-1106, 35-1-1110
- fractional shares, 35-1-621, 35-1-827
- indemnification of directors, 35-1-456, 35-1-459, 35-1-1111
- information statement, 35-1-627, 35-1-820
- inspections by shareholders, 35-1-523, 35-1-532, 35-1-1107 — 35-1-1109
- issuance of shares, 35-1-439, 35-1-534, 35-1-535, 35-1-618 — 35-1-620, 35-1-623, 35-1-624, 35-1-626, 35-1-627, 35-1-1111, 35-1-1207
- liability of shareholders, 35-1-216, 35-1-534, 35-1-820, 35-1-937
- license fee based upon, 35-1-1207
- list of shareholders, 35-1-523, 35-1-1106, 35-1-1108
- meetings of shareholders, See **Meetings of shareholders**
- merger or share exchange
  - close corporations, 35-9-202, 35-9-401
  - dissent, 35-1-817, 35-1-819, 35-1-826, 35-1-827, See also **Dissenting shareholders**
  - effect, 35-1-817
  - foreign corporation with domestic corporation, 35-1-819
  - plan of merger, 35-1-813, 35-1-815, 35-1-816
  - plan of share exchange, 35-1-814 — 35-1-816
  - subsidiary, merger — approval not required, 35-1-818
- nominee, shares held by, 35-1-526, 35-1-826, 35-1-1107, See also **Dissenting shareholders**
  - certificate, 35-1-113, 35-1-826
  - conservators, 72-5-427

CORPORATIONS (Continued)
Shareholders and shares (Continued)
  nominee, shares held by (Continued)
    derivative proceedings, 35-1-541
    personal representatives, 72-3-613
  nonassessable shares, 35-1-622, 35-1-623
  nonvoting
    shareholders
      dissent, right to, 35-1-827
      notice of proposed action without meeting, 35-1-519
    shares, 35-1-228, 35-1-618
  notaries public, shareholders as, 1-5-417; Title 1, chapter 5, part 6, See **NOTARIES PUBLIC**
  notices to shareholders, See **Notices**
  options, 35-1-535, 35-1-625
  outstanding shares, 35-1-230, 35-1-524, 35-1-620, 35-1-815, 35-1-816, 35-1-818, 35-1-820, 35-1-1104, 35-1-1107
  personal representative's rights as shareholder, 72-3-613
  powers of corporation generally, 35-1-115
  preemptive rights, 35-1-113, 35-1-228, 35-1-535, 35-1-827
  preferences, dissent, 35-1-827
  principal and income determinations, 72-34-404, 72-34-407
  property rights of shareholders, 35-1-225
  proxies, 35-1-525, 35-1-527, 35-1-531, 72-5-427, 72-34-326
  quorum of shareholders, 35-1-238, 35-1-464, 35-1-518, 35-1-528, 35-1-530, 35-1-935
  reacquisition, 35-1-439, 35-1-620, 35-1-712
  reclassification, 35-1-228, 35-1-230
  record date, 35-1-113, 35-1-522
    action without meeting, 35-1-519
    distributions, 35-1-712
    meetings, 35-1-517, 35-1-518, 35-1-520, 35-1-522, 35-1-523, 35-1-528
    share dividend, 35-1-624
  record of shareholders, 35-1-116, 35-1-1106 — 35-1-1108
  record shareholder, 35-1-826, See **Dissenting shareholders**
  redemption of shares, 35-1-524, 35-1-618, 35-1-620, 35-1-712, 35-1-827
  registration of shares, 35-1-113, 35-1-526, 35-1-532, 35-1-628, 35-1-826, 35-1-828
  repurchase, 35-1-712, 35-1-827
  rescission of purchase, right of, 35-1-820
  rights
    dissent, 35-1-827
    merger, following, 35-1-815
    purchase, to, 35-1-625
  sale of corporate assets, approval by shareholders, 35-1-822, 35-1-823, 35-1-827
  scrip, 35-1-621
  series of shares, 35-1-228, 35-1-439, 35-1-523, 35-1-619, 35-1-624, 35-1-626, 35-1-1104
  share dividend, 35-1-624
  subscribers, 35-1-113
  subscription, 35-1-535, 35-1-622, 72-3-613, 72-5-427
  subscription agreement, 35-1-534, 35-1-622
  taxation, stock as property, 15-1-101
  transfer of shares
    dissolution, effect, 35-1-935
    proxy appointment, revocability, 35-1-525
    registration, 35-1-628
    restrictions, 35-1-623, 35-1-628, 35-1-831, 35-1-833, 35-1-835, 35-1-837
    uncertificated shares, 35-1-627, 35-1-831, 35-1-833, 35-1-835, 35-1-837
    voting trust, 35-1-532
  trustee's rights as shareholder, 72-34-326

CORPORATIONS (Continued)
Shareholders and shares (Continued)

- uncertificated, 35-1-627
    - dissenters, transfer, 35-1-831, 35-1-833, 35-1-835, 35-1-837
    - proxy appointment, information statement, 35-1-525
    - transfer restrictions, 35-1-628
    - public school fund, composition, Const., X, 2
- voting, See also **Meetings of shareholders**
    - acceptance or rejection of vote, 35-1-527
    - conservator's rights, 72-5-427
    - deadlocks, 35-1-938
    - director's conflicting interest transactions, on, 35-1-464
    - dissolution, requirements, 35-1-932, 35-1-933
    - fractional shares, holders of, 35-1-621
    - merger or share exchange, plan for, 35-1-815, 35-1-827
    - requirements, 35-1-238, 35-1-530, 35-1-935
    - sale of corporate assets, 35-1-823
    - trustee's rights, 72-34-326
- voting agreements, 35-1-525, 35-1-533, 35-1-820
- voting group, 35-1-113
    - articles of incorporation, amendment, 35-1-227, 35-1-228, 35-1-230
    - directors — election, removal, or filling vacancies, 35-1-420, 35-1-424, 35-1-426, 35-1-528
    - dissolution, requirements, 35-1-932, 35-1-933
    - list of shareholders, arrangement, 35-1-523
    - merger or share exchange, plan for, 35-1-815, 35-1-816
    - multiple groups, action by, 35-1-529
    - quorum and voting requirements, 35-1-238, 35-1-528, 35-1-530
    - record date, 35-1-522
    - sale of corporate assets, 35-1-823
    - single group, action by, 35-1-529
- voting of shares, 35-1-524, 35-1-525, 35-1-533, 35-1-618, 35-1-620, 35-1-827
    - directors
        - conflicting interest transactions, shareholders' action, 35-1-464
        - removal, 35-1-424
    - dissenters' rights, asserting, 35-1-827, 35-1-830
    - indemnification of directors, officers, employees, and agents, 35-1-456
    - merger or share exchange, 35-1-815
    - share dividend, 35-1-624
- voting trusts, 35-1-532, 35-1-541, 35-1-826, 35-1-1107, 72-34-329
- waivers, 35-1-521, 35-1-527, 35-1-535, 35-1-818
- warrants, 35-1-625, 35-1-815

Short title, 35-1-112
Small business corporations, See generally **CLOSE CORPORATIONS; SMALL BUSINESSES**
State funding prohibited, Const., V, 11
Statutes creating or affecting, 1-1-106
Stock and stockholders, See **Shareholders and shares**
Subchapter S corporations, 39-71-2502, 39-71-2503, See **CLOSE CORPORATIONS; TAXATION, CORPORATIONS, Small business corporations**
Subscribers, 35-1-113, See also **Shareholders and shares**
Subsidiaries

- director's conflicting interest transactions, 35-1-461 — 35-1-464
- merger with parent corporation, 35-1-818, 35-1-827
- shares, shareholders' preemptive rights, 35-1-535

Summons, 46-6-211 — 46-6-213
Sureties, corporations as and surety insurance, 33-26-101, See **SURETYSHIP AND SURETIES**

CORPORATIONS (Continued)

Taxation, Title 15, chapter 31; Const., VIII, 5, See **TAXATION, CORPORATIONS**
Teachers' Retirement System, powers as, 19-20-102
Torts, See **GOVERNMENTAL LIABILITY; TORTS**
Trademarks, 35-1-308, 35-1-1031; Title 30, chapter 13, part 3
Trust companies, 32-1-107, See **BANKS AND TRUST COMPANIES**
Trustees, See **TRUSTS, Corporations**
Ultra vires acts
  challenges, 35-1-117
  dissolution, grounds for, 35-1-938, 35-6-102
  quo warranto, Title 27, chapter 28
  stay of proceedings prohibited, Title 25, chapter 21, M.R.App.P., Rule 7
Unclaimed property, Title 70, chapter 9, part 8; Const., X, 2
Unemployment insurance
  definitions, 39-51-201, 39-51-203
  taxes, penalties, and interest — liability, 39-51-1105
Unfair trade practices, 30-14-134, 30-14-141, 30-14-202; Const., XIII, 1
Utilities, See **UTILITIES**
Utilities, rural cooperative, Title 35, chapter 18
Violations
  charges filed, issuance of summons, 46-6-211 — 46-6-213
  criminal accountability, 45-2-311, 45-2-312
  directors, board of — of criminal law, 35-1-216
  distributions, unlawful — liability, 35-1-713
  falsification of documents, 35-1-428
Water conservancy districts, 85-9-207, 85-9-208, 85-9-501
Water users' associations, 85-6-101
Workers' compensation
  coverage, plans for, 39-71-403, 39-71-2103
  definitions, 39-71-116 — 39-71-118
  employments covered and exempted, 39-71-401
  group insurance, 39-71-432, 39-71-433
  old fund liability tax, 39-71-2501, 39-71-2503
  payroll reports, failure to file, 39-71-308

CORPUS DELICTI, 45-5-111

CORRECTIONAL FACILITIES
  See also generally **DETENTION CENTERS**
Abandonment, moving, or discontinuance — consent of legislature required, 53-1-202
Administration, Department of
  lease or purchase of lands subject to, 53-1-203
  private correctional facilities, design and construction — review and approval, 53-30-604
Administrative procedure and rules, nonapplicability, 2-4-102
Adoption of prisoner's child, relinquishment and consent — execution, 42-2-408
Agricultural programs for, 53-1-203
Alcoholic beverages, supplying to inmate unlawful, 53-1-103
Alternatives to commitment, 46-18-101
Arsonist, release — notice to department of justice, 53-1-104
Assault, offenses of, 45-5-204, 45-5-214
Attorneys at law, consultations with prisoners, 37-61-418
Boot camp incarceration program, 46-18-201, 53-1-202, 53-30-401 — 53-30-403, 61-8-731
Chemical dependency programs, 53-24-204
Civil actions by persons under disability, statute of limitations, 70-19-413
Civil proceedings involving prisoners
  attendance, 25-10-109
  fees, requirements, 25-10-404

CORRECTIONAL FACILITIES (Continued)

Clemency, Title 46, chapter 23, part 3; Const., VI, 12
Commitment, See **CRIMINAL PROCEDURE, Commitment**
Communication with prisoner, unauthorized, 45-7-307
Community based prerelease centers or programs for placement, supervision, and rehabilitation, 53-1-202, 61-8-734
Community Corrections Boards, 53-30-303
- creation, 53-30-302, 53-30-312
- nongovernmental agency, establishment of facility or program — approval, 53-30-315
- operation of facilities and programs, standards, 53-30-313
- planning of facilities and programs, assistance, 53-30-322
- powers and duties, 53-30-302, 53-30-313

Community corrections facilities and programs
- accounting and reporting standards, 53-30-322
- citation of Montana community corrections act, 53-30-301
- contracts for services, 53-30-322
- definitions, 46-18-104, 53-30-303
- escape, 45-7-306, 53-30-326
- local government, units of, 53-30-303
  - boards, establishment, 53-30-312
  - contracts or agreements, 53-30-311, 53-30-314, 53-30-315
  - operation by, 53-30-303, 53-30-311, 53-30-313
- nongovernmental agencies, 53-30-303
  - contracts or agreements, 53-30-314, 53-30-315
  - operation by, 53-30-303, 53-30-315
- nonviolent felony offender, 46-18-104, 46-18-225
- offender payments, 53-30-323
- per diem charges, 53-1-501
- placement in, 46-18-201, 46-18-222, 53-30-313 — 53-30-315, 53-30-321, 53-30-323
- powers and responsibilities of department of corrections, 46-18-105, 53-1-202, 53-30-322
- purpose of provisions, 53-30-302
- reimbursement for services, 53-30-322
- review and evaluation, 53-30-322
- sentencing judge, authority, 53-30-321
- tribal governments, 53-30-303
  - boards, establishment, 53-30-312
  - contracts or agreements, 53-30-314, 53-30-315
  - operation by, 53-30-303, 53-30-313, 53-30-314

Commutation of sentence, Title 46, chapter 23, part 3; Const., VI, 12
Contraband, 53-1-105, 53-1-107
Contracts
- community corrections facilities and programs, 53-30-311, 53-30-314, 53-30-315, 53-30-322
- confinement, for, 53-30-106
- prerelease centers, 53-1-203
- prisoner, no power, 28-2-201
- private correctional facilities, 53-30-604 — 53-30-606, 53-30-608, 53-30-611
- regional correctional facilities, 53-30-504 — 53-30-507, 53-30-511

"Correctional institution" defined, 45-2-101
Corrections officers, training and employment standards, 44-4-301, 44-4-302
County charges, boarding of prisoners as, 7-6-2426
Criminal justice information, Title 44, chapter 5
Death in prison
- crime victims, notification, 46-24-212
- inquest or inquiry, 7-4-2913, 46-4-122, 46-4-201

Definitions, 25-10-404, 45-2-101, 46-18-104, 46-18-219, 53-30-101, 53-30-303, 53-30-503, 53-30-602

CORRECTIONAL FACILITIES (Continued)

Dental care clinics for inmates, 37-4-103
Depositions of prisoners, Title 25, chapter 20, M.R.Civ.P., Rules 30(a), 31(a), 32(a)
Detainers, interstate agreement, 46-31-101, 46-31-102, 46-31-201 — 46-31-204
Discharge from, See **Release from**
Drugs
  private correctional facilities, testing of inmates, 53-30-605
  supplying to inmate unlawful, 53-1-103
Earnings of prisoner, portion as restitution to victim, 46-18-237, 46-18-244
Elections, prisoner's status
  candidacy for office, ineligible when, 13-35-106; Const., IV, 4
  challenge of right to vote, 13-13-301, 13-13-306
  registration, cancellation, 13-2-402
  residence, effect, 13-1-112
  voting right, effect, 13-1-111; Const., IV, 2
Emergency capacity exceeded, effect, 53-30-106
Escape, 45-7-306
  aiding, 45-7-303, 53-1-102
  crime victims, notification, 44-2-601, 46-24-212
  detainers, interstate agreement — from, 46-31-204
  extended confinement, from, 53-30-142
  extradition, Title 46, chapter 30
  force to prevent, 45-3-106
  juveniles, return of, Title 41, chapter 6
  minors charged as adults in district court, 41-5-206, 41-5-341
  notification when, 44-2-601
  parole, effect, 46-23-216
  private correctional facilities, from, 53-30-606, 53-30-609
  probationers, 46-23-1014
  return of fugitives, mileage and expenses, 7-32-2145
  rewards for apprehension, 2-15-201, 7-32-2301
  supervised release program, from, 45-7-306
  trial expense, 53-30-110
Excessive inmate population, effect, 53-30-106
Exchange of prisoners under treaty agreements, 53-1-106
Extradition, Title 46, chapter 30
Fire protection and safety regulations, 50-61-103
Food
  agricultural program for raising, 53-1-203
  deprivation prohibited, 53-30-104
  private correctional facilities, 53-30-605
Function, 53-30-101
Health care information, disclosure to, 50-16-529
Health care or rehabilitative services providers, complaints against, 37-1-308, 37-1-331
Identification cards — issuance to person upon release, discharge, or parole, 61-12-504
Illegal articles, 45-2-101
  transferring to prisoners, 45-7-307
Income tax withholding for services performed by inmates, employment exclusion, 15-30-256
Industries training and vocational program, 53-1-301, 53-30-131 — 53-30-133, See also **Work programs**
Infectious disease, corrections officer's exposure to, Title 50, chapter 16, part 7
Interstate Corrections Compact, Title 46, chapter 19, part 4
Interstate Corrections Compact, Western, Title 46, chapter 19, part 3
Juvenile correctional facilities, See **YOUTH COURT, Correctional facilities**
Land leased or purchased for, 53-1-203

CORRECTIONAL FACILITIES (Continued)

Leaving without permission, assistance to inmate unlawful, 53-1-102
Life sentence without possibility of release, 46-18-219
Location, 53-30-101
Long-range needs, 53-1-203, 53-30-604 — 53-30-606
Long-term care facility, exclusion as, 50-5-101, 50-5-301
Maintenance by prisoners, 53-30-151, 53-30-152
Mental health facility
  correctional facility is not, 53-21-102
  transfers for placement in, 53-21-130
Mentally ill persons, detention prior to commitment, 53-21-120, 53-21-124
Minors, commitment or transfer to, 41-5-206, 41-5-208, 41-5-1512
Mistreatment of prisoners, 45-5-204
Money received by prisoner, garnishment, 46-18-237
Official detention, offenses committed while in, 46-18-220, 46-18-303
Out-of-state
  commitment, See **CRIMINAL PROCEDURE, Commitment**, another state, to
  extradition, Title 46, chapter 30
  probationer and parolee supervision, Title 46, chapter 23, part 11
Pardon, Title 46, chapter 23, part 3; Const., VI, 12
Pardons and Parole, Board of — members' access to prisoners, 46-23-203
Parental rights of prisoners, relinquishment, 25-10-109
Parent-child legal relationship termination, effect of parent's incarceration, 41-3-609
Parole, See **PROBATION, PAROLE, AND CLEMENCY**
Per diem payments, 53-1-501, 53-1-502
Pine Hills Youth Correctional Facility, Title 41, chapter 5, See **YOUTH COURT, Correctional facilities**
Prerelease centers or prerelease programs, 53-1-202
  driving under the influence offenders, 61-8-731, 61-8-734
  health facility authority, financing of facilities, 90-7-104, 90-7-226, 90-7-227, See **HEALTH FACILITY AUTHORITY**
  nonviolent felony offenders, 46-18-225
  placement in, time limitation, 46-18-201
  siting, establishment, and expansion, 53-1-203
Private correctional facilities
  access to facilities, 53-30-606, 53-30-608
  actions brought by or on behalf of inmates, 53-30-609
  audits, 53-30-608
  construction, 53-30-603, 53-30-604
  contractors, 53-30-608
    costs responsibility, 53-30-609
    noncompliance with provisions, 53-30-611
  contracts
    failure to renew, 53-30-611
    owners or operators, with, 53-30-608
    requirements, compliance, 53-30-604 — 53-30-606, 53-30-611
    services, for, 53-30-605
    term, 53-30-608
  deficiencies, 53-30-611
  definitions, 53-30-101, 53-30-602
  discipline of inmates, 53-30-604, 53-30-605, 53-30-608
  duties and responsibilities of department of corrections, 53-30-604
  inspections, 53-30-604, 53-30-606
  licensing and licenses
    hearings, public — required, 53-30-607
    limitations, 53-30-607

CORRECTIONAL FACILITIES (Continued)
Private correctional facilities (Continued)
  licensing and licenses (Continued)
    required, 53-30-603
    requirements for, 53-30-606
    revocation or suspension, 53-30-611
    temporary license, 53-30-606
  movement of inmates, restrictions, 53-30-610
  operation, 53-30-603 — 53-30-605, 53-30-608
  owners or operators, 53-30-608, 53-30-611
  policy, 53-30-601
  records, 53-30-605, 53-30-608
  request for proposals, 53-30-605
  rules, administrative and departmental, 53-30-604 — 53-30-606, 53-30-611
  services to be provided, 53-30-605, 53-30-608
    payment suspended when, 53-30-611
  siting, 53-30-604, 53-30-607
  standards, 53-30-604 — 53-30-606, 53-30-611
  state to assume control when and option to purchase or lease, 53-30-611
  transfer of inmates, 53-30-608
  transportation of inmates, 53-30-605
Probation, See **PROBATION, PAROLE, AND CLEMENCY**
Punishment of inmates, 53-30-104; Const., II, 22; II, 28
Regional correctional facilities, See also **State prison**
  citation of regional correctional facility act, 53-30-501
  construction by private entities, authorization required, 53-30-504
  contracts for, 53-30-504, 53-30-506, 53-30-507, 53-30-511
    time limit, 53-30-505, 53-30-511
  definitions, 53-30-101, 53-30-503
  driving under the influence offenders, 61-8-731
  interstate corrections compacts, confinement of persons under, 53-30-504
  lease or lease option to purchase, 53-30-511
  license required for operation when, 53-30-504
  purpose of provisions, 53-30-502
  rulemaking authority, 53-30-507
  state correctional facility portion, 53-30-101, 53-30-504, 53-30-507
  state-owned, local government or corporation's option to purchase, 53-30-506
Release from, See also **OFFENDERS, FORMER**; **PROBATION, PAROLE, AND CLEMENCY**
  arsonist, notice to department of justice, 53-1-104
  clothing and gate money, 53-30-111
  crime victims, notification, 46-24-212
  criminal history record information, 44-5-103
  notification, 44-2-601
  private correctional facilities, 53-30-605, 53-30-608
  sexual or violent offender registration and restrictions, 46-18-255, 46-23-501 — 46-23-511
Research programs, participation in, 53-1-206
Rights of prisoners
  attorney, right to see, 37-61-418
  habeas corpus, Title 46, chapter 22
  probationers and parolees, hearing on violations, 46-23-1105
  released prisoners, Const., II, 28, See **OFFENDERS, FORMER**
  violation, 45-5-204
  voting, 13-1-111; Const., IV, 2
Riot, private correctional facilities, 53-30-606, 53-30-609
Safety or security information, disclosure prohibited, 2-6-102
Sexually transmitted disease, examination and treatment of prisoner, 50-18-108
Sexual offenses when victim is person incarcerated in, 45-5-501 — 45-5-503

CORRECTIONAL FACILITIES (Continued)

Smuggling articles to prisoners, 45-7-307
State prison ranch operation, allocation to powell county, 53-1-208
State prisons, 53-30-101
  alcoholic beverages, supplying to inmate — applicability, 53-1-103
  arsonist, release — notice to department of justice, 53-1-104
  collective bargaining agreements may not prohibit inmate labor, 39-31-312
  components of department of corrections, 53-1-202
  construction projects, use of inmate labor, 53-1-207, 53-30-132
  dairy operated at, milk price control, 81-23-101
  death penalty, confinement preceding execution and execution at, 46-19-103
  detention centers, confinement of persons sentenced to state prison, 7-32-2203
  driving under the influence offenders, 61-8-731
  extended confinement, 53-30-141, 53-30-142
  financial transactions and accounts of inmates — limitations, disclosure, and monitoring, 53-1-107, 53-1-108
  furniture, prison-made, 53-30-132
  inquest following death of inmate, costs — payment, 7-4-2913
  license plates, collegiate — manufacture, 61-3-465, 61-3-468
  minors, sentencing to, 41-5-206
  nonviolent felony offenders, 46-18-225
  offenses, commission while incarcerated, 7-6-2427, 46-23-217, 53-30-110
  old prison, law enforcement officers' memorial, 22-3-701
  overcrowding, 53-30-106
  removal of inmate without permission, applicability, 53-1-102
  riot or incitement to riot within, 45-8-103, 45-8-104
  sexual offender program, 46-18-202
  transportation of prisoners to, mileage and expenses, 7-32-2144
  warden
    authority, 53-1-204
    death penalty
      mental fitness of defendant, determination, 46-19-202
      pregnancy of defendant, duties, 46-19-204
      supervision, 46-19-103
    detainers, interstate agreement — authority to give over inmate, 46-31-202
    game wardens' and peace officers' retirement system, membership, 19-8-301, See **GAME WARDENS' AND PEACE OFFICERS' RETIREMENT SYSTEM**
    qualifications, 53-30-102
  weapons, possession by prisoner, 45-8-318
  youth correctional facility, recommendation for commutation of sentence to, 52-5-111
Superintendents of, responsibility, 53-1-204
Supervised release, See **PROBATION, PAROLE, AND CLEMENCY**
Tort actions for damages, nonliability when, 2-9-108
Wardens of, responsibility, 53-1-204
Witnesses, prisoners as, 26-2-201 — 26-2-203, 53-30-605; Title 25, chapter 20, M.R.Civ.P., Rules 30(a), 31(a), 32(a), See also **WITNESSES**
Women's prison, 53-30-101, See also **State prison**
  death penalty, confinement preceding execution, 46-19-103
  location and function, 53-30-101
  warden, qualifications, 53-30-102
Workers' compensation benefits, effect of claimant's incarceration, 39-71-744
Work programs, See also **DETENTION CENTERS, County detention center work program**; **Work release program**
  bid requirements, exclusion, 18-2-301
  construction projects, 53-1-207, 53-30-132
  earnings of prisoner, 53-30-111, 53-30-131 — 53-30-133

CORRECTIONAL FACILITIES (Continued)
Work programs (Continued)
- extended confinement for, 53-30-141, 53-30-142
- labor of prisoner, arranging prohibited, 53-1-303
- maintenance of prison, 53-30-151, 53-30-152
- prison industries and vocational training program
  - administration, 53-30-133
  - participation, 53-30-132
  - purchases from, by institutions, 53-1-301
  - purpose and scope, 53-30-131
- private correctional facilities, 53-30-608, 53-30-610
- public employees' retirement system, applicability, 19-3-403
- revenue from, 17-7-402, 53-1-302
- unemployment insurance coverage exclusions, 39-51-204

CORRECTIONS
See also **CORRECTIONAL FACILITIES; DETENTION CENTERS; PROBATION, PAROLE, AND CLEMENCY; SENTENCING AND SENTENCES**
Boot camp incarceration program, 46-18-201, 53-30-401 — 53-30-403
Criminal justice information, Title 44, chapter 5
Criminal proceedings, See **CRIMINAL PROCEDURE**
Death penalty, See **DEATH PENALTY**
Interstate Corrections Compact, Title 46, chapter 19, part 4
Interstate Corrections Compact, Western, Title 46, chapter 19, part 3
Long-range needs, 53-1-203, 53-30-604 — 53-30-606
Policy of state, 46-18-101, 53-1-201; Const., II, 28
Youthful offenders, Title 41, chapter 5, See **YOUTH COURT**

CORRECTIONS, DEPARTMENT OF, 2-15-104; Title 2, chapter 15, part 23
See also **CORRECTIONS; EXECUTIVE BRANCH**
Boot camp incarceration program, 53-30-401 — 53-30-403
Children's services, multiagency, Title 52, chapter 2, parts 2 and 3
Civil disorder, prohibited activities and exceptions, 45-8-107 — 45-8-109
Correctional facilities and programs, duties, See generally **CORRECTIONAL FACILITIES**
Corrections, Division of, 44-5-202
County interdisciplinary child information teams, formation, 52-2-211
Crime victims, notification to — when, 46-24-203, 46-24-212
Death penalty, witnesses to — designation, 46-19-103
Director, 2-15-2301
- correctional health care review team, duties, 37-1-331
- death penalty, death warrant, 46-19-103
- fire prevention inspections of institutions, reports to, 50-3-102
- health inspections of institutions, reports to, 50-1-202
- multiagency service placement plan committee, appointment to, 52-2-303
- state prevention programs, interagency coordinating council for — membership, 2-15-225

Federal forfeiture funds, use, 46-23-1032
Fire prevention inspections of institutions, requests for, 50-3-102
Industries programs at correctional facilities — establishment, supervision, and revenue, 17-7-402, 52-5-120, 52-5-121, 53-1-303, 53-30-131 — 53-30-133
Institutions, general provisions, See **INSTITUTIONS**
Legislative Law, Justice, and Indian Affairs Interim Committee — duties, 5-5-226
Medicaid agency, as, 53-6-155
Noxious weed management, cooperative agreements, 7-22-2151
Pardons and Parole, Board of — allocation, 2-15-2302, See **PROBATION, PAROLE, AND CLEMENCY**
Photographs and fingerprints, collection and processing, 44-5-202, 44-5-213
Powers and duties generally, 53-1-203

CORRECTIONS, DEPARTMENT OF (Continued)

Prisons and prisoners, duties, See **CORRECTIONAL FACILITIES**
Probation, parole, and clemency — duties, 46-1-202; Title 46, chapter 23, See **PROBATION, PAROLE, AND CLEMENCY**
Purpose, 53-1-201, 53-1-202
Retirement, game wardens' and peace officers' — applicability to wardens and certain officers, 19-8-301
Sexual or violent offenders
  chemical treatment of sex offenders, 45-5-512, 46-18-201
  information or treatment courses, 45-5-625
  registration, duties, 46-23-501 — 46-23-511
Sentencing and sentences, Title 46, chapter 18, See **SENTENCING AND SENTENCES**
Sexual or violent offenders, DNA testing — biological sample provided to department when, 44-6-103
State prison ranch operation, allocation to powell county, 53-1-208
State procurement provisions, exemption when, 18-4-133
Teachers employed under authority of
  privatization of state agencies, employee protection, 2-18-1201 — 2-18-1206
  statewide classification and pay plans, 2-18-303, 2-18-313
Youth court provisions, See generally **YOUTH COURT**
Youth facilities, establishment and administration, 41-3-1104, 52-5-101, 53-1-202, 53-1-203, See **YOUTH COURT**, specific facility

COSMETICS
Additives
  agricultural chemicals, 50-31-110
  color additives, 50-31-103, 50-31-108, 50-31-109, 50-31-401 — 50-31-403
  use, 50-31-109
Adulterated articles, 50-31-401
  additives, as adulteration when, 50-31-109
  condemnation, 50-31-509
  detainer or embargo, 50-31-501, 50-31-509
  guaranty or undertaking against, 50-31-501, 50-31-507
  unlawful practices, 50-31-501, 50-31-509
Advertisement, 50-31-103
  adulterated articles, 50-31-401
  false or misleading, 50-31-107, 50-31-501
    liability, 50-31-507
  unlawful practices, 50-31-501
Barbering, practice of — what constitutes, 37-30-101
Carriers, inspection, 50-31-106, 50-31-501
Consumer protection, 50-31-105
Containers
  adulterated, 50-31-401
  hazardous substance, reuse for, 50-30-202, 50-30-301
  misleading, 50-31-402
Contaminated articles, 50-31-103, 50-31-401, See **Adulterated articles**
Definitions, 50-31-103
Enforcement of provisions, 50-31-104
Eyebrow or eyelash dyes, 50-31-403, 50-31-404
Factories, inspection, 50-31-106, 50-31-501
Federal laws
  adoption by reference, 50-31-104
  applicability, 50-31-103, 50-31-108, 50-31-402, 50-31-501

COSMETICS (Continued)

Food, Drug, and Cosmetic Act
  applicability, 50-31-102, See this heading generally; See also **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES; FOOD AND FOOD PRODUCTS**
  citation, 50-31-101
Food warehouse, 50-50-102, See generally **FOOD ESTABLISHMENTS**
Hair dyes, 50-31-401, 50-31-403, 50-31-404
Hazardous chemical information provisions, nonapplicability, 50-78-103
Hazardous substances, applicability of laws, 50-30-201, 50-30-202, 50-30-301
Injunction when, 50-31-508
Inspections, 50-31-106, 50-31-501
Investigations, publication of results, 50-31-105
Judgments, decrees, and court orders — publication, 50-31-105
Labels and labeling, 50-31-103, See also **Misbranded articles**
  additives, information on, 50-31-108
  adulterated articles, 50-31-401
  adulterated or misbranded articles, correction, 50-31-509
  compliance with requirements, 50-31-111
  contents, 50-31-402
  hair dyes, 50-31-403
  misleading or false, 50-31-107, 50-31-402
  requirements, 50-31-111
  unlawful practices, 50-31-501
Misbranded articles, 50-31-402, See also **Labels and labeling**
  condemnation, 50-31-509
  detainer or embargo, 50-31-501, 50-31-509
  guaranty or undertaking against, 50-31-501, 50-31-507
  unlawful practices, 50-31-501, 50-31-509
Pharmacy provisions, exemption, 37-7-103
Publication of information by Department of Public Health and Human Services, 50-31-105
Rules, 50-31-104
Samples, examination, 50-31-106, 50-31-501
Soap, exclusion, 50-31-103
Trademarks and service marks, classification of goods, 30-13-331
Trade secrets, disclosure, 50-31-501
Unlawful practices, 50-31-501
  adulterated or misbranded articles, removal or disposal when detained or embargoed, 50-31-509
  injunction to restrain, 50-31-508
  minor violations, prosecution not required, 50-31-503
  notice, 50-31-503, 50-31-504
  penalties, 50-31-507
  prosecution, 50-31-503, 50-31-505
    notice and hearing prior to, 50-31-504
  warning, 50-31-503
Warehouses
  "food warehouse" defined, 50-50-102
  inspection, 50-31-106, 50-31-501

COSMETOLOGY AND COSMETOLOGISTS
  See also **PROFESSIONAL AND OCCUPATIONAL LICENSING AND REGULATION**
Alcohol abuse, 37-31-331
Apprentices, 37-31-203
Board of Cosmetologists, 2-15-1857, 37-31-101; Title 37, chapter 31, part 2
  licensing duties, Title 37, chapter 31, part 3

COSMETOLOGY AND COSMETOLOGISTS (Continued)

Booths, See **Salons**
Certificates of registration, See **Licenses and licensing**
Disabilities, persons with
  home visits allowed, 37-31-301
  licensing exemption for, 37-31-308
Drug abuse, 37-31-331
Esthetics and esthetic salons, 37-31-101, See this heading generally
Exemptions from provisions, 37-20-303, 37-31-102
Income tax withholding, employment exclusion, 15-30-256
Injunction, 37-31-334
Inspections, inspectors, and fees, 37-31-302, 37-31-312
Itinerant cosmetologists, 37-31-101
Licenses and licensing
  appeals concerning, 37-31-333
  applications, 37-31-302 — 37-31-304, 37-31-311, 37-31-312, 37-31-322
  booth rental, 37-31-203, 37-31-302, 37-31-309
  certificate of registration
    application, 37-31-302, 37-31-311
    issuance, 37-31-321
    misuse, 37-31-331
    renewal, 37-31-322
    required, 37-31-302, 37-31-311
  disabilities, persons with, 37-31-308
  discrimination in issuance prohibited, 49-3-204
  display, failure to, 37-31-331
  examinations, 37-31-203, 37-31-303 — 37-31-305, 37-31-308, 37-31-321
  fees, 37-31-302, 37-31-304, 37-31-308, 37-31-321 — 37-31-324
  issuance, 37-31-321
  local fees prohibited, 37-31-323
  manager-operator, 37-31-203, 37-31-302
  misuse, 37-31-331
  qualifications, 37-31-203, 37-31-304, 37-31-305
  refusal, revocation, or suspension, 37-31-311, 37-31-312, 37-31-331
  renewal, 37-31-303, 37-31-322, 37-31-331
  required, 37-31-301, 37-31-302, 37-31-304
  teachers, 37-31-203, 37-31-303, 37-31-305, 37-31-308
  temporary permits, 37-31-312
Malpractice, 37-31-331
Manicuring and manicuring salons, 2-15-1857, 37-31-101, See this heading generally
Physician assistants-certified utilization plans, applicability, 37-20-303
Practice and teaching of cosmetology, 37-31-101
  barbering, practice of — applicability of provisions, 37-30-101, 37-31-102
  communicable disease, practice by person having, 37-31-331
  license required, See **Licenses and licensing**
  teachers and student teachers, not allowed when, 37-31-311
  unlawful when, 37-31-301
Prohibited acts, 37-31-301, 37-31-334
Salons — cosmetology, manicuring, or esthetics, 37-31-101
  booths, 37-31-101, 37-31-301, 37-31-312
    rental license, 37-31-203, 37-31-302, 37-31-309
  contracts of employment with self-employed cosmetologists, 39-51-204
  discriminatory practices, See **DISCRIMINATION, Public accommodations**
  fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**
  inspections, 37-31-312
  licensing, See **Licenses and licensing**

COSMETOLOGY AND COSMETOLOGISTS (Continued)
Salons — cosmetology, manicuring, or esthetics (Continued)

  manager-operator license, 37-31-203, 37-31-302
  noncompliance with provisions, 37-31-331
  schools, operation in connection with — prohibited, 37-31-311
  unlawful practices, 37-31-301
Sanitary conditions, 37-31-204, 37-31-309, 37-31-311, 37-31-331
Schools of cosmetology, manicuring, or esthetics
  bond requirements, 37-31-311
  certificate of registration required, 37-31-311, See **Licenses and licensing**
  conduct of, 37-31-203, 37-31-311
  inspections, 37-31-312
  licensing, See **Licenses and licensing**, generally
  noncompliance with provisions, 37-31-331
  representation on board of cosmetologists, 2-15-1857
  requirements, 37-31-311
  salon operated in connection with, prohibited, 37-31-311
  sanitary rules, noncompliance, 37-31-331
  students, requirements, 37-31-203, 37-31-311
  unlawful practices, 37-31-301
Self-employed cosmetologists
  unemployment insurance coverage exclusion, 39-51-204
  workers' compensation coverage exclusion, 39-71-401
Teachers
  licensing, 37-31-203, 37-31-303, 37-31-305, 37-31-308
  practice not allowed when, 37-31-311
  student teachers, 37-31-311
  training, curriculum, 37-31-311
  unlawful practices, 37-31-301
Violations, 37-31-301, 37-31-334

COUNSELING AND COUNSELORS
  See also **PROFESSIONAL AND OCCUPATIONAL LICENSING AND REGULATION**
Abortion, 50-20-302
Adoption
  adults or emancipated minors, exception, 42-4-405
  agencies, ability to provide, 42-8-104
  fees, 42-7-101, 42-7-102
  parental rights, termination — report to be filed with petition, 42-2-604
  parties involved, 42-2-408, 42-2-409, 42-4-102, 42-4-103, 42-4-204
AIDS testing, pretest and posttest, 46-18-256, 50-16-1003, 50-16-1007
Alcohol consumption, workplace applicability, 39-2-207
Amendments to provisions, 37-23-103
Battered spouses, programs for, 52-6-104
Blindness or low vision, persons with — vocational rehabilitation services, 53-7-301, 53-7-310
Board of Social Work Examiners and Professional Counselors, 2-15-1854, 37-23-102, 37-23-103
  licensing duties, Title 37, chapter 23, part 2
Boot camp incarceration program, 53-30-403
Budget counseling, debt adjusting includes, 31-3-201
Chemical dependency counseling provisions, applicability, 37-35-201, See also CHEMICAL DEPENDENCY
Children, See **Minors**
Conciliation court, 40-3-116, 40-3-124, 40-3-125
Correctional facilities, private — services, 53-30-605
Corrections facilities and programs, community — offenders placed in, 53-30-302

COUNSELING AND COUNSELORS (Continued)

Crime victims, services to, 46-24-201
Criminal proceedings, deferred prosecution — conditions, 46-16-130
Definitions, 37-23-102
Developmental disabilities, persons with — community services, 53-20-202
Displaced homemakers, for, 39-7-302, 39-7-305, 39-7-308
Dissolution of marriage, 40-4-107, 40-4-121
Drug use, workplace applicability, 39-2-207
Employee-owned enterprises, establishment and management, 90-5-305
Employment programs, discrimination prohibited, 49-3-203
Genetic counseling, 50-19-211
Health service corporations, Title 33, chapter 30, See **HEALTH SERVICE CORPORATIONS**
HIV-related conditions, pretest and posttest, 46-18-256, 50-16-1003, 50-16-1007
Home arrestees, conditions, 46-18-1003
Housing, Board of — powers, 90-6-104
Insurance, disability
  insured's choice of practitioner, 33-22-111
  treatment services for mental illness, alcoholism, and drug addiction — payment, 33-22-705, 33-22-706
Law, counselors at, See **ATTORNEYS AT LAW**
Licenses and licensing
  applications, 37-23-201, 37-23-202, 37-23-205, 37-23-206
  board members, issuance following appointment, 2-15-1854
  certificates of special competence, 37-23-103
  display, 37-23-203
  examinations, 37-23-202, 37-23-206
  fees, 37-23-203, 37-23-205, 37-23-206
  fraud or bribery, obtaining by, 37-23-311
  issuance, 37-23-203
  list of licensees, publication, 37-23-103
  renewal, 37-23-203, 37-23-205, 37-23-206
  required, 37-23-201
  requirements, 37-23-202
Lien for services, Title 71, chapter 3, part 11
Marriage license, issuance — requirements, 40-1-213
Medicaid, payment for services, 53-6-101, See also **PUBLIC ASSISTANCE**
Metabolic testing of newborns, 50-19-204
Minors
  abuse and neglect, 41-3-403, 41-3-406, 41-3-408, 41-3-420
  medical care, consent for, 41-1-402, 41-1-406, 41-1-407
  privileged communications and exceptions, 37-23-301
  ritual abuse, restitution by offender, 45-5-627
Mortgage loans, reverse annuity — program for, 90-6-503
Naturopathic physicians, 37-26-301
Nursing, practice of professional — applicability, 37-8-102
Nutrition counseling, 37-25-101, 37-25-102, 37-25-301, 37-26-301
Pardons and Parole, Board of — representation on, 2-15-2302
Parolees, services to, 46-23-1022
Partner or family member assault offenders, 40-15-110, 40-15-201, 45-5-206, 45-5-213
Pastoral, 37-17-104, 37-22-305, 37-23-201, 40-3-124, 40-3-125, 53-21-142
Pharmacists and patients
  drug utilization review and patient counseling, 37-7-406
  out-of-state mail service pharmacies, 37-7-702
Privileged communications and exceptions, 26-1-809, 27-1-1103, 37-23-301
Probation, misdemeanor, 46-23-1005

COUNSELING AND COUNSELORS (Continued)

Psychiatrists, as, See **PSYCHIATRY AND PSYCHIATRISTS**, generally
Psychology, practice of — applicability, 37-17-102
Public assistance, vocational rehabilitation services, 53-7-101, 53-7-108
Purpose of provisions, 37-23-101
Rangeland resources state coordinator, role, 76-14-105
Representation as licensed counselor, 37-23-201, 37-23-311
Rules, 37-23-101, 37-23-103, 37-23-202, 37-23-205, 37-23-311
Schools
  gifted and talented children programs, 20-7-901
  K-12 specialist, 20-4-131
  privileged communications, 26-1-809
  professional counseling provisions, applicability, 37-23-201
  special education, allowable costs, 20-7-401, 20-7-431
Sexual offenders, payment of victim's costs, 45-5-503, 45-5-507
Sheltered workshops, services, 53-7-202
Social work, practice of — applicability, 37-22-102
Spiritual, 37-23-201, 40-3-124, 40-3-125, 53-21-142
Stalking offenders, payment of victim's costs, 45-5-220
Standards, professional or ethical, 37-23-101, 37-23-103
State personnel, for, 2-18-102
Teachers' disability retirement, eligibility determination, 19-20-901
Utilization reviews of health care services, Title 33, chapter 32, See **INSURANCE, DISABILITY**
Violations, 37-23-311
  prosecutions, 37-23-103
Violent behavior of patient, duty to warn of and liability, 27-1-1101 — 27-1-1103
Workers' compensation, vocational rehabilitation, 39-71-1011, 39-71-1014
Youth court, required when, 41-5-1304, 41-5-1412, 41-5-1512
Youth offenders, aftercare, 52-5-129

COUNTERFEITING
  See **CRIMES**, **Forgery and counterfeiting**

COUNTIES
  See also **LOCAL GOVERNMENT**
Abandoned townsites, See **Vacation**
Abandonment and consolidation, Const., XI, 3
  amendment of proposed consolidation, petition for, 7-2-2705
  bonds, See also **COUNTY FINANCE**
    county high school, 7-2-2728
    issuance when, 7-2-2730, 7-2-2747, 7-2-2748
    outstanding and unpaid, 7-2-2728, 7-2-2729, 7-2-2742, 7-2-2749, 7-2-2759
  boundaries, description, 7-2-2705, 7-2-2710
  claims, processing, 7-2-2741
  contracts
    claims, processing, 7-2-2741
    continuing, status, 7-2-2725
    printing contracts, status, 7-2-2726
  county high schools, effect on, 7-2-2728
  districts, special — effect on, 7-2-2727
  election, Const., XI, 3
    ballot, form, 7-2-2711
    joint resolution for, 7-2-2709
    proclamations, 7-2-2710, 7-2-2712
    results, 7-2-2713, 7-2-2712

COUNTIES (Continued)
Abandonment and consolidation (Continued)

- funds
  - balances, disposition, 7-2-2751
  - county high school, transfer and use, 7-2-2728
  - districts generally, transfer, 7-2-2727
  - insufficient, procedures for, 7-2-2745
  - lease or sale of property, money from, 7-2-2759
  - school districts, transfer, 7-2-2727
  - sinking fund, 7-2-2728, 7-2-2742, 7-2-2744, 7-2-2747, 7-2-2749, 7-2-2751, 7-2-2759
  - transfer and use, 7-2-2730, 7-2-2742, 7-2-2744, 7-2-2752
- hearings, 7-2-2704
- indebtedness
  - abandoned county, liability for and payment, 7-2-2752
  - continuing county, tax liability, 7-2-2729
- legal rights, 7-2-2723
- local government with self-government powers, mandatory provisions, 7-1-114
- manner of, 7-2-2701
- notices, 7-2-2704, 7-2-2710, 7-2-2756, 7-2-2759
- petition, 7-2-2702
  - action on, 7-2-2707
  - amendment of proposed consolidation, for, 7-2-2705, 7-2-2706
  - appraisers, for, 7-2-2756, 7-2-2757
  - filing, 7-2-2702, 7-2-2705
  - hearing, 7-2-2704
  - lease of real property, for, 7-2-2755
  - printing contracts, effect on, 7-2-2726
  - signatures, 7-2-2702, 7-2-2705
    - certification, 7-2-2703, 7-2-2706
- printing contracts, status, 7-2-2726
- property
  - appraisal, 7-2-2756, 7-2-2757
  - appraisers, compensation, 7-2-2758, 7-2-2759
  - assessment, 7-2-2756
  - disposition, 7-2-2722
  - lease of real property, 7-2-2754, 7-2-2755, 7-2-2759
  - ownership and management, 7-2-2754
  - sales
    - personal property, 7-2-2757, 7-2-2759
    - real property, 7-2-2756, 7-2-2759
  - tax liability of continuing county, 7-2-2729
  - vesting, 7-2-2723
- records, disposition, 7-2-2724
- resolution, 7-2-2707, 7-2-2708
- school districts, effect on, 7-2-2727
- special funding bond district
  - bonds, 7-2-2747, 7-2-2748
  - creation, 7-2-2730, 7-2-2745
- special warrant district, 7-2-2730, 7-2-2745, 7-2-2746
- taxes, collection, 7-2-2723, 7-2-2743, 7-2-2750
- tax levies
  - bonds, for payment, 7-2-2729, 7-2-2730, 7-2-2747, 7-2-2748, 7-2-2749
  - certification, 7-2-2750
  - special warrant districts, levies within, 7-2-2730, 7-2-2745, 7-2-2746
- tax liability of property in abandoned county, 7-2-2729
- townships, disposition, 7-2-2721

COUNTIES (Continued)
Abandonment and consolidation (Continued)

- warrants, outstanding
  - bonds, issuance — to pay, 7-2-2730, 7-2-2747
  - claims, payment, 7-2-2741, 7-2-2751
  - high school, payment, 7-2-2728
  - payment generally, 7-2-2744, 7-2-2759
  - tax levy to pay, 7-2-2730, 7-2-2745, 7-2-2746

Actions involving, See **CIVIL PROCEDURE, Governmental entities, actions involving; GOVERNMENTAL LIABILITY, Actions** entries
- bonds
  - funds, enforcement of officers' liability, 7-7-122
  - general obligation, to test validity, 7-7-104
  - issuance and sale, to restrain — limitation, 7-7-105
- duplicate bonds, warrants, or coupons — owner or holder of original, recovery of money paid upon, 7-7-2106
- government, change in form — effect, 7-3-106, 7-3-152
- initiative and referendum to enact or repeal ordinances
  - new ordinances, determination if reenactment without change of repealed ordinance, 7-5-137
  - petition, determination of validity and constitutionality, 7-5-135
- judgments, 25-13-205, 25-31-1111
- licensing violations, 7-21-2116, 7-21-2117
- motor fuel excise tax, delinquent — recovery, 7-14-304
- name
  - change, effect, 7-2-2509
  - corporate, to be used in actions, 7-1-2102
- new, transfer of actions, 7-2-2255, 7-2-2411, 7-2-2412
- party to, authority, 7-5-2104
- real property, transfer of actions affecting, 7-2-2411
- resort tax, collection, 7-6-1505
- royalty interest in land sold for taxes, recovery, 15-17-326, 27-2-210, 70-19-421
- service consolidation or transfer, effect of adoption, 7-11-309
- service of process, Title 25, chapter 20, M.R.Civ.P., Rule 4D
- sue and be sued, right to, 7-1-2103, 7-2-4917
- venue, 25-2-205
- witness' fees, advance payment not required, 26-2-508 — 26-2-510
- zoning violations, prevention or abatement, 76-2-210

Addition of territory from another county, See **New, creation by petition**
Administrative powers, Const., XI, 4
Adult literacy programs, 20-7-714
Advertising, legal, Title 7, chapter 5, part 24
Aeronautical development, See **AERONAUTICS**, generally
Aging and aged persons, funds for recreational activities, 7-16-101
Agriculture
- extension work, 7-21-3203, See **COOPERATIVE EXTENSION SERVICE**
- markets for produce, Title 7, chapter 21, part 33
- products, advertising, 7-21-3201, 7-21-3202, 7-21-3410

Air pollution control programs, Title 7, chapter 31, part 1; Title 75, chapter 2, See **AIR QUALITY, Control programs**
Airports, Title 67, chapter 11, See **AIRPORTS AND LANDING FIELDS**
Alcohol abuse treatment programs, See **CHEMICAL DEPENDENCY**
Alcoholic beverage provisions, See **ALCOHOLIC BEVERAGES**
Alteration of boundaries, See **Boundaries**
Alternative forms of government, Title 7, chapter 3; Const., XI, 3, See **LOCAL GOVERNMENT**

COUNTIES (Continued)

Ambulances, 7-34-101 — 7-34-104, See also **EMERGENCY MEDICAL SERVICES, Transportation or treatment services**
Annexation, See **Boundaries**; See also **New, creation by petition**
Antiquities preservation, cooperation for, Title 22, chapter 3, See **ANTIQUITIES**
Armories, property and funding, 10-1-108, 10-1-109
Assessments, See **COUNTY FINANCE, Taxation**; **RURAL SPECIAL IMPROVEMENT DISTRICTS**
Assessor, See **COUNTY ASSESSOR**
Associations of counties, membership in, 7-5-2141
Attorney, See **COUNTY ATTORNEY**
Auction, public — purchases at, 7-5-2303
Auditor, See **COUNTY AUDITOR**
Audits, Title 2, chapter 7, part 5
Bequests, acceptance, 7-8-103
Bicycle trails, establishment, Title 60, chapter 3, part 3
Boards, districts, or commissions — establishment and transition, 7-1-201 — 7-1-203
Boats
  collisions, accidents, and casualties, 23-2-527
  out-of-state, temporary permits for operation, 7-16-2121, 23-2-511
  state recreational boating safety programs, 23-2-534
Bond issues, See **COUNTY FINANCE; RURAL SPECIAL IMPROVEMENT DISTRICTS, Bonds and warrants**; See also **BONDS AND BOND ISSUES**, generally
Boundaries, Also refer to Annotations to Montana Code Annotated, Vol. 1, Descriptions, county boundaries
  abandonment and consolidation, description, 7-2-2705, 7-2-2710
  alteration, Const., XI, 2; XI, 3
    apportionment, indebtedness or liabilities, 7-2-102
    city-county consolidation, 7-3-143
    county merger, 7-3-144
    local government with self-government powers, mandatory provisions, 7-1-114
    records
      transcripts, 7-2-101
      transfer, 7-2-2104
    taxes, collection, 7-2-103
    townships, certified statements, 7-4-2611
  commissioner districts, 7-4-2102, 7-4-2103
  consolidation plans, city-county — provision for, 7-3-1102
  election precincts, 7-2-2216
  fire service areas, 7-33-2401
  metropolitan sanitary and/or storm sewer districts, Title 7, chapter 13, part 1, See **SEWAGE DISPOSAL AND SEWER SYSTEMS**
  name change of county, effect, 7-2-2514
  new counties
    description in session laws, 5-11-207, Refer to Annotations to Montana Code Annotated, Vol. 1, Descriptions, county boundaries
    determination, resolution, 7-2-2213
    election precincts, 7-2-2216
    exclusions and additions of territory, change by, 7-2-2212
    legal description, filing, 7-2-2223
  park districts, 7-16-2411, 7-16-2441, 7-16-2442
  road improvement districts, 7-14-2902
  rural special improvement districts, 7-12-2103, 7-12-2161, 7-12-2204
  solid waste management districts, Title 7, chapter 13, parts 2 and 3, See **SOLID WASTE MANAGEMENT**
  water quality districts, Title 7, chapter 13, part 45, See **WATER QUALITY**

COUNTIES (Continued)

Bowling alleys, 7-21-4201, 49-3-204, 50-61-103
Bridges, See **COUNTY ROADS AND BRIDGES**; See also **BRIDGES**
Budgets, See **COUNTY FINANCE**
Building commission, 7-8-2103
  joint fair and civic center commission
    application for, 7-21-3451
    duties, 7-21-3454
    organization, 7-21-3452
Buildings and building codes, See **BUILDINGS AND BUILDING REGULATIONS, Municipal and county building codes**; **COUNTY FINANCE, General obligation bonds**
Burial of indigents, cost reimbursement, 40-6-301, 53-3-116
Business
  improvement districts, Title 7, chapter 12, part 11, See **BUSINESS IMPROVEMENT DISTRICTS**
  licenses, See **Licenses and permits**, generally
  management, 7-5-2101, 7-5-2102
Canvassers, Board of County, 13-15-401, 13-15-404
Carnivals
  hours of work for employees, 39-4-112
  motor vehicle gross vehicle weight fee, exemption when, 61-10-211
Cattle protection programs, See **PREDATORS AND PREDATOR CONTROL**
Cemeteries, See **CEMETERIES**
Cemetery District Act, Public, Title 7, chapter 35, part 21, See **CEMETERY DISTRICTS**
Change of county seat, See **County seats**, generally
Change of name, See **Name**
Charges for services — limit on fund balance, exceptions, audits, reduction, and reports, 17-2-301 — 17-2-304
Chemical dependency treatment programs, See **CHEMICAL DEPENDENCY**
Children's services, interdisciplinary child information teams, 41-3-205, 41-5-215, 52-2-211
Circuses
  hours of work for employees, 39-4-112
  licensing, 7-21-4201, 49-3-204
  "roadside menagerie" defined, 87-4-801
Cities and towns
  bridges within, 7-14-2204 — 7-14-2206
  buildings, use by county, 7-3-4370
  cemeteries, joint establishment and conduct, 7-35-101
  disincorporation, rights regarding, 7-2-4917
  infrastructure facilities, projects, or services — appropriations transferred for, 7-6-2335
  land transferred to, 7-16-102
  license regulations, compliance, 7-21-2112
  park districts, inclusion, 7-16-2403, 7-16-2412, 7-16-2432
  property traded with or purchased from, 7-8-101
City-county buildings, See **BUILDINGS AND BUILDING REGULATIONS**
Civic centers, See **PARKS AND RECREATION**
Claims, See **COUNTY FINANCE**; **GOVERNMENT**, **Actions** entries; **Claims against**
Classification, 7-1-2111, 7-1-2112
Clean Air Act of Montana, Title 75, chapter 2, parts 1 — 4, See **AIR QUALITY**
Clerk and recorder, Title 7, chapter 4, part 26, See **COUNTY CLERK AND RECORDER**
Clerk of the district court, See **CLERK OF THE DISTRICT COURT**
Coal impact areas, Title 90, chapter 6, part 2
Coal leases, 7-8-2233
Codes, technical, 7-5-107, 7-5-108

COUNTIES (Continued)

Collective bargaining, 39-31-103, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
Commerce, Department of
  cooperative agreements, 81-22-305
  records, destruction — order for or retention schedules, 7-5-2132
Commissioners, See **Public Safety Commission**; **COUNTY COMMISSIONERS, BOARD OF**; **FAIRS, County fair commission**; **PARKS AND RECREATION, County Board of Park Commissioners**; **County park districts**; **PORT AUTHORITIES**
Communication facilities, underground conversion, See **UTILITIES, Underground conversion**
Community college service regions, 20-15-241, 20-15-314
Community decay, ordinances to control, 7-5-2110, 7-5-2111
Community development programs, participation, 90-1-103, 90-8-201
Community homes for persons with severe disabilities, services for, 53-19-104
Concealed weapons, permits to carry
  change of county of residence, notice, 45-8-325
  liability arising from actions concerning, 45-8-326
Conciliation court established when, 40-3-104
Conservation
  districts, Title 76, chapter 15
  easements, Title 76, chapter 6, part 2, See **LAND USE PLANNING**
Consolidated government as successor to, 7-3-1202
Consolidated units, self-government — operation, 7-5-201
Consolidation, 7-3-141, 7-3-143, 7-3-144; Const., XI, 3, See **Abandonment and consolidation**; **Townships**; See also **CITY-COUNTY CONSOLIDATION, OPTION ONE**; **CITY-COUNTY CONSOLIDATION, OPTION TWO**; **LOCAL GOVERNMENT, Alteration of existing form**
Constables, See **CONSTABLES**
Construction contracts, See **Contracts**
Continuity of government, emergency, 10-3-603; Const., III, 2
Contractor registration provisions, nonapplicability, 39-9-211
Contracts, See also **COUNTY COMMISSIONERS, BOARD OF**; See also generally **PUBLIC CONTRACTS**
  abandoned counties, See **Abandonment and consolidation**
  ambulance services, for, 7-34-101, 7-34-103
  auction, public — purchases at, 7-5-2303
  bid and notice requirements, 7-5-2301
    division of contract to circumvent, prohibited, 7-5-2305
    exemptions, 7-5-2304
    preferences, 7-5-2309
    security, Title 18, chapter 1, part 2
  city-county buildings, 7-8-201, 7-8-202
  city-county consolidated governments, Title 7, chapter 3, parts 12 and 13, See **CITY-COUNTY CONSOLIDATION, OPTION TWO**
  conflict of interest, 7-5-2106
  construction contracts, 7-5-2301
  county commissioners, board of — conflict of interest, 7-5-2106
  detention facilities, youth, 41-5-1803, 41-5-1804, 41-5-1806, 41-5-1807
  division prohibited, 7-5-2305
  dog pounds, for, 7-23-103
  emergency purchases, 7-5-2304
  fairs, county agricultural — exhibitions, 7-21-3407
  government, form of — effect of change, 7-3-106, 7-3-152
  highway construction, 60-2-112, 60-2-201
  hospitals and nursing homes, multicounty — creation, 7-34-2501 — 7-34-2503

COUNTIES (Continued)
Contracts (Continued)

- housing authorities, rehabilitation of private dwellings, 7-15-2120
- in-lieu payments for taxes, for, Title 7, chapter 6, part 1, See **COUNTY FINANCE, In-lieu payments for taxes**
- insect pest control supplies and equipment, 7-22-2305
- installment purchase contracts, 7-5-2306
- interest on overdue accounts, 7-6-401 — 7-6-403
- name change of county, effect, 7-2-2511
- park commissioners, board of — by, 7-16-2314, 7-16-2325 — 7-16-2327
- park districts, 7-16-2423
- payments in lieu of taxes (PILT), for, Title 7, chapter 6, part 1, See **COUNTY FINANCE, In-lieu payments for taxes**
- port authorities, 7-14-1102, 7-14-1111, 7-14-1125
- power regarding, 7-1-2103
- printing contracts, Title 7, chapter 5, part 24, See also **PUBLIC CONTRACTS, Printing**
- professional services, state, Title 18, chapter 8, part 2
- property, sales or transfers, 7-2-2756, 7-2-2757, 7-8-2211
- purchasing agent, 7-5-2308
- records, for transcription, 7-2-2403, 7-2-2724
- rental-purchase contracts, 7-5-2307
- road and bridge, See **COUNTY ROADS AND BRIDGES**
- road improvement districts, 7-14-2902
- rural special improvement districts, Title 7, chapter 12, part 21, See **RURAL SPECIAL IMPROVEMENT DISTRICTS**
- service consolidation or transfer, effect of adoption, 7-11-309
- smoke abatement, Title 7, chapter 31, part 1; Title 75, chapter 2, See **AIR QUALITY, Smoke abatement program**
- tax-deed land sales, 7-8-2304, 7-8-2307
- youth guidance centers, multicounty, 7-16-2104

Cooperative Extension Service, See **COOPERATIVE EXTENSION SERVICE**
Coroner, See **COUNTY CORONER**
Corporate body, as, 7-1-2101
Correctional facilities, private — approval, 53-30-607
Corrections facilities and programs, community, Title 53, chapter 30, part 3
County agents, mileage allowance, 2-18-503
County Commissioners, Board of — authority, 7-5-2101, See also **COUNTY COMMISSIONERS, BOARD OF**
County extension work in agriculture and home economics, 7-21-3203, See also **COOPERATIVE EXTENSION SERVICE**
County land advisory boards, See **Land advisory boards**
County officers, See **COUNTY OFFICERS**
County seats

- county commissioners, board of — meetings, 7-5-2122
- election to determine, 7-2-2218, 7-2-2221, 7-2-2222
- emergency relocation, 10-3-608
- jury lists, meetings to compile held at, 3-15-401
- justice's court to be located in, when, 3-10-101
- megalandfill siting certification hearing, location, 75-10-924
- new counties, determination, 7-2-2218, 7-2-2221, 7-2-2222
- offices, location, 7-4-2211, 7-6-2405
- qualifications to be, 7-2-2103
- records
  - moved to, 7-2-2724
  - to be kept at, 7-2-2242

COUNTIES (Continued)
County seats (Continued)

- removal, Const., XI, 2
  - election
    - conduct, 7-2-2605
    - frequency, 7-2-2608
    - results, 7-2-2606, 7-2-2607
  - notices, 7-2-2602, 7-2-2605 — 7-2-2607
  - petition, 7-2-2601
    - consideration, 7-2-2604
    - filing, 7-2-2602
    - signatures, withdrawal, 7-2-2603, 7-2-2604
- temporary, 7-2-2221

County welfare, See **Public assistance**
Courthouse, 7-8-2102, 15-8-102, 71-1-313
Courts, See **DISTRICT COURTS**; **JUSTICES' COURTS**; **SMALL CLAIMS COURTS**; **WATER COURTS**; **YOUTH COURT**
Creation of new counties, See **New, creation by petition**; **New, creation generally**
Crimes or prohibited acts, See **Violations**
Cultural and aesthetic projects, See **ARTS AND CULTURE**
Dams and reservoirs, regulation prohibited when, 85-15-401
Day-care facilities, 7-16-2108, 7-16-4114
Deaf persons, employment policy of state, 49-4-202
Debris, accumulation — ordinances to control, 7-5-2110, 7-5-2111
Definitions, 7-1-2111, 7-5-2110, 7-5-2309, 7-6-401, 7-8-2503, 7-8-2701; Const., XI, 1; XI, 2
Delinquent children, See **Youth court**
Detention centers, establishment, 7-32-2201, See **DETENTION CENTERS**
Detention center work program, 7-32-2225 — 7-32-2227, See **DETENTION CENTERS**
Detention, youth

- facilities, county to provide, 41-5-1802 — 41-5-1807, 41-5-1901 — 41-5-1908, See **YOUTH COURT**, **Detention facilities and services**
- programs, levy to fund, 7-6-501, 7-6-502

Development

- districts, Title 76, chapter 2, See **ZONING**, **Planning and zoning districts**
- generally, Title 76, chapter 1, See **PLANNING BOARDS**
- programs, 90-1-103, 90-8-201; Title 90, chapter 5, part 1

Developmental disabilities, persons with

- community homes, authorization of services to, 53-20-304
- contributions to facilities in or out of jurisdiction, 53-20-208

Development corporation board of directors, representation on — when, 32-4-206
Devises, acceptance, 7-8-103, 7-8-104, 7-14-101, 7-16-2105, 7-16-2423
Disabilities, persons with

- community home services for, 53-19-104
- employment, policy of state, 49-4-202
- employment preference, Title 39, chapter 30, See **LABOR AND EMPLOYMENT**, **Disabilities, persons with**
- parking, requirements for special spaces, 49-4-302

Disasters, See **Emergencies**; See also **EMERGENCIES AND EMERGENCY POWERS**
Discriminatory practices, See **DISCRIMINATION**
Disincorporation, See **Abandonment and consolidation**
Disincorporation of cities and towns, rights regarding, 7-2-4917
District courts, See **DISTRICT COURTS**
Districts, See specific district
Ditches, See **CANALS, DITCHES, AND FLUMES**
Dog control, 7-23-101, 7-23-2108 — 7-23-2110
Drainage districts, Title 85, chapter 8
Drinking and driving prevention programs, 61-2-106 — 61-2-108

COUNTIES (Continued)

Drinking water state revolving fund, advisory committee, 75-6-231
Drug abuse treatment programs, See **CHEMICAL DEPENDENCY**
Economic development
  hard-rock mine trust reserve account funds for, when, 7-6-2225
  metal mines license tax revenue, allocation, 15-37-117
  projects and bonds, Title 17, chapter 5, part 15
Elderly persons, funds for recreational activities, 7-16-101
Election administrator, See **ELECTION ADMINISTRATOR**
Elections, 13-1-104, 13-1-107, 13-1-301, 13-1-302, 13-1-401
  abandonment, See **Abandonment and consolidation**
  bonds, See **COUNTY FINANCE**
  bridges, construction in cities and towns, 7-14-2205
  canvassers, board of, 13-15-401, 13-15-404
  cemetery districts, creation, 7-35-2104, 7-35-2106, 7-35-2107
  charter form of government, charter provisions limited, 7-3-708
  cost, 13-1-302, 13-2-117, 13-16-205, 13-17-104
  county commissioners, See **COUNTY COMMISSIONERS, BOARD OF**
  county officers, 7-4-2203, 7-4-2206; Const., XI, 3
  county seat, removal, Const., XI, 2, See **County seats**
  date, 13-1-104
  finance, regarding, See **COUNTY FINANCE**
  fire district trustees, 7-33-2106
  fire service area trustees, 7-33-2403
  forms of government, alternate, Title 7, chapter 3, See specific form of government
  hospital districts, Title 7, chapter 34, part 21, See **HOSPITAL DISTRICTS**
  initiative and referendum, See **Initiative and referendum**
  libraries
    establishment, for, 22-1-303
    federations, participating entities — withdrawal, 22-1-402
    services, to exceed maximum mill levy for, 22-1-304
  loans, required when, See **COUNTY FINANCE, Bond issues and bonds**
  mosquito control districts, structure fees — approval, 7-22-2432
  motor vehicle local option tax — imposition, revision, or revocation, 61-3-537
  new counties, See **New, creation by petition**
  park districts, Title 7, chapter 16, part 24
  port authority commissioners, 7-14-1106
  precincts, boundaries, 7-2-2216
  recount board, 13-15-403, 13-16-101, 13-16-201, 13-16-211
  resort tax, for, 7-6-1503, 7-6-1504, 7-6-1508
  self-government, Const., XI, 5; Title 7, chapter 3, part 7
  service consolidation or transfer, See **Services**, consolidation or transfer
  smoke abatement contracts, Title 7, chapter 31, part 1; Title 75, chapter 2, See **AIR QUALITY, Smoke abatement program**
  solid waste management district bond issues, approval, 7-13-309
  study commissions, establishing, 7-3-173 — 7-3-177
  taxation, regarding, See **COUNTY FINANCE**
  tie vote, 13-16-505, 13-16-506
  transportation districts, Title 7, chapter 14, part 2, See **TRANSPORTATION DISTRICTS, URBAN**
  voting machines, provision, 13-17-104
  water and/or sewer districts, Title 7, chapter 13, parts 22 and 23, See **SEWAGE DISPOSAL AND SEWER SYSTEMS**
Electrical codes, 7-5-108
Electric facilities, underground conversion, See **UTILITIES, Underground conversion**

COUNTIES (Continued)

Emergencies, See also generally **EMERGENCIES AND EMERGENCY POWERS; EMERGENCY MEDICAL SERVICES**
  buildings, bridges, and roads — replacement or repair, 7-14-2524
  hazardous material incidents
    cost recovery, 10-3-1216
    response authorities, 10-3-1208, 10-3-1209
  interstate emergency services mutual aid agreements, Title 10, chapter 3, part 11
  9-1-1 emergency telephone system, Title 10, chapter 4, parts 1 — 3
  ordinances and resolutions, See **COUNTY COMMISSIONERS, BOARD OF**
  purchases, 7-5-2304
  relief, transfer of funds for, 7-31-2101
Eminent domain, See also **COUNTY COMMISSIONERS, BOARD OF; EMINENT DOMAIN**
  highway authorities within, power, 7-14-101
  power of, 7-16-2105, 76-5-1108
  private property subject to, 70-30-103
  public uses, 70-30-102
Employees, See also **PUBLIC OFFICERS OR EMPLOYEES**
  attendance at meetings and conventions, 7-5-2145
  cities and towns, work performed for, 7-3-4370
  code of ethics, Title 2, chapter 2, part 1; Const., XIII, 4
  collective bargaining, 39-31-103, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
  commission form of government, 7-3-401
  community decay ordinances, enforcement, 7-5-2111
  compensation, 7-5-2107
  county commissioners, board of — employment by, 7-5-2107
  death, designation of person to receive warrants or paychecks, 7-4-2521
  deferred compensation, Title 19, chapter 50
  detention center work program participants, 7-32-2226
  group life insurance, See **INSURANCE, LIFE, Group life; Groups and group requirements**
  hours of work, 7-5-2108, 39-4-102, 39-4-107
  incentive awards program, Title 7, chapter 4, part 5
  interlocal cooperation commission, 7-11-208, 7-11-227
  local government study commissions, consultants for, 7-3-183
  overtime compensation exclusions, 39-3-406
  preference to veterans and persons with disabilities, Title 39, chapters 29 and 30, See **LABOR AND EMPLOYMENT, Disabilities, persons with; Veterans**
  retirement systems, See **RETIREMENT AND RETIREMENT SYSTEMS**; See also specific retirement system
  salaries, 7-2-2741, 7-3-4370, 7-5-2107, 7-6-2325, 7-14-2304
  self-government units, 7-1-114, 7-5-201
  service consolidation or transfer, effect, 7-11-304
  state mandates regarding duties, 7-5-201
  unemployment insurance coverage, Title 39, chapter 51, See **UNEMPLOYMENT INSURANCE, Governmental entities**
  unions, 39-31-103, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
  workers' compensation, Title 39, chapter 71, See **WORKERS' COMPENSATION, Public employers**
  work week, 7-5-2108, 39-4-102, 39-4-107
Engineering services contracts, Title 18, chapter 8, part 2
Enlargement of county, See **New, creation by petition**
Enumerated, Const., XI, 2
Environmental control easements, Title 76, chapter 7

COUNTIES (Continued)

Equalization payments, See **STATE LANDS**
Equipment and supplies, 7-8-2111, 7-8-2112, 7-8-2211
    capital improvement fund, See **COUNTY FINANCE**
    contracts for, See **Contracts**
    county commissioners, board of, 7-5-2105, 7-5-2106
    new counties, valuation, 7-2-2244
    purchase contracts, 7-5-2301, 7-5-2303, 7-5-2306, 7-5-2307, See also **Contracts**
    rental, 7-5-2307
    road and bridge, See **COUNTY ROADS AND BRIDGES, Machinery and materials**
Establishment, See **New, creation by petition**
Facility siting applications, copies to, 75-20-211, 75-20-225
Fair commission, Title 7, chapter 21, part 34, See **FAIRS, County fair commission**
Fair Practices, Code of, Title 49, chapter 3, See **DISCRIMINATION, Government, state and local**
Fairs, Title 7, chapter 21, part 34, See **FAIRS, County fairs**
Farmers markets, Title 7, chapter 21, part 33
Federal
    in-lieu payments for taxes, Title 7, chapter 6, part 1, See **COUNTY FINANCE, In-lieu payments for taxes**
    lands, sale or transfer, 77-2-401 — 77-2-403
    rural special improvement districts, lands within, 7-12-2157
    waterfowl and wildlife area acquisition proposals, review and hearings, 87-1-713, 87-1-714
Ferries, Title 7, chapter 14, part 28, See **FERRIES AND WHARVES**
Financial administration, See **COUNTY FINANCE**
Financial reports, Title 2, chapter 7, part 5
Firearms, restrictions on regulation, 45-8-351, See also **WEAPONS**
Fire codes, 7-5-108, 50-61-120
Fire companies, See **FIRE DEPARTMENTS AND FIREFIGHTERS**
Fire districts, Title 7, chapter 33, part 21, See **FIRES AND FIRE PROTECTION**
Fireworks displays, Title 50, chapter 37, part 1
Fish and game violations, payment of prosecution cost bills, 87-1-104, 87-1-601
Flathead county migratory bird reserve, 87-1-705, 87-1-706
Flood control projects, Title 76, chapter 5, part 11, See **FLOODS, Control projects**
Flood plain and floodway management, Title 76, chapter 5, See **FLOOD PLAINS AND FLOODWAYS**
Footpaths, establishment, Title 60, chapter 3, part 3
Forests and protection of, Title 7, chapter 8, part 26; Title 76, chapter 13, See **FORESTS AND FORESTRY**
Form of government, Title 7, chapter 3, See **General power governments**; **Self-government powers**
Franchises
    applications, preservation and filing, 7-4-2611
    city-county consolidation, transfer, 7-3-143
    consolidated government, 7-3-1102
    county merger, transfer, 7-3-144
    franchise book, 7-5-2129
Funds, See **COUNTY FINANCE**, specific fund
Gambling
    activities, licensing and regulation, 23-5-171
    bingo and keno games, live — ordinance for hours of play, 23-5-408
    card games or tables, live — permit issuance prohibited, 23-5-321
    raffles, permits, 23-5-413
    video gambling machines, ordinance for hours of play, 23-5-620
Garbage, 7-5-2110, 7-5-2111, See **SOLID WASTE MANAGEMENT**; **WASTE DISPOSAL**
Gas mains, construction, 7-13-2101 — 7-13-2104

COUNTIES (Continued)

General obligation bonds, See **COUNTY FINANCE**
General power governments
  commission-chairman form, 7-3-502
  commission-executive form, 7-3-202
  commission form, 7-3-402
  commission-manager form, 7-3-302
  self-government powers, applicability, 7-1-101 — 7-1-103, See also **CHARTER FORM OF GOVERNMENT**
  town meeting form, 7-3-602
Government
  conduct of, See **COUNTY COMMISSIONERS, BOARD OF**
  form, See **General power governments**; **Self-government powers**; **CHARTER FORM OF GOVERNMENT**
  review and study commissions, See **LOCAL GOVERNMENT, Study commissions**
Grants, 7-8-103, 7-16-2105, 41-5-1901 — 41-5-1908, See also **RECLAMATION, Reclamation and development grants program**
Grazing districts within, Title 76, chapter 16, See **GRAZING DISTRICTS**
Ground Water Assessment Steering Committee, representation on, 2-15-1523
Group homes, authorization of services to, 53-20-304
Hard-rock mining impact, See **MINES AND MINING, Metal mines impact areas**
Health codes, 7-5-108
Health, local boards of, See **HEALTH, LOCAL BOARDS OF**
Herd districts in, Title 81, chapter 4, part 3, See **LIVESTOCK**
High School Boundary Commission, 20-3-351, See also **SCHOOL DISTRICTS AND TRUSTEES**
Highways
  abandonment and consolidation of county, effect, 7-2-2722
  coal impact areas, reconstruction in, 90-6-210
  community decay on or adjacent to, ordinances to control, 7-5-2110, 7-5-2111
  contracts for construction, 60-2-112, 60-2-201
  controlled-access, property acquired for, 7-14-101
  cooperation concerning, 60-1-102
  county roads as, See **COUNTY ROADS AND BRIDGES**
  mineral slag for sanding or snow removal prohibited when, 60-2-241
  service districts, Title 7, chapter 11, part 11, See **INTERLOCAL COOPERATION, Multijurisdictional service districts**
  state funds for public transportation, allocation, 7-14-102
  utility mains, construction, 7-13-2101 — 7-13-2104
Highway traffic safety program, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Traffic safety program**
Historic properties, tax abatement, 15-24-1601 — 15-24-1607
Home guard, authorization to make property available to, 10-1-703
Home rule, Title 7, chapter 3, part 7, See **CHARTER FORM OF GOVERNMENT**
Horses
  abandoned, Title 81, chapter 4, part 5
  herd districts, Title 81, chapter 4, part 3
Hospital districts, Title 7, chapter 34, part 21, See **HOSPITAL DISTRICTS**
Hospitals, Title 7, chapter 34, See **HEALTH CARE FACILITIES, County facilities**
Housing authorities
  county, Title 7, chapter 15, part 21, See **HOUSING AUTHORITIES, COUNTY**
  municipal, cooperation with, 7-15-4416
Hucksters, licensing, 7-15-2121 — 7-15-2124
Human Resource Development Council block grant plan, approval, 53-10-504
Human Services, Office of, Title 53, chapter 2, part 3, See **COUNTY WELFARE**
Immunity from liability, Title 2, chapter 9, part 1, See **GOVERNMENTAL LIABILITY**

COUNTIES (Continued)

Improvement districts generally, Title 7, chapter 12, See specific district
Indebtedness, See **COUNTY FINANCE**
Indian child welfare specialist, advice by, 52-2-117
Indigents
  burial, cost reimbursement, 40-6-301, 53-3-116
  optional public assistance programs for, 53-2-801, 53-3-116
Industrial development
  hard-rock mine trust reserve account funds for, when, 7-6-2225
  projects and revenue bonds, Title 90, chapter 5, part 1
Inflammable liquids codes, 7-5-108
Initiative and referendum, See also **BALLOT ISSUES**
  alcoholic beverages sale and consumption, local option, 16-1-205
  charter form of government
    for charter or amendment to charter, 7-3-103; Const., XI, 5
    limitations on charter provisions, 7-3-708
  county weather modification authorities, creation, 85-3-413
  electors, submission to, 7-5-133, 7-5-136
  mosquito control districts, creation or annexation of land, 7-22-2410, 7-22-2443
  motor fuel excise tax, local option, 7-14-301
  multijurisdictional service districts, action on petition for ordinance, 7-11-1107
  notices, writing required, 7-5-134, 7-5-136
  ordinances, effect of repeal or enactment by, 7-5-137
  petitions, 7-5-132
    action on, 7-5-133
    approval, 7-5-132, 7-5-134
    rejection, 7-5-134
    sample, 7-5-134
    signatures, 7-5-132, 7-5-134
    submission and verification procedures, 7-3-103
    validity and constitutionality, determination, 7-5-135
  planning boards, growth policy — adoption, revision, or rejection, 76-1-604
  resolution for, 7-5-132
  right of, 7-5-131; Const., XI, 8
  small claims court, creation or abolishment, 3-12-103, 3-12-104
  statement of purpose and implication, 7-5-134
  water quality districts, 7-13-4511 — 7-13-4513, 7-13-4522, 7-15-4523
In-lieu payments for taxes, Title 7, chapter 6, part 1, See **COUNTY FINANCE**
Insect pest control, Title 7, chapter 22, part 24, See **PESTS AND PESTICIDES**
Installment purchase contracts, See **Contracts**
Insurance, Title 2, chapter 9, parts 2 and 3, See **GOVERNMENTAL LIABILITY**
Interlocal cooperation agreements and commission, Title 7, chapter 11, See **INTERLOCAL COOPERATION**
Interpreters for deaf persons, See **DEAF PERSONS, Interpreters in official proceedings**
Interstate emergency services mutual aid agreements, Title 10, chapter 3, part 11, See **EMERGENCIES AND EMERGENCY POWERS**
Intoxication, authority limited, 53-24-106
Inventory of county tools, equipment, and machinery, 7-8-2111
Jails, See **DETENTION CENTERS**
Judgments against, payment, 25-13-205, See also **COUNTY FINANCE**
Junk, accumulation — ordinances to control, 7-5-2110, 7-5-2111
Justices' courts, See **JUSTICES' COURTS; SMALL CLAIMS COURTS**
Justices of the peace, See **JUSTICES' COURTS**
Labor organizations, 39-31-103, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**

COUNTIES (Continued)

Lake County, national bison range established, 87-1-711, 87-1-712
Lakeshore protection, authority for, Title 75, chapter 7, part 2, See **LAKES, Construction projects**
Land, See also **Property**
  administration, 7-8-2502, 7-8-2703
    rules, 7-8-2505
  advisory boards, See **Land advisory boards**
  advisory committee, 7-8-2506
  application of provisions, 7-8-2502
  appraisal, 7-8-2513, 7-8-2708
  appraised value, 7-8-2302, 7-8-2401, 7-8-2402, 7-8-2511
  bonds issued for, See **COUNTY FINANCE, General obligation bonds**
  camping, acquisition, 7-16-2105, 7-16-2106
  cemeteries, for, 7-35-102
  cities and towns, transfer to, 7-16-102
  classification, 7-8-2501, 7-8-2504, 7-8-2708
  cooperative use agreements, 7-8-2507
  cultural purposes, acquisition, 7-16-2105, 7-16-2106
  definitions, 7-8-2503, 7-8-2702
  eminent domain, See **Eminent domain**
  exchange or trade, 7-8-2219, 7-8-2502, 7-8-2507, 7-8-2512, 7-8-2513, 7-8-2708, 7-16-2324, See also **STATE LANDS, Exchange**
  fairgrounds, for, 7-21-3408
  forests, See **FORESTS AND FORESTRY, Counties; County forests**
  governmental entities, deeds to — authorization and purpose, 7-8-102, 7-16-102, 7-35-102
  grazing and agricultural uses, 7-8-2709
  historic easement or right-of-way for access to private land, sale, 7-14-4901
  leases, permits, or licenses
    advice regarding, 7-8-2708
    application of provisions, 7-8-2502
    appraisal required when, 7-8-2513
    consideration, amount, 7-8-2508
    dedicated park land, 7-16-2324, 76-3-621
    discrimination in issuance prohibited, 49-3-204
    granting, 7-8-2507
    grazing and agricultural, 7-8-2709
    improvements on leaseholds, 7-8-2509
    interest on overdue accounts, 7-6-401 — 7-6-403
    mineral interests, 7-8-2513
    modification of leases, 7-8-2510
    park land, dedicated, 7-16-2324, 76-3-621
    parks, for, 7-16-102, 7-16-2106
    preferences in, 7-8-2511, 7-8-2701
    proceeds from leases, distribution, 7-8-2306
    recreational, cultural, or camping purposes — for, 7-16-2105, 7-16-2106
    renewal, 7-8-2508
      initial lease, renewal considered when, 7-8-2513
    reservations of interest, 7-8-2514
    term, 7-8-2508
    terms and condition of leases, 7-8-2507
  management alternatives, 7-8-2507
  multiple-uses, 7-8-2501, 7-8-2503, 7-8-2504
  natural areas preservation, Title 76, chapter 12, part 1, See **LAND USE PLANNING**
  noxious weed management, Title 7, chapter 22, part 21; Title 80, chapter 7, See **WEEDS AND WEED CONTROL**

COUNTIES (Continued)
Land (Continued)

- oil, gas, and other minerals — exploration and development, 7-8-2507, 7-8-2510, 7-8-2514
- park and recreation land, See **PARKS AND RECREATION, County** entries
- port authorities, Title 7, chapter 14, part 11, See **PORT AUTHORITIES, Property**
- powers concerning, 7-1-2103
- recreational purposes, for, See **PARKS AND RECREATION, County** entries
- revenues, apportionment and distribution, 7-8-2515
- royalty interests, 7-8-2305, 7-8-2306, 7-8-2510, 7-8-2514, 15-17-326, 27-2-210, 70-19-421
- sale, 7-8-2502, 7-8-2507, 7-8-2708, See also **Property**
  - appraisal required when, 7-8-2513
  - historic easement or right-of-way for access to private land, 7-14-4901
  - of less than fifty dollar valuation and other than tax-deed land, 7-8-2308
  - park land, dedicated, 7-16-2324, 76-3-621
  - procedure, 7-8-2511
- state lands, sales to, 77-2-306
- state, transfer to, 7-16-102
- tax-deed, See **Tax-deed lands**
- transfer, 7-16-102
- utility lines, reservation for, 7-8-2514
- weed management, Title 7, chapter 22, part 21; Title 80, chapter 7, See **WEEDS AND WEED CONTROL**

Land advisory boards, 7-8-2702, 7-8-2703
- compensation of members, 7-8-2706
- conduct of business, 7-8-2707
- function, 7-8-2708
- land, grazing and agricultural uses — cooperation, 7-8-2709
- membership, 7-8-2704
- state policy for resource management, 7-8-2701
- term of office of members, 7-8-2705

Land planning funds
- coal impact areas, 90-6-201
- distribution, 90-1-108

Land surveying services contracts, Title 18, chapter 8, part 2
Landscape architects, business licenses, 37-66-303, 49-3-204
Law enforcement, See also **LAW ENFORCEMENT**
- officers, Title 7, chapter 32, parts 2 and 3, See main subject heading for specific officer services
  - consolidation or transfer, 7-11-302, 7-32-101
  - public safety tax to support, 7-6-2513
- teletypewriter communications system, participation in, 44-2-301, 44-2-311

Leases
- ambulance equipment, vehicles, and services, 7-34-103
- city-county buildings, 7-8-201, 7-8-202
- coal, 7-8-2233
- disaster victims, housing for, 10-3-313
- fairgrounds and buildings, 7-21-3406, 7-21-3409
- hospitals and nursing homes, multicounty, 7-34-2501, 7-34-2503
- interest on overdue accounts, 7-6-401 — 7-6-403
- land, See **Land**
- oil and gas wells, for, 82-10-201 — 82-10-204, See also **Land**, leases, permits, or licenses
- park districts, 7-16-2423
- port authorities, 7-14-1105, 7-14-1111, 7-14-1125, 7-14-1126
- property, See **Property**
- public markets, 7-21-3302
- road-building materials, 7-14-2123
- tax-deed lands, 7-8-2306

COUNTIES (Continued)
Leases (Continued)

  tools, equipment, or machinery, 7-8-2112
  written agreement, 7-8-2112
  youth shelter care facilities, 41-5-1801
Legislative bodies
  charter form of government, Title 7, chapter 3, part 7, See **CHARTER FORM OF GOVERNMENT**
  consolidated governments, 7-3-1102
Legislative powers, Const., XI, 4
Liability, Title 2, chapter 9, part 1, See **GOVERNMENTAL LIABILITY**
Libraries, See **LIBRARIES**
Licenses and permits
  abandoned counties, collection of unpaid, 7-2-2723, 7-2-2743, 7-2-2745, 7-2-2751, 7-2-2752
  amusement games, 23-6-103
  arcades, 23-6-103
  architects, fee or tax prohibited, 37-65-203
  blanks, supply procedures, 7-21-2102
  boats, out-of-state — temporary permits for operation, 7-16-2121, 23-2-511
  carnival games, 23-6-103
  classes, 7-21-2103
  day-care homes, conditional use permits not required when, 76-2-412
  discrimination in issuance prohibited, 49-3-204
  dogs, 7-23-101, 7-23-2108
  enforcement of provisions, 7-21-2116
  fees, See also specific license in **Licenses and permits**
    disbursement, 7-16-2121, 7-21-2105
    doubled, when, 7-21-2103
    penalties for violations, addition, 7-21-2113
  ferries, Title 7, chapter 14, part 28, See **FERRIES AND WHARVES**
  firearms, prohibited, 45-8-351
  gambling
    activities, permitted when, 23-5-171
    card games or tables, live — issuance prohibited, 23-5-321
    raffles, 23-5-413
  hucksters, 7-15-2121 — 7-15-2124
  issuance generally, 7-21-2102
  land, See **Land**, leases, permits, or licenses
  landscape architects, 37-66-303
  lien arising from, 7-21-2104
  municipal regulations, compliance, 7-21-2112
  off-highway vehicles, prohibited, 23-2-808
  persons required to obtain, determination, 7-21-2103
  powers generally, 7-21-2101
  procurement, 7-21-2111
    enforcement of requirements, 7-21-2116, 7-21-2117
    failure to procure, 7-21-2104, 7-21-2113
  raffles, 23-5-413
  revocation, 7-6-1505
  snowmobiles, prohibited, 23-2-643
  timber, removal, 7-8-2608, 7-8-2609
  transient retail merchants, Title 7, chapter 21, part 24, See **TRANSIENT RETAIL MERCHANTS**
  unpaid, collection, 7-2-2723, 7-2-2743, 7-2-2745, 7-2-2751, 7-2-2752
  unsold, 7-21-2102
  violations, 7-21-2113
    actions regarding, 7-21-2116, 7-21-2117

COUNTIES (Continued)
Licenses and permits (Continued)
 violations (Continued)
  affidavit for writ of attachment, 7-21-2116
  investigation, 7-21-2114
  liability, 7-21-2115
Literacy programs, adult, 20-7-714
Litter control, 7-5-2109, 7-5-2110 — 7-5-2112, See also **LITTERING AND LITTER CONTROL**
Livestock, See **LIVESTOCK**
Local Citizen Review Board, member as resident, 41-3-1003
Local government study commissions, office and meeting space and clerical assistance, 7-3-184
"Local government unit", defined, Const., XI, 1
Lotteries, See **Gambling**
Machinery, See **Equipment and supplies**
Mailing lists, distribution or sale prohibited when, 2-6-109
Markets, Title 7, chapter 21, part 33
Medical examiner
 county, See **COUNTY CORONER**
 state, associate examiners' fees chargeable to, 44-3-204
Meetings, Const., II, 9; Title 2, chapter 3, part 2, See **COUNTY COMMISSIONERS, BOARD OF**; See also **PUBLIC PARTICIPATION IN GOVERNMENT**
Menageries, Title 87, chapter 4, part 8, See **FISH AND WILDLIFE, Zoos and menageries**
Mentally ill persons, crisis intervention programs, 53-21-139
Merger, 7-3-141, 7-3-144; Const., XI, 3, See **Abandonment and consolidation**; **Townships**; See also **CITY-COUNTY CONSOLIDATION, OPTION ONE**; **CITY-COUNTY CONSOLIDATION, OPTION TWO**; **LOCAL GOVERNMENT, Alteration of existing form**
Metropolitan sanitary and/or storm sewer districts, Title 7, chapter 13, part 1, See **SEWAGE DISPOSAL AND SEWER SYSTEMS**
Military affairs, 10-1-108, 10-1-109, 10-1-703
Milk price control, cooperative agreements, 81-22-305
Mining operations, impact areas, Title 90, chapter 6, parts 2 — 4
Minors
 county interdisciplinary child information teams, 41-3-205, 41-5-215, 52-2-211
 curfew, 7-32-2302
 delinquent, See **Youth court**
 detention facilities, county to provide, 41-5-1802 — 41-5-1807, 41-5-1901 — 41-5-1908, See **YOUTH COURT, Detention facilities and services**
 detention programs, levy to fund, 7-6-501, 7-6-502
 property, destruction by — liability of parent, 40-6-237
  recovery, limitation on amount, 40-6-238
 youth care facilities, reimbursement for payments for care, 41-3-1122
 youth court, See **Youth court**
Mobile home occupying mobile home park space, abandoned — disposal, 70-24-432
Mosquito control districts, Title 7, chapter 22, part 24, See **PESTS AND PESTICIDES**
Motor vehicles, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
Moving of county seat, See **County seats**
Museums, See **MUSEUMS**
Name
 change
  authorization, 7-2-2501
  effect on
   boundaries, 7-2-2514
   district court, 7-2-2512
   indebtedness, obligations and contracts, 7-2-2511
   officers, 7-2-2513

COUNTIES (Continued)
Name (Continued)
  change (Continued)
    effect on (Continued)
      property and legal rights, 7-2-2509
      vested rights and existing laws, 7-2-2510
    objections, 7-2-2506
    order for, 7-2-2506, 7-2-2507
    petition, 7-2-2502
      copies, publication and posting, 7-2-2505
      filing and form, 7-2-2503
      hearings, 7-2-2506
      signatures, 7-2-2502
        certification, 7-2-2504
    records, procedure to effectuate, 7-2-2508
  consolidated government, 7-3-1102, 7-3-1103
  designation, 7-1-2102
National forest lands, 2-1-210, 7-8-2401, See also **FORESTS AND FORESTRY, National forests**
Natural areas preservation, Title 76, chapter 12, part 1, See **LAND USE PLANNING**
Nature, 7-1-2101
New, creation by petition
  actions, transfer, 7-2-2255
  addition of territory from another county, 7-2-2201
    county seat, 7-2-2221
    election, 7-2-2215, 7-2-2216, 7-2-2218, 7-2-2222
    limitation, 7-2-2202
    petition, 7-2-2205 — 7-2-2207
  affidavits required when, 7-2-2207, 7-2-2209, 7-2-2254
  assessed valuation
    determination, 7-2-2204, 7-2-2244
    effect on creation, 7-2-2202, 7-2-2212
    petition, contents, 7-2-2206
    resolution determining, 7-2-2213
  authorization, 7-2-2201
  bonds of officers, 7-2-2227
  boundaries
    election precincts, 7-2-2216
    exclusion or addition of territory, change by, 7-2-2212
    legal description, filing, 7-2-2223
    petition, contents, 7-2-2206
    resolution determining, 7-2-2213
  commission
    authority regarding, 7-2-2242
    certification of information, 7-2-2245
    compensation of members, 7-2-2243
    role, 7-2-2244
    selection, 7-2-2241
  completion of creation, procedures, 7-2-2223
  county commissioners, board of — role, 7-2-2208, See **COUNTY COMMISSIONERS, BOARD OF, New counties, creation by petition**
  county seat, election to determine when, 7-2-2218, 7-2-2221, 7-2-2222
  court files and actions, transfer, 7-2-2255
  election
    ballot, form, 7-2-2218
    conduct of, 7-2-2219
    costs, 7-2-2220, 7-2-2244
    county seat, determination when, 7-2-2218, 7-2-2221

COUNTIES (Continued)
New, creation by petition (Continued)
- election (Continued)
  - effect, 7-2-2222
  - held when, 7-2-2215
  - judges, 7-2-2217, 7-2-2219
  - notice, 7-2-2215
  - officers, 7-2-2218, 7-2-2222
  - precincts, 7-2-2216
  - proclamation, 7-2-2215
  - resolution, 7-2-2222, 7-2-2223
- exclusion or addition of territory, 7-2-2211, 7-2-2212
- indebtedness, determination and adjustment, 7-2-2241, 7-2-2244
- intercounty communication, 7-2-2208
- judicial district, designation, 7-2-2228
- limitations, 7-2-2202
- local government with self-government powers, mandatory provisions, 7-1-114
- officers, 7-2-2225
  - compliance, 7-2-2208
  - duties assumed when, 7-2-2223
  - election, 7-2-2218, 7-2-2222
  - nominations, 7-2-2219
  - qualification, 7-2-2227
  - taxes, assessment and collection, 7-2-2252
  - term, 7-2-2226
- offices and supplies, 7-2-2224
- petitions, 7-2-2205, 7-2-2206
  - affidavits, 7-2-2207, 7-2-2209
  - exclusion or addition of territory, for, 7-2-2211, 7-2-2212
  - filing, 7-2-2207, 7-2-2209, 7-2-2211
  - hearings, 7-2-2209, 7-2-2211 — 7-2-2213
  - notices, 7-2-2206, 7-2-2209
  - resolution concerning, 7-2-2213
  - signatures, 7-2-2205 — 7-2-2207, 7-2-2211, 7-2-2213
- posting of notices, publication, 7-2-2256
- protests, 7-2-2211
- records, transfer and transcription, 7-2-2254
- resolutions, 7-2-2213, 7-2-2222, 7-2-2223, 7-2-2246, 7-2-2253
- taxes, 7-2-2251, 7-2-2252
- temporary county seat, 7-2-2221
- transfer of funds, 7-2-2253

New, creation generally
- assets, apportionment, 7-2-2102
- court actions, transfer, 7-2-2411
  - fees, 7-2-2412
- jury lists
  - certification, 7-2-2422
  - correction for old counties, 7-2-2423
  - preparation and filing, 7-2-2421, 7-2-2424
- liabilities, apportionment, 7-2-2102
- records
  - transcription, 7-2-2402
    - certification of accuracy, 7-2-2405
    - contracts for, 7-2-2403
    - filing, 7-2-2406
    - legal effect, 7-2-2407
    - payment, 7-2-2404
  - transfer, 7-2-2401

COUNTIES (Continued)

9-1-1 emergency telephone system, Title 10, chapter 4, parts 1 — 3
Notices
  mail, by, 7-1-2122
  publication and content, 7-1-2121
Noxious weed management, Title 7, chapter 22, part 21; Title 80, chapter 7, See **WEEDS AND WEED CONTROL**
Nuclear regulation, conflicting laws, 50-79-105
Numbers designating, 61-3-332
Nursing homes, See **NURSING HOMES**
Officers, See **COUNTY OFFICERS**; See also main heading for specific officer
Open-space land preservation, Title 76, chapter 6, part 1, **LAND USE PLANNING**
Ordinances, See **COUNTY COMMISSIONERS, BOARD OF**
Parking
  disabilities, persons with — special spaces, requirements, 49-4-302
  unincorporated places, regulations in, 7-14-2106
Parks, See **PARKS AND RECREATION, County** entries
Pawnbrokers, See **PAWNBROKERS AND JUNK DEALERS**
Payments in lieu of taxes (PILT), Title 7, chapter 6, part 1, See **COUNTY FINANCE, In-lieu payments for taxes**
Permits, See **Licenses and permits**
Personal property, See **Property**
Personnel, See **Employees**
Petitions
  abandonment and consolidation, See **Abandonment and consolidation**
  ambulance services, to establish, 7-34-101
  bond elections, See **COUNTY FINANCE, General obligation bonds**, election
  cemetery districts, See **CEMETERY DISTRICTS**
  consolidation of offices, See **COUNTY OFFICERS, Consolidation of offices**
  county seat, removal, 7-2-2601, See **County seats**, removal
  ferries and wharves, for establishment and operation, 7-14-2803
  fire districts, Title 7, chapter 33, part 21, See **FIRES AND FIRE PROTECTION, Rural fire districts**
  hospital districts, Title 7, chapter 34, part 21, See **HOSPITAL DISTRICTS**
  housing authorities, to create, 7-15-2102
  initiative and referendum, See **Initiative and referendum**
  interlocal cooperation commission, for establishment, 7-11-204
  libraries, 22-1-303, 22-1-304
  mosquito control districts, Title 7, chapter 22, part 24
  name change of county, 7-2-2502, See **Name**, change
  new counties
    creation, 7-2-2211, See also **New, creation by petition**
    exclusion or addition of territory, 7-2-2212
  park districts, Title 7, chapter 16, part 24
  preservation and filing, 7-4-2611
  public scales, establishment, 7-21-3101
  road improvement districts, 7-14-2902, 7-14-2903
  rodent control districts, creation or dissolution, Title 7, chapter 22, part 22
  service consolidation or transfer, See **Services**, consolidation or transfer
  smoke abatement programs, 7-31-102, 7-31-106
  townships, establishment, 7-2-2105
  vacation, for
    plats in abandoned townsites, 7-5-2501
    public sites in unincorporated places, 7-5-2504
Pipeline construction, reimbursement for road damage, 69-13-103
Planning and zoning, Title 76, chapter 2, See **ZONING**

COUNTIES (Continued)

- **Planning boards**, Title 76, chapter 1, See **PLANNING BOARDS**
- **Plats**, vacation, See **Vacation**
- **Playgrounds**, See **PARKS AND RECREATION**
- **Plumbing codes**, 7-5-108
- **Poorfarm expenses**, 7-6-2426
- **Port authorities**, Title 7, chapter 14, part 11, See **PORT AUTHORITIES**
- **Powers**, 7-1-2101, 7-1-2103; Const., XI, 4
  - commission form of government, 7-3-401, 7-3-402
  - consolidated government, 7-3-1104
  - exercised how, 7-1-2104
  - general, See **General power governments**
  - port authorities, 7-14-1101, 7-14-1103, 7-14-1111, 7-14-1121
  - self-government, See **Self-government powers**; **CHARTER FORM OF GOVERNMENT**
- **Predator control programs**, Title 81, chapter 7, parts 2, 3, and 6, See **PREDATORS AND PREDATOR CONTROL**
- **Printing**, Title 7, chapter 5, part 24, See also **PUBLIC CONTRACTS, Printing**
- **Probation officers**, salaries and expenses paid by, 41-5-1704
- **Property**, See also **Land**
  - abandonment and consolidation of county, See **Abandonment and consolidation**
  - acquisition, 7-8-2201, 70-1-204
  - actions concerning, transfer when, 7-2-2411, 7-2-2412
  - appraisal, 7-8-2202, 7-8-2211, 7-8-2213 — 7-8-2216, 7-8-2218
    - abandonment and consolidation of county, procedures, 7-2-2756 — 7-2-2759
    - not required when, 7-8-101
    - reappraisal, 7-8-2215
  - appraised value, written challenges, 7-8-2215
  - boarding homes, for, 7-34-2303
  - capital improvement fund, See **COUNTY FINANCE**
  - community decay ordinances, enforcement, 7-5-2111
  - coordinate system, designation of counties comprising zones, 70-22-201
  - consolidated governments, 7-3-1203
  - consolidation plans, city-county — provision for, 7-3-143, 7-3-1102
  - county commissioners, board of — authority, Title 7, chapter 8, part 27, See **COUNTY COMMISSIONERS, BOARD OF**
  - county merger, disposition, 7-3-144
  - destruction by minors, 40-6-237, 40-6-238
  - devise, authorization for acceptance, 7-8-103
  - disposal, 67-11-232
  - eminent domain, See **Eminent domain**
  - equipment, See **Equipment and supplies**
  - exchange, 7-8-2211
  - fair districts, 7-21-3427, 7-21-3428
  - fair purposes, for, 7-21-3407 — 7-21-3409, 7-21-3413
  - gifts, 7-8-103, 7-14-2123, 7-15-2120, 7-16-2105, 7-35-2201, 67-10-102, 76-5-1108, 90-5-102
  - governmental entities, transfer between, 7-8-101
  - health care facility purposes, for, 7-34-2204
  - highways, controlled-access — acquisition for, 7-14-101
  - historically significant buildings or monuments, containing — sale or transfer when, 7-8-2211 — 7-8-2213
  - in-kind payment of inheritance and estate taxes, 72-16-445 — 72-16-450
  - interlocal cooperation
    - agreements, acquisition or disposal, 7-11-105
    - program for services, affected by — consideration, 7-11-226

COUNTIES (Continued)
Property (Continued)

- leases
  - abandoned counties, continuing county, 7-2-2754, 7-2-2755, 7-2-2759
  - armories, 10-1-108, 10-1-109
  - boarding homes, for, 7-34-2303
  - county commissioners, board of — power, 7-8-2201, 7-8-2231
  - health care facility purposes, for, 7-34-2204
  - interest on overdue accounts, 7-6-401 — 7-6-403
  - military facilities, 10-1-108, 10-1-109
  - public markets, 7-21-3302
  - revenue, 7-2-2759, 7-8-2232
- machinery, See **Equipment and supplies**
- management, 7-8-2201
- name of county
  - change, effect, 7-2-2509
  - use, 7-1-2102
- noxious weed management, Title 7, chapter 22, part 21; Title 80, chapter 7, See **WEEDS AND WEED CONTROL**
- park districts, Title 7, chapter 16, part 24
- port authorities, 7-14-1102, 7-14-1104, 7-14-1105, 7-14-1111, 7-14-1126, 7-14-1137
- powers concerning, 7-1-2103
- public scales to be, 7-21-3102
- purchase, 7-8-2201
  - appraisal, 7-8-2202
- rental-purchase contracts for, 7-5-2307
- rural special improvement districts, Title 7, chapter 12, part 21, See **RURAL SPECIAL IMPROVEMENT DISTRICTS**
- sale or exchange, See also **Land**
  - appraisal, 7-8-2211, 7-8-2214
  - auction, 7-8-2212 — 7-8-2214
    - property not sold at, procedure, 7-8-2218, 7-8-2301
  - authorization, 7-8-2211
  - coal leases, effect, 7-8-2233
  - failure to make, 7-8-2219
  - leased property subject to, 7-8-2231
  - lesser value, property of, 7-8-2217
  - notice, 7-8-2212, 7-8-2214, 7-8-2216 — 7-8-2218
  - private, when, 7-8-2217, 7-8-2218, 7-8-2301
  - proceeds, use, 7-8-2220, 7-8-2402
  - school districts, to, 7-8-2216
  - terms, 7-8-2213
  - timber and land, proceeds, 7-8-2402
- school districts, to, 7-8-2216
- service consolidation or transfer, 7-11-304
- special improvement districts, inclusion in — when, 7-12-4102
- surplus, acquisition, Title 18, chapter 5, part 2
- title to, 7-21-3428
- weed management, Title 7, chapter 22, part 21; Title 80, chapter 7, See **WEEDS AND WEED CONTROL**

Public administrator, See **ESTATES AND PROBATE**
Public assistance, See also **PUBLIC ASSISTANCE**

- buildings, funding of construction and improvements, 53-2-322
- county board of public welfare, Title 53, chapter 2, part 3, See **COUNTY WELFARE**
- funding, discretion, 53-3-115, See also **COUNTY FINANCE, Public assistance**
- indigents, optional programs for, 53-2-801, 53-3-116
- legislative findings, 53-3-115

COUNTIES (Continued)

Public defender, 46-8-202
Public markets, Title 7, chapter 21, part 33
Public participation in agency actions, Const., II, 8; Title 2, chapter 3
Public Safety Commission, 7-32-121
  compensation and expenses, 7-32-129
  department, See **Public Safety, Department of**
  five-member commission, 7-32-123
  meetings, 7-32-128
  organization, 7-32-127
  residency requirements, 7-32-125
  seven-member commission, 7-32-124
  three-member commission, 7-32-122
  vacancies and succession, 7-32-126
Public Safety, Department of
  authorization, 7-32-101
  civil disorder, prohibited activities and exceptions, 45-8-107 — 45-8-109
  court orders, officer status for enforcement and execution, 7-32-105
  director, 7-32-102
  employees
    definitions, 7-32-106
    discharge hearing and procedure, 7-32-106 — 7-32-109
    reinstatement when, 7-32-110
  salaries, 7-32-104
  structure, 7-32-103
  supervision, 7-32-121
  work period, establishment, 7-32-115
Public scales, Title 7, chapter 21, part 31
Public sites, vacation, 7-5-2504
Purchasing agent, 7-5-2308
Purchase contracts, See **Contracts**, generally
Rail authorities, 7-14-1613, 7-14-1623
Railroads
  crossings, prioritization of expenditures — hearing, 60-2-121
  rural special improvement district improvements close to, 7-12-2156
Real property, See **Property**
Reclamation and development grants program, See **RECLAMATION**
Recorder, Title 7, chapter 4, part 26, See **COUNTY CLERK AND RECORDER**
Recordkeeping, 7-5-140
Records, See also **PUBLIC RECORDS**
  abandonment and consolidation, disposition following, 7-2-2724
  boundary alterations, 7-2-101, 7-2-2104
  county commissioners, board of — kept by, 7-5-2129, See also **COUNTY COMMISSIONERS, BOARD OF**
  county seat
    moved to, 7-2-2724
    to remain at, 7-2-2242
  destruction when, 7-5-2132
  indexes, 7-2-2724
  name change of county, effect, 7-2-2508, 7-2-2509
  new counties, creation
    county seat, to remain at, 7-2-2242
    transfer and transcription, 7-2-2254, 7-2-2401 — 7-2-2407, See also **New, creation generally**
  officers, See **COUNTY OFFICERS**
  retention schedules, 7-5-2132

COUNTIES (Continued)
Records (Continued)

  tax, See **COUNTY FINANCE, Taxation**
  transcripts required when, 7-2-101, 7-2-2254, 7-2-2402 — 7-2-2407, 7-2-2724
  transfer when, 7-2-2104, 7-2-2401, 7-2-2411, 7-2-2724
Recount Board, County, 13-15-403, 13-16-101, 13-16-201, 13-16-211
Recreation, See **PARKS AND RECREATION**
Referendum, See **Initiative and referendum**
Refuse, accumulation — ordinances to control, 7-5-2110, 7-5-2111
Registrar, See **ELECTION ADMINISTRATOR**
Rental-purchase contracts, See **Contracts**
Representation, 7-5-2101
Resolutions, See **Ordinances and resolutions**
Resort area districts, 7-6-1531 — 7-6-1550
Resort tax, 7-6-1501 — 7-6-1509, See also **CITY FINANCE**
Retirement systems affecting, See **RETIREMENT AND RETIREMENT SYSTEMS**; See also specific retirement system
Review of government, See **LOCAL GOVERNMENT**
Roads and bridges, Title 7, chapter 14, parts 21, 27, and 29, See generally **COUNTY ROADS AND BRIDGES**
  contracts, Title 7, chapter 14, part 24
  improvement districts, Title 7, chapter 14, parts 27 and 29
  financial management, Title 7, chapter 14, part 25, See **COUNTY FINANCE**
  machinery, See **Contracts**; **Equipment and supplies**
  superintendent, Title 7, chapter 14, part 23
Rodent control districts, Title 7, chapter 22, part 22, See **PESTS AND PESTICIDES**
Rooms for county purposes, 7-8-2101, See also **BUILDINGS AND BUILDING REGULATIONS, Counties**
Rural improvement districts, Title 7, chapter 12, part 21, See **RURAL SPECIAL IMPROVEMENT DISTRICTS**
Sanitation codes, 7-5-108
Scales, public, Title 7, chapter 21, part 31
School districts and trustees, See **SCHOOL DISTRICTS AND TRUSTEES**
Schools
  buildings or land leased from, 20-6-625
  county, See **SCHOOLS, County high schools**
Seal, 7-4-2112
  bonds, affixation, 7-7-2255
  county officers, certificate of election, 7-2-2223
  geophysical exploration permits, 82-1-105
  road improvement district
    bonds, 7-14-2753
    contracts, 7-14-2718
  rural special improvement district bonds and warrants, 7-12-2171
Search and rescue units — establishment, recognition, and optional funding, 7-32-235
Seat of, See **County seats**
Second class counties, 7-1-2111
Self-government powers, See also **CHARTER FORM OF GOVERNMENT**
  consolidated units, operation, 7-5-201
  commission-chairman form of government, 7-3-502
  commission-executive form of government, 7-3-202
  commission-manager form of government, 7-3-302
  town meeting form of government, 7-3-602
Services
  consolidation or transfer
    adoption, 7-11-309, 7-11-310
    amendment, 7-11-308

COUNTIES (Continued)
Services (Continued)
    consolidation or transfer (Continued)
        availability of petition, recommendation, or service plan, 7-11-305
        election, 7-11-303, 7-11-307, 7-11-308
        judicial review, 7-11-310
        petition, 7-11-302 — 7-11-307
        publication of summary and comparison, 7-11-306
        purpose of provisions, 7-11-301
        recommendation for, 7-11-229, 7-11-230, 7-11-302 — 7-11-307
        service plan, 7-11-304 — 7-11-306
        validity of procedures, 7-11-310
    consolidation plans, city-county — provision for, 7-3-1102
    districts, creation or dissolution, 7-11-229, 7-11-230, 7-11-1105, See also **INTERLOCAL COOPERATION, Multijurisdictional service districts**
    interlocal cooperation, Title 7, chapter 11, See **INTERLOCAL COOPERATION**
    port authorities, to or by, 7-14-1105, 7-14-1125
    road improvement districts, 7-14-2902
    self-governments
        authorization to provide, 7-1-102, 7-1-103
        consolidated units, 7-5-201
Seventh class counties, 7-1-2111
Sewer systems, See **RURAL SPECIAL IMPROVEMENT DISTRICTS; SEWAGE DISPOSAL AND SEWER SYSTEMS; WATER QUALITY; WATER SUPPLY, PUBLIC**
Shelter care facilities for youth, 41-5-1801
Sheriff, See **COUNTY SHERIFF**
Shooting games, safety requirements, 23-6-104
Sixth class counties, 7-1-2111
Small claims court, establishment by, 3-12-103, 3-12-104, See also **SMALL CLAIMS COURTS**
Smoke abatement, Title 7, chapter 31, part 1; Title 75, chapter 2, See **AIR QUALITY**
Snowmobiles, regulatory authority limited, 23-2-631, 23-2-643
Soil conservation districts, See **CONSERVATION DISTRICTS**
Soil survey and mapping program, 76-11-201, 76-11-202
Solid waste management, See **SOLID WASTE MANAGEMENT**
Special improvement districts, property included in — when, 7-12-4102, See **RURAL SPECIAL IMPROVEMENT DISTRICTS**; See also **SPECIAL IMPROVEMENT DISTRICTS**
State lands
    sales to, 77-2-306
    within counties, See **STATE LANDS, Equalization payments; Exchange**
State mandates to local governments, 1-2-112, 1-2-114, 1-2-115, 7-5-201
State-owned buildings, payments for fire services, 2-17-112
State procurement provisions
    adoption, 18-4-124
    cooperative purchasing, Title 18, chapter 4, part 4
    surplus property, Title 18, chapter 5, part 2
Stock inspectors, Title 81, chapter 1, part 2, See **LIVESTOCK, Inspections**
Study commissions, See **LOCAL GOVERNMENT**
Sue and be sued, power to, 7-1-2103, 7-2-4917, See **GOVERNMENTAL LIABILITY, Actions** entries
Superintendent of schools, See **COUNTY SUPERINTENDENT OF SCHOOLS**
Supplies, See **Equipment and supplies**
Surveyor, Title 7, chapter 4, part 28, See **COUNTY SURVEYOR**
Swimming pools, Title 50, chapter 53, See **SWIMMING POOLS AND SWIMMING AREAS**
Tax Appeal Board, See **TAX APPEAL BOARDS**
Taxation, See **COUNTY FINANCE**

COUNTIES (Continued)

Tax-deed lands
  abandoned counties, power concerning, 7-2-2722
  acquisition, 7-8-2702, See **TAXATION, PROPERTY, Tax sales**, county as purchaser
  classification, See **Land**, classification
  coal leases, 7-8-2233
  county forests
    construction of provisions, 7-8-2611
    creation, 7-8-2602, 7-8-2603
  deed of conveyance, 7-8-2305
  donation, 7-8-2301 — 7-8-2303
  exchange
    authorization, 7-8-2401
    county forests created from, 7-8-2602, 7-8-2603
    disposal of land acquired by, 7-8-2402
    effect of conveyance, 7-8-2403
    timber land, for, 7-8-2603
  irrigation districts, purchase, 85-7-2158
  lease proceeds, distribution, 7-8-2306
  minerals, royalty interests, 7-8-2305, 7-8-2306, 15-17-326, 27-2-210, 70-19-421
  oil and gas
    interests, lease, 82-10-201, 82-10-204
    royalty interest, 15-17-326, 27-2-210, 70-19-421
  royalty interest, action to recover, 15-17-326, 27-2-210, 70-19-421
  sale
    contract, 7-8-2307
    notice, 7-8-2302
    price, 7-8-2301, 7-8-2302
    proceeds, distribution, 7-8-2306
    repurchase by taxpayer or successors, 7-8-2303
    terms, 7-8-2304
  tax liability of purchased land, 7-8-2307
  timber and land, exchanges for, 7-8-2401, 7-8-2602, 7-8-2603
    disposal, 7-8-2402
  unsold, 7-8-2301, 7-8-2501, 7-8-2602, 7-8-2603
Television districts, Title 7, chapter 13, part 25, See **TELEVISION DISTRICTS**
Theaters, See **THEATERS**
Third class counties, 7-1-2111
Timber and timber land, See **Tax-deed lands**, generally; See also **FORESTS AND FORESTRY**
Torts, See **GOVERNMENTAL LIABILITY, Claims; Immunity; TORTS**
Townships
  abandonment and consolidation of county, disposition following, 7-2-2721
  boundaries and names, certified statement, 7-4-2611
  consolidation, 7-5-2103
  establishment, 7-2-2105
  officers, See **COUNTY OFFICERS**
Townsites, abandoned, See **Vacation**
Traffic codes, 7-5-108
Traffic regulations, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
Transient retail merchants, licensing, See **TRANSIENT RETAIL MERCHANTS**
Transportation, Title 7, chapter 14
  committee, See **SCHOOL TRANSPORTATION, County Transportation Committee**
  districts, Title 7, chapter 14, part 2, See **TRANSPORTATION DISTRICTS, URBAN**
  ferries, Title 7, chapter 14, part 28, See **FERRIES AND WHARVES**
  port authority facilities, Title 7, chapter 14, part 11, See **PORT AUTHORITIES**

COUNTIES (Continued)
Transportation (Continued)

- roads, Title 7, chapter 14, parts 21, 23 — 27, and 29, See **COUNTY ROADS AND BRIDGES**
- services for the elderly and persons with disabilities, 7-14-111
- state funds, allocation, 7-14-102

Treasurer, See **COUNTY TREASURER**
Trees, land for production, 7-8-2401, See also **Tax-deed lands**, generally
Trusts, See **TRUSTS**
Underground storage tanks, installers, and inspectors, Title 75, chapter 11, parts 2 and 5, See **UNDERGROUND STORAGE TANKS**
Unemployment insurance coverage, Title 39, chapter 51, See **UNEMPLOYMENT INSURANCE, Governmental entities**
Unincorporated places

- fire companies, See **FIRE DEPARTMENTS AND FIREFIGHTERS**
- fire districts, Title 7, chapter 33, part 21
- parking regulations, 7-14-2106
- vacation of public sites in, 7-5-2504

Unions, 39-31-103, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
University system units, agreements concerning traffic citations, 20-25-322
Urban transportation districts, Title 7, chapter 14, part 2, See **TRANSPORTATION DISTRICTS, URBAN**
Utilities, Title 7, chapter 13, See also **SOLID WASTE MANAGEMENT**; **WATER QUALITY**; **WATER SUPPLY, PUBLIC**

- lines, reservation of land for, 7-8-2514
- mains, construction
  - authority for, 7-13-2101
  - payment of damages and restoration of road, 7-13-2103
  - scope of provisions, 7-13-2104
  - use of road, not to interfere with, 7-13-2102
- rates and charges, local government powers, 7-1-111
- television districts, Title 7, chapter 13, part 25, See **TELEVISION DISTRICTS**

Vacation

- abandoned townsites, plats in, 7-5-2501, 76-3-305
- public sites in unincorporated places, 7-5-2504
- validation, 7-5-2503
- village or townsite, portion of, 7-5-2502, 76-3-305

Vehicles, See **Contracts**
Vertebrate pest management, Title 7, chapter 22, part 25; Title 80, chapter 7, part 11, See **PESTS AND PESTICIDES**
Veterans

- employment preference, Title 39, chapter 29, See **LABOR AND EMPLOYMENT, Veterans**
- interment, 10-2-501, 10-2-503, 10-2-504, 10-2-506

Violations

- budget provisions, violation generally, 7-6-2303
- district weed board, interference with or refusal to obey notice or order of, 7-22-2117
- dog control and licensing, violation of provisions, 7-23-101, 7-23-104, 7-23-2108, 7-23-2109
- employees — hours of work, violation, 39-4-102, 39-4-107
- license of county, failure to procure, 7-21-2113
- ordinances, violation generally, 7-5-109
- road emergency areas, livestock running on, 7-14-2129
- self-government units, powers, 7-1-111
- zoning provisions, violations generally, 76-2-211

Visually disabled persons, employment policy of state, 49-4-202
Warrants, Title 7, chapter 6, part 26, See **COUNTY FINANCE**

COUNTIES (Continued)

Water
  conservation and flood control projects, Title 76, chapter 5, part 11, See **FLOODS, Control projects**
  contracts for water or water rights, 85-1-224
  districts, Title 7, chapter 13, parts 22, 23, and 30
  drainage districts, Title 85, chapter 8
  mains, construction, 7-13-2101 — 7-13-2104
  pollution control facilities, Title 7, chapter 13, part 45; Title 75, chapter 5, See **WATER QUALITY**
Water and wastewater authorities, regional — transportation and treatment services by, Title 75, chapter 6, part 3, See **WATER AND WASTEWATER AUTHORITIES, REGIONAL**
Weapons, concealed, See **Concealed weapons**
Weather modification authorities, See **WEATHER MODIFICATION, County weather modification authorities**
Weed management, Title 7, chapter 22, part 21; Title 80, chapter 7, See **WEEDS AND WEED CONTROL**
Welfare, See **Public assistance**; **COUNTY WELFARE**
Wharves and ferries, Title 7, chapter 14, part 28, See **FERRIES AND WHARVES**
Wildlife
  habitat, acquisition policy — impact analysis, 87-1-241
  preserves and refuges, Title 87, chapter 5, part 4, See **FISH AND WILDLIFE, Preserves and refuges**
Witnesses, 7-2-2242
Workers' compensation, Title 39, chapter 71, See **WORKERS' COMPENSATION, Public employers**
Work week, 7-5-2108
Youth care facilities, reimbursement for payments for care, 41-3-1122
Youth centers, See **PARKS AND RECREATION**
Youth, community-based services — funding and services, 41-3-1132
Youth court, responsibilities
  costs, allocation among counties, 41-5-104
  evaluations, responsibility for costs, 41-5-1512
  local citizen review board, membership requirements, 41-3-1003
  payments for expense of summons, 41-5-1404
  probation officers, salaries and expenses paid by, 41-5-1704
Youth detention
  facilities, county to provide, 41-5-1802 — 41-5-1807, 41-5-1901 — 41-5-1908, See **YOUTH COURT, Detention facilities and services**
  programs, levy to fund, 7-6-501, 7-6-502
Youth guidance centers, multicounty, 7-16-2104
Youth residential services, 41-3-1101
Youth shelter care facilities, 41-5-1801
Zoning, Title 76, chapter 2, See **ZONING**
Zoos, Title 87, chapter 4, part 8, See **FISH AND WILDLIFE**

COUNTY ASSESSOR
  See also generally **COUNTY OFFICERS; PUBLIC OFFICERS OR EMPLOYEES**
Appointment, 7-3-439, 7-4-2203, 7-4-3007
City-county consolidated government, division of assessment — duties, 7-3-1309
Deputy officers, appointment prohibited, 7-4-2401
Election of, 7-3-439, 7-4-2203, 7-4-3007, 13-12-207; Const., XI, 3
Forfeiture of office, 7-4-3007
Instruction, examination, and certification, 7-4-3007, 15-7-106
Meetings or conventions, attendance and expenses, 7-5-2145

COUNTY ASSESSOR (Continued)

Oath, 7-4-3007
Offices, 7-4-2211; Const., XI, 3, See also **COUNTY OFFICERS**, **Offices**
Qualifications, 7-4-3007
Retirement incentive program, eligibility, 19-3-908
Salary, 7-4-2503, 7-4-2504; Const., XI, 3, See also **COUNTY OFFICERS**, **Salaries**
Statewide classification and pay plans, exception, 2-18-103

COUNTY ATTORNEY
  See also generally **COUNTY OFFICERS**; **PUBLIC OFFICERS OR EMPLOYEES**
Accounts, reporting, 7-4-2715, 7-6-2117
Actions
  against, 7-6-2117, 77-1-114
  bond funds, enforcement of public officers' liability, 7-7-122, 20-9-446
  county officials, to recover forfeitures from, 7-6-2323
  county roads, affecting — prosecution, 7-14-2138
  defense, 7-4-2711, 7-4-2716
  money, for recovery, 7-4-2713, 7-4-2714
  prosecution, 7-4-2712, 7-4-2716
  register of, 7-4-2715
  solid waste management districts, representation, 7-13-218
  special counsel, 7-4-2705
  state matters, institution and prosecution, 7-4-2716
Adoption provision violations, prosecution, 42-7-105
Adult protective services
  legal assistance and representation, 53-2-811
  teams, convening and membership, 52-3-805
AEDs (automated external defibrillators), use violations by public or private entities — action to enforce cessation orders or injunction, 50-6-504
Aged persons — abuse, neglect, or exploitation
  protective service teams, convening and membership, 52-3-805
  records and reports, 52-3-813
  report to, 52-3-811, 52-3-813, 52-3-815
Agricultural commodities, prosecution of violations, 80-4-426
Agricultural seed violations, prosecution, 80-5-136
Air quality violations, recovery of civil penalty, 75-2-413
Alcoholic beverages, action for abatement of public nuisance when, 16-6-313
Animals, adoption or sale agreement — compliance, 7-23-4202
Appeals, service of papers on, Title 25, chapter 21, M.R.App.P., Rule 20
Appellate Defender Commission member, service as county attorney prohibited, 2-15-1020
Appointment, 7-3-432, 7-4-2203, 7-4-2502, 7-4-2702
Arrests, duties generally, 7-4-2712
Attorney general — assistance, reports, and supervision, 2-15-201, 2-15-501, 69-14-132
Auctions, enforcement authority, 30-11-515
Audits of local government entities, reports and duties, 2-7-511, 2-7-515
Autopsies, requirements, 46-4-103
Bigamous marriages — declaration of invalidity sought by, when, 40-1-402
Boating violations reported to, 23-2-506
Bonds
  funds, enforcement of public officers' liability, 7-7-122, 20-9-446
  official, for county officers and employees — approval of form, 2-9-701
  school district proceedings, advice and assistance, 20-9-436
Burial site or materials, forensic examination — determination of need for, 22-3-802
Campground violations, prosecution, 50-52-104
Cemetery associations, legal advisor to, 35-20-207

COUNTY ATTORNEY (Continued)

Child abuse and neglect, See also **Minors**
  criminal charges filed when, 41-3-106
  death of child, report concerning, 41-3-206
  emergency placement of child, 41-3-301
  investigations, 41-3-202
  permanency plan, petition requirements, 41-3-412
  petitions, filing, 41-3-401
  records, disclosure to — when, 41-3-205
  reporting to, 41-3-202
  right of access to child and records, 41-3-202
  temporary investigative authority and protective services, petition and affidavit filed by, 41-3-402, 41-3-403
  temporary legal custody, petition requirements, 41-3-406
  x-rays required to be taken when, 41-3-204
Child protective services, legal assistance and representation, 53-2-811
Child protective teams, member of, 41-3-108
Children's services, interdisciplinary child information teams, 41-3-205, 41-5-215, 52-2-211
Child support, See also **Minors**
  defined as prosecuting attorney, 40-5-103
  duties generally, 40-5-166
  enforcement agency, as — duties, 40-5-164
  enforcement of orders, 40-5-185, 40-5-186
  extradition, duties respecting, 40-5-154
  records, availability, 40-5-206
  scale of suggested minimum contributions furnished to, 40-5-214
Cigarettes
  laws, enforcement duties, 16-11-142
  sale or distribution of tobacco products to minors, civil penalty, 16-11-308
Cities, third class — contracts for services, 7-4-4606
City-county consolidated government — qualifications, powers, and duties of director of department of law, 7-3-1341
City courts, handling of actions referred to district court, 3-11-102
City officers, action to enforce liability, 7-7-122
Claims, limitations, 7-4-2704
Commerce, Department of — representation, 81-23-406
Commercial feed violations, prosecution, 80-9-303
Commission form of government, selection, 7-3-432
Community college districts
  legal adviser, 20-1-204, 20-1-205, 20-15-404
  trustees, prosecution when, 20-15-226
Concealed weapons, carrying — exemption from criminal provisions, 45-8-317
Conservation districts, assistance, 7-4-2711, 76-15-319
Construction blasting and blaster violations, injunction proceedings to restrain, 37-72-102
Contracts for services, 7-4-2707, 7-4-2708, 7-4-4606
Conventions or meetings, attendance and expenses, 7-5-2145
Corporations, management — inquiries into, 2-15-201
Cosmetics violations, prosecution, 50-31-505
Cosmetology provisions, proceedings for relief from violations, 37-31-334
Counties
  claims, notice of appeals regarding, 7-6-2424
  licensing violations, 7-21-2116
  new, creation by petition — review of sample petition, 7-2-2206
County Commissioners, Board of
  legal adviser, 7-4-2711
  livestock violations, notification, 7-21-3211

COUNTY ATTORNEY (Continued)

County coroner
  consultations, 7-4-2915
  inquests, 46-4-201, 46-4-205
  inquiry, 7-4-2911, 46-4-121, 46-4-123
  request for service, 46-4-101
  subpoena, issuance, 46-4-203
County interdisciplinary child information teams, 41-3-205, 41-5-215, 52-2-211
County officers, See also **Public officers or employees**
  bonds
    form, approval, 2-9-701
    funds, action to enforce liability, 7-7-122
  fines and costs, recovery, 7-4-2518
  forfeitures, action to recover, 7-6-2323
  legal adviser, 7-4-2711
  money illegally paid, recovery, 7-4-2714
  opinions in writing, to, 7-4-2711
County roads
  actions affecting, prosecution, 7-14-2138
  right-of-way, proceedings to procure, 7-14-2608
County superintendent of schools, legal adviser, 20-1-204, 20-1-205
Crime victims and witnesses — treatment, protection, and services, See **CRIME VICTIMS AND WITNESSES**
Criminal Intelligence Information Advisory Council, representation on, 44-5-501
Criminal prosecutor, 46-1-202, See **CRIMINAL PROCEDURE, Prosecutor**
Dam and reservoir safety proceedings conducted by, 85-15-109
Day-care facilities, prosecution of actions to enforce compliance, 52-2-741
Death penalty
    mental fitness of defendant, request to resume execution when regained, 46-19-202
    pregnancy of defendant, county attorney to be present at hearing, 46-19-203
Dentists, prosecution of complaints against or action for injunction against, 37-4-328
Deputies, 7-4-2503, 7-4-2505, 7-4-2703, 7-4-2704, 46-18-236, See also **COUNTY OFFICERS, Salaries**
Detention centers
  inmates in, proceedings to collect medical service or hospitalization charges, 7-32-2222
  work release program, 46-18-701, 46-18-704
Developmental disabilities, persons with
  abuse, neglect, or exploitation
    records and reports, 52-3-813
    report to, 52-3-811, 52-3-813, 52-3-815
  residential facility, commitment, 53-20-121, 53-20-125, 53-20-129, 53-20-133
Disinterment of body, order for, 46-4-103
Drugs
  addicts or habitual users, physicians' prescriptions to — reports, registration, and complaints, 37-2-111
  food, drug, and cosmetic act violations — prosecution, 50-31-505
  medical practitioners, dispensation violations — institution of actions regarding, 37-2-105
  users, reports by judges of courts of limited jurisdiction, 46-9-203
Duties generally, 7-4-2717; Const., XI, 3
Election duties
  assistance to election judges, 13-13-305
  ballot issue petitions, investigation of elector or petition circulator, 13-27-303
  commissioner of political practices, prosecution, 13-37-105
  dismissal, consent for, 13-36-208
  violations
    commencement of action, 13-37-121, 13-37-124, 13-37-128, 13-37-129

COUNTY ATTORNEY (Continued)
Election duties (Continued)
  violations (Continued)
    investigation, 13-27-303, 13-37-111, 13-37-125
Election of, 7-3-432, 7-4-2203, 7-4-2502, 13-12-207, 13-16-506; Const., XI, 3
Electricians' licensing violations, prosecution, 37-68-322
Emergency medical service transportation or treatment service violations, prosecution, 50-6-315
Escape, charge for violation — venue, 46-3-110
Estates and probate
  inheritance tax, 72-16-101
    county treasurer, representation by, 72-16-443
    public administrator, assistance to, 72-16-211
    reappraisal, request for, 72-16-424
  public administrator
    assistance to, 72-16-211
    mishandling of estate, prosecution for, 72-15-213
Ethics, 7-4-2704
Executive clemency, order and notice of hearing to, 46-23-303
Expenses, 7-5-2145, 7-6-2426
Extradition
  application for requisition, 46-30-401
  nonsupport, for, 40-5-154
Fetal, infant, and child mortality review teams — responsibilities, 44-5-303, 50-19-402, 50-19-403
Firearms, convicted person's application for permit to purchase and possess — copy to, 45-8-314
Fire districts and fire service areas, legal adviser, 7-4-2711
Fire safety violations, prosecution, 50-61-117, 50-61-118
Firewardens, information regarding forest law violations, 77-5-105
Fish and wildlife laws
  enforcement, 87-1-105
  violations reported to, 87-1-502, 87-5-721
Food, drug, and cosmetic act violations — prosecution, 50-31-505
Food establishment violations, prosecution, 50-50-107
Foreign capital depositories
  civil penalties, petition for recovery, 32-8-602
  investigations, 32-8-502, 32-8-507
Forest fire protection amount, foreclosure of lien or action to recover, 76-13-211
Former county attorney, defense by — prohibited, 37-61-413, 37-61-415
Full-time position, establishment, 7-4-2706, See also **COUNTY OFFICERS**, **Salaries**
Gambling violations
  prosecution, 23-5-172
  reported to, 23-5-113
Grand jury, duties
  advice to, 7-4-2712
  special prosecutor, investigators, interpreters, and experts — employment, 46-11-315
  subpoena of witnesses, 46-11-313
Grand jury investigation of, 46-11-304
Guardianship
  petition for, 72-5-315
  representation of ward, 72-5-225
Habeas corpus, service of writ upon, 46-22-206
Hazardous chemical violations, duties, 50-78-301, 50-78-402
Hazardous substances violations, prosecution, 50-30-302, 50-30-303
Hazardous waste violations, recovery of civil penalty, 75-10-417
Health care facilities
  certificate of need violations, prosecution or injunction, 50-5-307

COUNTY ATTORNEY (Continued)
Health care facilities (Continued)

violations, petition to impose civil penalty, 50-5-112
Health care information provisions, actions for enforcement, 50-16-552
Health, local boards of — counsel for, 50-2-115
Home arrest, order for — copy to, 46-18-1002
Hospital districts, assistance, 7-4-2711, 7-34-2115
Hotel and lodging establishment violations, prosecution, 50-51-105
Human skeletal remains, forensic examination — determination of need for, 22-3-802
Indictments and information drawn by, 7-4-2712
filing of information, 41-5-206
Inquests, 46-4-201
jury, viewing of body and death scene, 46-4-205
Insurance producers, examining physicians, or applicants — false or fraudulent claims, initiation of criminal proceedings, 33-18-401
Insurance, prohibited practices and violations — action for injunction to restrain, 33-18-1006
Insurers, penalty for violation of cease and desist orders — petition for recovery, 33-18-1005
Irrigation districts, prosecutions
bonds, misconduct relating to, 85-7-2143
records of district, removal of commissioners for failure to maintain, 85-7-1913 37-66-323
Law partner, defense by — prohibited, 37-61-412
Law practice, restrictions, 7-4-2704
Legislative auditor, prosecution of offenses reported by, 5-13-310
Limitations on activities, 7-4-2704
Livestock, Department of — prosecution of Montana quality label violations, 81-8-705
Livestock violations, notification to board of county commissioners, 7-21-3211
Lobbying violations, actions brought by, 5-7-305
Local Citizen Review Board, notice and hearing requirements, 41-3-1004
Long-term care facilities, violation of ombudsman's access provision — recovery of penalty or action for injunction, 52-3-605
Marriage — declaration of invalidity sought by, when, 40-1-402
Medical examiner, state — reports on cause of death from, 44-3-213
Medical practitioners, drug dispensation violations — institution of actions regarding, 37-2-105
Medicine, practice of — enforcement of provisions and prosecution of violations, 37-3-203
Meetings or conventions, attendance and expenses, 7-5-2145
Mentally ill persons, commitment
additional examination, request, 53-21-123
conditional release
rehospitalization, petition filed by, 53-21-195
rescission, notice of, 53-21-183
detention of respondent, request, 53-21-124, 53-21-129
emergency detention, notice of examination upon, 53-21-129
examination of respondent, immediate notice, 53-21-123, 53-21-129
friend of respondent, advice on, 53-21-122
petition, filing by, 53-21-121
release, notice, 53-21-181
rights upon commitment, notice, 53-21-114
Milk price control violations, 81-23-405, 81-23-406
Mining companies
fraudulent financing, prosecution, 30-14-703
wage protection, See **Wages and salaries**, mineral and oil industries
Minors, See also **Child** entries; **Youth court**
aftercare violation hearings, assistance, 52-5-129
county interdisciplinary child information teams, 41-3-205, 41-5-215, 52-2-211
custody, taking youth into — when, 41-5-321
day-care facilities, prosecution of actions to enforce compliance, 52-2-741

COUNTY ATTORNEY (Continued)
Minors (Continued)

  emancipation, limited — order for, modification or revocation, 41-3-408
  endangering the welfare of children, petition for order of protection, 45-5-622
  firearms, use by children under 14 — prosecution mandatory, 45-8-345
  obscene material, public display or dissemination to — notice of violation, 45-8-207
  representation prohibited when, 40-4-205
Money, actions for recovery, 7-4-2713, 7-4-2714
Motor vehicles
  commercial driver's license, suspension hearings, 61-8-808
  driving under the influence of alcohol or drugs, drivers' license suspensions — appeals from, 61-8-403
  fee and tax payments, insufficient fund checks — notice to department of justice, 61-3-201
  glass or repair shops, prohibited practices — action for injunction to restrain violations, 33-18-1006
  habitual traffic offenders, petition challenging declaration as and revocation of license, 61-11-210
  wrecking facilities and graveyards, action for injunction or collection of penalties, 75-10-541
Municipal courts, handling of actions when, 3-6-103
Naturopathic physician violations, prosecution, 37-26-414
Neglect of duty, 7-6-2117
Nuisance, public — actions to abate initiated by, 16-6-313, 45-8-112
Occupational disease benefits obtained by deception or fraud, initiation of criminal proceedings, 39-71-316
Office, See **COUNTY OFFICERS, Offices**
Off-highway vehicles, violations reported to, 23-2-806
Oil and Gas Conservation, Board of — legal assistance, 82-11-150
Oil companies
  fraudulent financing, prosecution, 30-14-703
  wage protection, See **Wages and salaries**, mineral and oil industries
Opinions in writing, 7-4-2711
Optometrists, prosecution of violations by, 37-10-312
Osteopaths, prosecution of violations by, 37-5-312
Parents, indigent — enforcement of support for, 40-6-303
Partner or family member assault victims, notice of rights, 40-15-103, 46-6-602
  voter registration lists or mailing labels, addresses of victims removed from, 13-2-115
Part-time position, establishment, 7-4-2706, See also **COUNTY OFFICERS, Salaries**
Passenger carriers, complaint for failure to start at scheduled time, 69-11-202
Petroleum products, price discrimination — prosecution, 82-15-205
Political civil libel, action brought by, 13-37-131
Postconviction proceedings, notice, 46-21-201
Prior practice, pending litigation from, 7-4-2704
Prisoners, money received by — petition for garnishment, 46-18-237
Private investigators and security patrol officers
  information from, 37-60-402
  license applications, copies to, 37-60-304
  violations, evidence and prosecution, 37-60-411
Process servers, certificates of registration — revocation, suspension, or reinstatement, 25-1-1106, 25-1-1112
Produce violations, duties, 80-3-306
Professional employer organizations and groups, order to cease operations — action to enforce, 39-8-203
Psychologists, complaints against — filed with, 37-17-202
Psychosexual evaluations, availability, 46-18-111
Public assistance
  adult and child protective services, legal assistance and representation, 53-2-811
  county board of public welfare, counsel to, 53-2-303

COUNTY ATTORNEY (Continued)
Public assistance (Continued)

- public health and human services, department of — counsel to, 53-2-303

Public health law violations, prosecution, 50-1-102, 50-1-103
Public officers or employees, See also **County officers**
- account discrepancies, reports concerning, 2-7-511
- ethics violations, duties, 2-2-136, 2-2-144
- violations by, prosecution, 2-7-515
- warrant or claim violations, prosecution, 2-2-207

Qualifications, 7-4-2701; Const., XI, 3
Rabies control, injunction brought by, 50-23-106
Railroads
- charter, application for forfeiture, 69-14-537
- highway crossing orders, recovery of penalty for noncompliance, 69-14-611
- livestock fences, action to recover fine for failure to repair, 69-14-701
- proceedings, 69-14-132, 69-14-134
- violations, prosecution, 69-14-203

Real property, collection of fine for name violations on conveyances, 70-20-109
Records and reports, 2-15-501, 7-4-2715, 7-6-2117
Restraint of trade, preliminary injunction application by, 27-19-204
Salary of, 7-4-2502 — 7-4-2504, 46-18-236, See also **COUNTY OFFICERS**, **Salaries**
School districts and trustees
- bond proceedings, advice and assistance, 20-9-436
- legal adviser for trustees, 20-1-204, 20-1-205

Search warrant, application, 46-5-220
Securities, living trust violations — evidence referred to, 30-10-913
Seismic operations for geophysical exploration, enforcement authority, 82-1-109
Sentencing and sentences
- reduction, recommendation, 46-18-704
- review, notice and appearance at hearing, 46-18-903, 46-18-904
- work release programs
  - reduction of sentence based on performance, request by, 46-18-704
  - request for, 46-18-701

Septage collection or disposal operations
- injunction to enjoin operation or maintenance, petition for, 75-10-1220
- penalties, action to collect, 75-10-1223

Session laws, copies to, 5-11-203
Sexually transmitted disease testing of convicted person, procedure, 46-18-256
Sexual or violent offenders
- DNA testing, reversal of conviction — notification to department of justice, 44-6-107
- registration, petition for relief from duty to register, 46-23-506

Smith River management, violations reported to, 23-2-410
Snowmobiles, violations reported to, 23-2-641
Social workers' violations, recommendations for prosecutions, 37-22-201
Social Work Examiners and Professional Counselors, Board of — recommendation for prosecution of professional counselor violations, 37-23-103
Solid waste management
- actions generally, 75-10-231
- enforcement of rules, 75-10-112
- violations — civil penalty imposition, assessment, and recovery, 75-10-228

Solid waste management districts, legal adviser, 7-13-218
Special counsel, employment when, 7-4-2705
Speech-language pathologists and audiologists, complaints against — filed with, 37-15-202
State lands
- actions affecting, representation in — when, 77-1-111
- violations, prosecution, 77-1-114

COUNTY ATTORNEY (Continued)

State matters, duties, 7-4-2713, 7-4-2716
State parks, violations reported to, 23-1-106
Subdivided lands, action to enjoin sales or transfers when, 76-3-301
Subpoenas, investigative — issuance, 46-4-306
Suicide note or property with or upon person of deceased, disposition, 7-4-2917
Supervision, 2-15-501
Taxation
  inheritance tax, See **Estates and probate**
  property tax record corrections, notice, 15-8-707
  prosecution of violations, 15-1-202
Telemarketing and telemarketers, registration and fraud prevention — enforcement, 30-14-1407, 30-14-1413
Timber sales, procedure upon breach of agreements, 7-8-2607
Timeshare sales violations, prosecution, 37-53-506
Title abstracts or certificates of title, review when, 76-3-612
Trailer court violations, prosecution, 50-52-104
Training coordinator, 2-18-103, 44-4-101 — 44-4-103, 44-4-111, 44-4-112
Transportation, Department of — eminent domain proceedings instituted for, when, 60-4-104
Underground storage tank violations — penalty imposition, assessment, and recovery, 75-11-516
Unemployment insurance, representation of department of labor and industry and state, 39-51-309, 39-51-3203
Unfair trade practices
  damages, actions to recover — copy of complaint, pleading, judgment, or order to, 30-14-133
  investigator, employment, 30-14-122
  prosecution of actions, 30-14-121
Utilities, enforcement duties, 69-3-110
Vacancy in office, 7-4-2502, 7-4-2702, 77-1-114
Veterans, representation in court, 10-2-214, 10-2-226
Wages and salaries
  mineral and oil industries
    complaint in district court, filing, 39-3-506, 39-3-507
    injunction of operation for failure to file bond, 39-3-512
    notice to commissioner of labor and industry, 39-3-505
    report by commissioner of labor and industry of violations, 39-3-503
    report by employee of violations, 39-3-504, 39-3-505
  violations, prosecution authority not limited, 39-3-215
Water
  natural resources and conservation, department of — legal assistance to, 85-2-116
  use violations, injunction to restrain, 85-2-114
Water conservancy districts, legal counsel to, 85-9-403
Water quality districts, role, 7-13-4519
Water well contractors, drillers, and monitoring well constructors — prosecution of violations by, 37-43-312
Weed board, district — legal adviser, 7-4-2711, 7-22-2103
Witnesses
  criminal proceedings, 46-10-204, See also **CRIME VICTIMS AND WITNESSES**
  inquests, examination, 46-4-201
  subpoena of, 26-2-508
Workers' compensation
  benefits obtained by deception or fraud, initiation of criminal proceedings, 39-71-316
  fraud investigation and prosecution office, assistance to, 2-15-2015
  uninsured employers, cease operation orders — enforcement, 39-71-507
Yellowstone River appropriations, legal services, 85-20-112

COUNTY ATTORNEY (Continued)

Youth court, See also **Minors**
    consent adjustment, approval when, 41-5-1302
    consent decree with petition, recommendation, 41-5-1501
    criminally convicted youth
        sentence review hearing, 41-5-2510
        status report, 41-5-2503
    extended jurisdiction juvenile prosecution, 41-5-1602 — 41-5-1604
    information filed when, 41-5-206
    local citizen review board, notice and hearing requirements, 41-3-1004
    petitions
        filing, 41-5-1205, 41-5-1401
        reinstatement, 41-5-1501
        signature, 41-5-1402
    records
        destruction, consent for, 41-5-216
        inspection permitted, 41-5-215
    transfer of proceedings to district court, 41-5-206, 41-5-208

COUNTY AUDITOR
    See also generally **COUNTY OFFICERS; PUBLIC OFFICERS OR EMPLOYEES**
Appointment, 7-3-442, 7-4-2203
Bounty claims and affidavits, 81-7-204
Budget appropriations, report of liabilities incurred against, 7-6-2331
City-county consolidated government, duties of director of finance, 7-3-1301
Claims
    auditing and investigation, 7-6-2407, 7-6-2408
    list of those allowed or rejected, 7-6-2411
    road improvement districts, 7-14-2719
Commission form of government, selection, 7-3-442
Conservation district money, warrants, 76-15-525
County books and accounts, examination, 7-6-2409
County markets, auditor as market master, 7-21-3321
Creation of office, 7-6-2401
Deputies
    limitation, 7-6-2413
    salaries, See **COUNTY OFFICERS, Salaries**
Duties, other, 7-4-3003, 7-6-2412
Elected county official form of government, statutory basis, 7-3-111
Election of, 7-4-2203, 7-6-2402
    ballot arrangement, 13-12-207
    commission form of government, selection, 7-3-442
Expenses, 7-6-2406
Investigations by, 7-6-2407 — 7-6-2409
Location of office, 7-6-2405
Oath of office, 7-6-2404
Oaths administered by, 7-6-2408
Petty cash fund, responsibility for — when, 7-6-2212
Public markets, auditor as market master, 7-21-3321
Qualifications, 7-6-2403
Records, 7-6-2407, 7-6-2410, 7-6-2411
Road improvement district claims and accounts, audit, 7-14-2719
Salary, 7-4-2503, 7-4-2504, See also **COUNTY OFFICERS, Salaries**
Service of process, power to issue, 7-6-2408
Tax-exempt property, warrant upon delinquent privilege tax, 15-24-1206
Warrants, See **COUNTY FINANCE**

COUNTY BOARD OF PARK COMMISSIONERS
  See **PARKS AND RECREATION**

COUNTY BOARD OF PUBLIC WELFARE, Title 52, chapter 2, part 3
  See also **COUNTY WELFARE**

COUNTY CLERK AND RECORDER
  See also generally **COUNTY OFFICERS; PUBLIC OFFICERS OR EMPLOYEES**
Abandonment and consolidation of counties
  amendment to proposed consolidation, filing, 7-2-2705
  bonds, attestation, 7-2-2748
  election proclamation, transmittal to, 7-2-2712
  petition, 7-2-2702, 7-2-2705, 7-2-2755
  property, 7-2-2755 — 7-2-2757
  resolution, certified copies and transmittal, 7-2-2707, 7-2-2708
  special funding bond district, clerk of, 7-2-2747
  tax levy, certification to, 7-2-2750
Accounts, 7-6-2202, 7-6-2409
Acknowledgments
  certificate of authenticity, 3-1-405
  map book, 7-4-2616
  recording with instrument, 7-4-2617, 7-4-2623
  taking and certifying, 7-4-2631
Adoption
  putative father registration forms and notice, 42-2-214
  substitute birth certificate to, 50-15-304
Affidavits
  printer's or publisher's affidavit, filing with, 26-1-1012
  recall petitions, certification, 2-16-620
  taken before, 26-1-1003
  tax sale notices, to, 15-17-123
Agricultural associations
  filings
    membership applications, 35-16-302
    indebtedness
      mortgages or deeds of trust to secure, 35-16-405
      tax levy for, 35-16-406
    petition for incorporation, 35-16-204
    withdrawal of membership lands, court order, 35-16-304
  indebtedness, tax levy for, 35-16-406
Agricultural lien computerized filing system, See **Secured transactions**
Agricultural marketing associations, filings
  articles of incorporation, certificate of amendment, 35-17-203
  marketing agreements, 35-17-405, 35-17-409
  merger or consolidation documents, 35-17-504
Airport influence area, designation map filed with, 67-4-201
Appointment, 7-3-434, 7-4-2203
Assignment for benefit of creditors
  inventory, filing, 31-2-214 — 31-2-216
  recording, 7-4-2613, 7-4-2619
Associations of clerk and recorders, membership in, 7-5-2142
Attachment of property
  attachment book kept by, 27-18-112
  discharge or release, filing, 27-18-731, 27-18-732
  index, 7-4-2619, 7-4-2631, 27-18-403, 27-18-731, 27-18-732

COUNTY CLERK AND RECORDER (Continued)
Attachment of property (Continued)

  public officers, property in control of — service upon county clerk, 27-18-406
  security agreement, when property subject to, 27-18-413, 27-18-414
  writ, filing, 7-4-2631, 27-18-402, 27-18-403
Auctions, filings
  affidavit of assistant auctioneer, 30-11-512
  bond of auctioneer, approval and filing, 30-11-510
  place of business, 30-11-513
Bail, filing of schedule of real property when used as bail, 46-9-403
  release, 46-9-502
Banks and trust companies, subsidiary trust companies — transfer of fiduciary relationships, filing of order of substitution, 32-1-807, 32-1-808
Birth
  certificates, 7-4-2613, 7-4-2619, 7-4-2631, 50-15-304
  date, judicial determination — certification and filing of judgment, 27-32-302
Boats, instruments pertaining to — refiling unnecessary, 23-2-508
Bonds
  coal severance tax bond trust indentures, filing, 17-5-711
  county officers and employees, filing and recording, 2-9-701
  county road improvement districts, attestation, 7-14-2753
  general obligation
    attestation, 7-7-2255
    canceled bonds, coupons, and warrants — exhibition and report, 7-7-2272, 7-7-2273
    copies, 7-7-2258, 7-7-2272, 7-7-2273
    notice of sale, 7-7-2251
    printing, 7-7-2256
  highway revenue bond trust indentures, filing, 17-5-923
  official
    certificate for lien upon surety's real estate, filing, 2-9-528
    insufficiency of sureties, notification to court, 7-4-2213
    recording and index, 7-4-2613, 7-4-2619
    release of surety, statement filed with, 2-9-523
  rural special improvement districts, signing, 7-12-2171
Books, examination, 7-6-2409, See also **Recording documents**
Books distributed by, receipts, 2-15-401
Bounty certificates and scalps, 81-7-114 — 81-7-116, 81-7-203 — 81-7-205
Budget, county
  appropriations, exceeding — liability, 7-6-2323
  estimates, 7-6-2311 — 7-6-2313, 7-6-2315, 7-6-2345
  final, copy to department of commerce, 7-6-2322
  reports regarding expenditures, liabilities, and appropriations, 7-6-2331
  tax levies to department of commerce, 7-6-2322
Building and loan associations, articles of incorporation filed with, 32-2-205
Business improvement districts, submission of protests against, 7-12-1113
Business trusts, creating instrument
  amendment, filing, 35-5-203
  foreign business trust, filing, 35-5-201
Cash verification, 7-6-2204
Cemeteries, perpetually maintained — instruments of conveyance or deed, filing, 37-19-824
Cemetery associations, filings
  incorporation, certificate of, 35-20-103
  lots, release by heirs, 35-20-216
  survey map, 35-20-212
Cemetery districts, trust fund warrants, 7-35-2123
Chief deputy, designation, 7-4-2602
Child support, lien — perfection, 40-5-248

COUNTY CLERK AND RECORDER (Continued)

Cities and towns
  abandoned townsites, plats filed with, 7-5-2501
  annexation
    map or plat, filing, 7-2-4201, 7-2-4311, 7-2-4407
    order, filing, 7-2-4714
    ordinances and proceedings, filing, 7-2-4302
    resolution, filing, 7-2-4407, 7-2-4607
  exclusion of land, resolution and map — filing, 7-2-4808
  organization and incorporation, census filed with, 7-2-4102
  property tax record, preparation, 7-6-4412
  reclassification, resolutions filed with, 7-1-4115, 7-1-4118
  street name changes, filing of plats regarding, 7-14-4112
  tax levy, appeal — certification of resolution to, 7-6-4407
City-county consolidated government, duties of director of finance, 7-3-1301
City court judge, training course — filing of certificate of completion, 3-1-1502
Claims
  appeals from decisions regarding, procedures, 7-6-2424
  county road improvement districts, audit, 7-14-2719
  filing, 7-6-2421
  list of those allowed or rejected, 7-6-2411
  warrants, issuance for payment, 7-6-2202
Clerks of the district courts, oaths filed with, 7-4-101
Commerce, Department of — final budget and tax levies to, 7-6-2322
Commissioner district boundary lines and limits, certificate filed with, 7-4-2103
Commission form of government, selection, 7-3-434
Community college districts
  annexation, canvassing resolution filed with, 20-15-231
  organization order filed with, 20-15-209
Condominiums, recording officer for, 70-23-102, 70-23-305, 70-23-607, 70-23-901, See **CONDOMINIUMS, Recording of**
Conservation districts
  money, warrants, 76-15-525
  notice of organization, 76-15-322, 76-15-323
  project areas, notice of creation filed with, 76-15-607
  water storage sites, filing of site designation or cancellation, 76-15-407
Conservation easements, filing and recording, 76-6-207
Consolidation of county offices, See **County offices**
Contractual obligations with county, cancellation, 15-16-702, 15-16-703
Cooperative associations, filings
  articles of incorporation, certificate of amendment, 35-15-205
  certificate of organization, 35-15-204
  merger or consolidation documents, 35-15-504
Counties
  abandonment, See **Abandonment and consolidation of counties**
  appraisers, reports filed with, 7-8-2215
  budgets, See **Budget, county**
  contractual obligations, cancellation, 15-16-702, 15-16-703
  county seat, removal, 7-2-2602 — 7-2-2604, 7-2-2607
  inventory of tools, equipment, and machinery, 7-8-2111
  licenses, See **Licenses generally**
  name change, certification of petition signatures, 7-2-2504
  new, See **New counties, creation by legislation**; **New counties, creation by petition**; **New counties, creation generally — transcription of records**
  tax-deed lands
    deed of conveyance, 7-8-2305, 15-18-211

COUNTY CLERK AND RECORDER (Continued)
Counties (Continued)
 tax-deed lands (Continued)
  sale, notice — signing, 7-8-2302
 weed management, bills for materials and services — submission and certification, 7-22-2124, 7-22-2146, 7-22-2148
County assessor, filing of oath and certification of training, 7-4-3007
County attorney, accounts of money filed with, 7-4-2715, 7-6-2117
County Board of Public Welfare, clerk and secretary to, 53-2-303, See also **Public assistance**
County Commissioners, Board of
 budget estimates, filing, 7-6-2311, 7-6-2312
 clerk of, duties as, 7-4-2611, See this subject heading generally
 district boundary lines and limits, certificate filed with, 7-4-2103
 vacancies in office, candidates for, 7-4-2106
County coroner, filings
 oath and certification of educational requirements, 7-4-2904
 deceased persons, statement regarding property of, 7-4-2914
County election administrator, as — when, 13-1-101, 13-1-301, See **ELECTION ADMINISTRATOR**
County employees
 bonds, filing and recording, 2-9-701
 decedent's warrants or paychecks, reissuance, 7-4-2521
County land advisory board, duties as clerk of, 7-8-2707
County markets, clerk as market master, 7-21-3321
County officers
 bonds, filing and recording, 2-9-701
 budget estimates, filing, 7-6-2311, 7-6-2312
 deputies and clerks, appointments filed with, 7-4-2401
 fees, collection or payment, 7-4-2513 — 7-4-2515
 oaths filed with, 7-4-101
County offices, See also **COUNTY OFFICERS**, **Offices**
 consolidation, 7-4-2306, 7-4-2307
 vacancies in, candidates for, 7-4-2206
County park districts
 dissolution order filed with, 7-16-2443
 petitions, certification of sufficiency
  boundaries, alteration, 7-16-2441
  creation, 7-16-2411
  dissolution, 7-16-2442
  tax levy, change, 7-16-2432
County road improvement districts
 assessment register, delivery, 7-14-2744
 bonds, attestation, 7-14-2753
 claims and accounts, audit, 7-14-2719
 meeting between road superintendent, owners of land, and residents — notice, 7-14-2706
County roads
 establishment, alteration, and abandonment, 7-14-2613, 7-14-2614
 plat books, 7-14-2110
 right-of-way acquisitions, recording of instruments, 7-14-2108
 superintendent, oath filed with, 7-14-2301
County seal, description and impression filed with, 7-4-2112
County superintendent of schools, qualifications — verification, 20-3-201
County surveyor's field notes, filing and recording, 7-14-2606, 7-14-2614
County treasurer
 accounts, 7-6-2111, 7-6-2115, 7-6-2202
 books and records, examination, 7-6-2114
 cash verification, 7-6-2204

COUNTY CLERK AND RECORDER (Continued)
County treasurer (Continued)

- receipts, duplicates filed with, 7-6-2116
- reports, copy filed with, 7-6-2112

County water and/or sewer districts
- addition of land, certification, 7-13-2341
- assessments, special — resolution for
  - certification, 7-13-2283
  - modification, 7-13-2282
- certificate of incorporation filed with, 7-13-2215
- consolidation of districts, certification, 7-13-2342
- dissolution, instrument approving — filed with, 7-13-2351
- election certificate, filing, 7-13-2214
- erroneous property description, resolution for correction filed with, 7-13-2340
- exclusion, order of — recording, 7-13-2346
- petitions of nomination, preservation, 7-13-2247
- protests filed with, 7-13-2206

County weather modification authorities, duties, 85-3-421
Death certificates
- fees for copies, 7-4-2631
- forwarding to when death occurs outside county of residence, 50-15-402
- index, 7-4-2619
- recording, 7-4-2613

Death, list from department of public health and human services to be filed for tax purposes, 72-16-217, 72-16-218
Deceased persons
- inquest cost statements, preparation, 7-4-2913
- property, statement regarding — filed with, 7-4-2914

Deeds, See **Property**
Deputies, 7-4-2601, 7-4-2602
- salaries, 7-4-2505, See also **COUNTY OFFICERS**, **Salaries**

Detention centers
- contiguous counties, in — certification of appointment for use or revocation of designation, 7-32-2202
- private party operation, copies of agreement proposals, 7-32-2233

Drainage districts, exclusion of lands — filing of order for, 85-8-410
Duties generally, 7-4-2611; Const., XI, 3
Election administrator, as, 13-1-101, 13-1-301, See **ELECTION ADMINISTRATOR**
Election duties, 7-16-2102, 13-16-211
Election of, 7-4-2203; Const., XI, 3
- ballot arrangement, 13-12-207
- commission form of government, 7-3-434
- new counties created by petition, 7-2-2223
- tie vote, 13-16-506

Electricity buying cooperatives, articles of dissolution — filing and indexing, 35-19-315
Emergencies and disasters
- expenditures and liabilities, petition for appeal from order for — filed with, 7-6-2343
- interstate emergency services mutual aid agreements, filing, 10-3-1107
- postattack, rules filed with, 10-3-505
- proclamation filed with, 10-3-304, 10-3-404

Engineers, registered professional — copy of roster filed with, 37-67-318
Environmental control easements, recording, 76-7-208
Estate and probate proceedings
- disclaimer of property interests filed with, 72-2-811
- escheated estates, sale of unsold real property, 72-14-206
- inheritance tax, See **Taxation**
- orders and decrees, record, 7-4-2613

COUNTY CLERK AND RECORDER (Continued)
Estate and probate proceedings (Continued)

transfers by personal representative, index, 7-4-2620
wills, recording and index, 7-4-2613, 7-4-2619
Estray and Lost Property Book, 7-4-2613, 7-4-2619
Execution, duties
certificate of sale, filing with, 7-4-2619, 7-4-2631, 25-13-711
fee for filing, 7-4-2631
index, 7-4-2619, 7-4-2620
redemption, See **Redemption**
revival of judgment, petition filed with, 25-13-713
security interest, upon property subject to, 25-13-505, 25-13-506
Ex officio recorder, as, 7-4-2611
Expenses, 7-5-2142
Fair district budget filed with, 7-21-3430
Farm names, registration, 30-13-112
Federal government, filing of maps or plats by, 2-1-202
Federal in-lieu payments for taxes, 7-6-104, 7-6-106
Fees, 1-5-420, 7-4-2631
endorsement on recorded documents, 7-4-2634
notaries public, 1-5-408, 1-5-420, 7-4-2631
recording done by mechanical means, 7-4-2632, 7-4-2635
records, 7-2-2405, 7-4-2621
secured transactions, 7-4-2631, 30-9-403
tax sale filings or recordings, not allowed, 15-18-218
Financial statement, annual, 7-5-2123, 7-6-2202, 7-6-2203
Finders, description of property — recording, 7-4-2613, 7-4-2619
Fire companies
firefighters, exempt certificates — issuance, 7-33-2315
organization certificate filed with, 7-33-2311
Flood plains and floodways, filings
designations, 76-5-202
orders and rules, 76-5-208
Franchises, petitions and applications, 7-4-2611
Geophysical exploration, See **Seismic operations for geophysical exploration**
Grants, recording and indexes, 7-4-2613, 7-4-2618, 7-4-2619
Grazing districts, filings
amended articles of incorporation, 76-16-206
dissolution notice, 76-16-211
map or plat, 76-16-207
Hail insurance
applications filed with, 80-2-207
liens, satisfaction and release, 80-2-230
Hazardous or deleterious substance, remedial action upon release
institutional controls, filings pertaining to, 75-10-727
notice of property subject to, filed with, 75-10-720
Herd district petitions, See also **Horse herd district petitions**
annexation of contiguous land, 81-4-310
creation, filing, 81-4-301
dissolution, filing, 81-4-302
effective period, change, 81-4-305
Hide inspectors, certificates and bills of sale, 81-9-112
Horse herd district petitions, See also **Herd district petitions**
creation, filing, 81-4-322
dissolution, filing, 81-4-323
Horses, roundup of abandoned
foreman's report, 81-4-513

COUNTY CLERK AND RECORDER (Continued)
Horses, roundup of abandoned (Continued)

- notice of holding roundup, filing, 81-4-504

Hospital districts, petition for creation, 7-34-2104 — 7-34-2106
Housing authorities
- applicability of municipal laws, 7-15-2112
- petition to create, filing, 7-15-2102

Hucksters, licenses filed with, 7-21-2506
Indexes, See **Recording documents**
Inheritance tax, See **Taxation**
Inquest cost statements, preparation, 7-4-2913
Insurers, filings
- conservator, order for appointment, 33-2-1379
- domestic stock and mutual, articles of incorporation — amendments, 33-3-203
- liquidation
  - ancillary receiver, order for appointment, 33-2-1382
  - documents, 33-2-1345
  - foreign or alien insurers' assets, order for, 33-2-1380
  - orders, 33-2-1342, 33-2-1352
- rehabilitation orders, 33-2-1332, 33-2-1352

Interlocal cooperation
- agreements filed with, 7-11-107
- commission, petition or resolution for establishment, 7-11-204

Irrigation districts
- addition of lands, entry of order, 85-7-1810
- annual report, filing, 85-7-1914
- consent of owners, filing, 85-7-2204
- correction of order or decree, entry of order, 85-7-1811
- creation, entry of order, 85-7-108
- dissolution of district, entry of order, 85-7-1001
- evidence of title, certificate of clerk as, 85-7-102
- exchange of water, contract filed, 85-7-1912
- exclusion of lands, entry of order, 85-7-1807, 85-7-1825
- irrigated lands, filing of owner's consent to inclusion of lands already under irrigation, 85-7-1935
- taxes and assessments, filings
  - confirmation order, 85-7-2112
  - debenture certificates, duplicates, 85-7-2152
  - list of taxable lands, 85-7-2109, 85-7-2134
- united states, entry of order for exclusion of lands when indebtedness to, 85-7-1825

Itinerant vendors, licenses filed with, 7-21-2308
Judgments, recording and index, 7-4-2613, 7-4-2619
Juries and jurors
- compensation, statement to, 3-15-204
- list of jurors, compilation duties, 3-15-401, 46-17-202

Justice of the peace
- acknowledgments taken by, 3-1-405, 7-4-2631
- docket and records, deposit of, 3-10-512
- oath of office, filing, 3-10-202, 3-10-231
- substitute justices — list of, oath, and training waiver filed with, 3-10-231
- summons, certification for service out of the county, 25-31-407
- training course, filing of certificate of completion, 3-1-1502

Land surveyors, registered professional — copy of roster filed with, 37-67-318
Law enforcement interstate mutual aid agreements, filing with, 44-11-310
Law, practice of — prohibited, 7-4-2210, 37-61-203
Leases, recording and index, 7-4-2613, 7-4-2619
Legislative proceedings, fee exemption, 5-11-214

COUNTY CLERK AND RECORDER (Continued)

Liability, 7-4-2623, 7-6-2323
Licenses generally
  blanks, procedures to supply, 7-21-2102
  discrimination in issuance prohibited, 49-3-204
Liens, duties
  agricultural land rollback tax, recording of release, 15-7-209, See also **Secured transactions**
  agricultural lien, statement of, 71-3-125
  child support, perfection, 40-5-248
  construction, 7-4-2619, 71-3-531, 71-3-533 —71-3-535
  crop, for seed or grain, 71-3-705
  federal, 71-3-204, 71-3-205
  fee for filing, 7-4-2631
  judgment, recording, 7-4-2613
  loggers, 71-3-606, 71-3-608
  oil and gas wells and pipelines, labor and materials, 71-3-1004, 71-3-1005
  release, filing, 71-3-131
  renewable resource grant and loan projects, 85-1-615
  threshers, 71-3-810
Livestock
  herd districts, See **Herd district petitions**
  horse herd districts, See **Horse herd district petitions**
  possession under service of process, duties, 81-8-311, 81-8-314
  protective committees, minutes filed with, 81-6-102
Local government study commissions, records deposited with, 7-3-187
Map book, 7-4-2616, 7-4-2619
Marriage certificates, 7-4-2619
Married person's inventory of individual property, recording, 7-4-2613, 7-4-2619, 40-2-203, 40-2-204
Mausoleum-columbarium authorities, maps or plats filed with, 35-21-820
Medicaid, recovery of payments, 53-6-174, 53-6-175
Metropolitan sanitary and/or storm sewer districts
  budget filed, 7-13-146
  protests, delivery to, 7-13-108, 7-13-111
  resolution of intention on file, 7-13-107
  resolution to levy tax, 7-3-124
Military personnel, recording of certificates of discharge, 7-4-2614
Mineral trusts, filing of claim, 82-1-306
Mines and mining
  lease expiration, affidavits of effectiveness and service of notice filed with, 82-1-202
  location of claim
    false filings, 82-2-115
    fees, 7-4-2631
    recording and indexes, 7-4-2613, 7-4-2619, 7-4-2631, 82-2-102
    work or improvements, affidavit of performance filed with, 7-4-2613, 7-4-2619, 7-4-2631, 82-2-103
  metal mine reclamation by department of environmental quality, filings, 82-4-371, 82-4-372
  opencut mining, reclamation by department of environmental quality — filings, 82-4-445, 82-4-446
  open-pit mining, eminent domain proceedings — plat filed with, 82-2-224
  strip and underground mine reclamation by department of environmental quality, filing of costs and lien, 82-4-239
  strip and underground mining permits, application filed, 82-4-222
  trusts for unlocatable owners, filing of claim, 82-1-306
  wage protection, filing of statement of commencement of operations, 39-3-502

COUNTY CLERK AND RECORDER (Continued)

Mobile homes or housetrailers, transfer of interest — filing and notification, 61-3-207
Mortgages, duties
  assignment, recording, 7-4-2618, 7-4-2619
  defeasance, recording, 71-1-209
  discharge, 7-4-2613, 7-4-2619, 71-1-211
  recording and indexes, 7-4-2613, 7-4-2618, 7-4-2619, 7-4-2621
  renewal affidavit filed, 71-1-210
Mosquito control districts, protests to creation filed, 7-22-2410
Multijurisdictional service districts, submission of protests against, 7-11-1107
Motor vehicle financial responsibility bonds, notice of cancellation, 61-6-137
Municipal commission form of government, filings
  certificate of adoption, 7-3-4212
  mayor and councilmen, bonds, 7-3-4217
Municipal commission-manager form of government
  certificate of adoption filed with, 7-3-4309
  subdivision plats, approval required, 7-3-4444
Municipal court judge, training course — filing of certificate of completion, 3-1-1502
Negligence, 7-4-2623
New counties, creation by petition
  affidavits, filing, 7-2-2209
  certificate of election, assumption of duties, 7-2-2223
  exclusion or addition of territory, petitions filed, 7-2-2212
  orders and proceedings, certification, 7-2-2208
  petition, 7-2-2207, 7-2-2209, 7-2-2211
  records, transfers, 7-2-2254
New counties, creation generally — transcription of records, 7-2-2405 — 7-2-2407
Notaries public
  commission filing and official character certification, 1-5-407, 1-5-408, 7-4-2631
  records, deposit of and duties, 1-5-419, 1-5-420
Oaths
  administering, 7-4-2631
  public officers, filing, 2-16-212, 7-4-101, 7-4-2904, 7-4-3007, 7-14-2301
Off-highway vehicles, instruments pertaining to — refiling unnecessary, 23-2-811
Office, See **County offices**; See also **COUNTY OFFICERS, Offices**
Oil and gas
  lease expiration, affidavits of effectiveness and service of notice filed with, 82-1-202
  trusts for unlocatable owners, filing of claim, 82-1-306
  wage protection, filing of statement of commencement of operations, 39-3-502
Park Commissioners, County Board of
  contracts, attestation, 7-16-2325
  warrants, countersignature, 7-16-2331
Partnerships, fictitious name register, 35-11-201, 35-11-202
Petty cash fund, responsibility when, 7-6-2212
Planning boards, map of jurisdictional area — filing, 76-1-502, 76-1-503, 76-1-506, 76-1-507
Postattack emergency rules filed with, 10-3-505
Powers of attorney, recording and index, 7-4-2613, 7-4-2619
Prison, state — offense committed in, statement of costs of trial, 53-30-110
Property
  abandonment and consolidation of counties, See **Abandonment and consolidation of counties**
  abstracts, recording, 7-4-2613
  appraisers, reports filed, 7-8-2215
  corner records, filing, 70-22-104, 70-22-109, 77-1-104
  eminent domain, final order filed with, 70-30-309
  finders, description of property — recording, 7-4-2613, 7-4-2619

COUNTY CLERK AND RECORDER (Continued)
Property (Continued)
  hazardous or deleterious substance, institutional controls — filings pertaining to, 75-10-727
  homestead declarations, recording, 70-32-107, 70-32-303
  joint tenancy, termination of interest — recording, 7-4-2613
  judgments, recording, 7-4-2613
  leases, recording, 7-4-2613, 7-4-2619
  life estate, termination — recording, 7-4-2613
  lis pendens, filing with, 7-4-2619, 70-19-102
  lost, See **Estray and Lost Property Book**; **Finders**
  married person's individual, recording of inventory, 7-4-2613, 7-4-2619, 40-2-203, 40-2-204
  partition
    abstract of title, certification not required, 70-29-217
    lienholders as parties, search, 70-29-107
    notice of action, filing, 70-29-109
    recording, 7-4-2613
    sale of property, report of referee — filing, 70-29-309
  preemption claims, recording, 7-4-2613
  quiet title
    entry townsite lands, notice filed, 70-28-303
    judgment or judicial record, recording in action by heirs of deceased entrymen, 70-28-215
    notice, filing, 70-28-106, 70-28-213
    tax deeds, order to show cause filed, 15-18-411
  recording of transfers and other transactions, 7-4-2613, 70-21-208, 70-21-212
    addresses required on documents, 7-4-2618
    buyer's interest, notice, 7-4-2613, 7-4-2619
    copies of recorded documents, 7-4-2621, 70-21-201
    fee endorsement, 70-21-210
    indexes, 7-4-2619, 7-4-2620
    search of recorded documents, 7-4-2621
    tax deeds, 15-18-211
    validation of instruments with defective execution, 70-21-309
    when instrument considered recorded, 70-21-209
  survey certificates and amendments to, fee, 7-4-2631
  tax deeds, See **Taxation**
  transfers, recording duties, 7-4-2613, 15-7-102, 15-7-304, 15-7-305, 15-7-308
Public assistance
  county board of public welfare, clerk and secretary to, 53-2-303
  recovery, duties, 53-6-174, 53-6-175
  reimbursements due department of public health and human services, notice to, 53-2-322
Public markets, clerk as market master, 7-21-3321
Public officers
  oaths, filing, 2-16-212
  resignations, 2-16-502
  signatures filed, 2-16-114
Public weighers, statement filed, 7-21-3106
Railroads, filings
  corporations, certificate of incorporation — amendment, 69-14-509
  fireguards, lands released from provision for — certificate of release, 69-14-722
Ranch names, registration, 30-13-112
Recall petitions — counting, verification, and certification of signatures and limitation on retention, 2-16-620
Reception book, 7-4-2617
Recording documents, 7-4-2617, 70-21-212, See also **Property**
  addresses required when, 7-4-2618
  alteration, 7-4-2623

COUNTY CLERK AND RECORDER (Continued)
Recording documents (Continued)

- books for, 7-4-2612
- change, 7-4-2623
- condominiums, 70-23-102, 70-23-305, 70-23-607, 70-23-901, See also **CONDOMINIUMS, Recording of**
- copies, fees, 7-4-2631
- documents subject to, 7-4-2613
- fees, 7-4-2515, 7-4-2617, 7-4-2634, See also **Fees**
- illegible, statement pertaining to, 7-4-2617
- indexes, 7-4-2619, 7-4-2631
  - bail, schedule of real property, 46-9-403
  - details, 7-4-2620
  - electricity buying cooperatives, articles of dissolution, 35-19-315
  - failure to keep, 7-4-2623
  - hucksters, licenses, 7-21-2506
  - itinerant vendors, licenses, 7-21-2308
  - subdivision plats and certificates of survey, 76-3-613
  - transient retail merchants, licenses, 7-21-2409
- map book, 7-4-2616
- mechanical means, by, 7-4-2632, 7-4-2635
- military personnel, certificates of discharge, 7-4-2614
- neglect or refusal to record, 7-4-2623
- obliteration, 7-4-2623
- preservation fund, 7-4-2635
- public availability, 7-4-2622
- search of records, 7-4-2621, 7-4-2623, 7-4-2631
- state agencies, for, 7-4-2631
- tax deeds, 15-18-211
- tax sales
  - certificate of redemption, 15-18-113, 15-18-218
  - lien, notice of cancellation, 15-18-212
- water users' associations, records, 7-4-2615

Records, 7-4-2611, 7-5-2130, 7-5-2131, See also **Recording documents**
Records preservation fund, 7-4-2635
Records administrator, as, 7-3-122
Redemption
- certificate of redemption filed with, 25-13-809
- notices filed with, 25-13-806
- records required, certification, 25-13-807

Rendering or disposal plant records and certificates, filing, 81-9-313, 81-9-316
Renewable resource grant and loan projects, security interest filed with, 85-1-615
Rodent control districts
- creation, protests filed, 7-22-2213
- reimbursement payments, procedures, 7-22-2225

Role, 7-4-2611
Rural special improvement districts, 7-12-2101
- assessments, resolution for levy, 7-12-2118, 7-12-2160
- bids, 7-12-2131, 7-12-2137
- bonds and warrants, signing, 7-12-2171
- boundary descriptions on file, 7-12-2105
- engineer's expenses, certification to, 7-12-2117
- incidental expenses, demands presented to, 7-12-2119
- notices, posting and publication, 7-12-2107
- owners of property, notices filed by, 7-12-2140, 7-12-2154
- protests, delivery to, 7-12-2109, 7-12-2112, 7-12-2113
- tax levy, resolution for, 7-12-2118, 7-12-2158 — 7-12-2160

COUNTY CLERK AND RECORDER (Continued)

Salary, 7-4-2503, 7-4-2504, See also **COUNTY OFFICERS**, **Salaries**
School districts
  bonds and coupons, canceled — filing, 20-9-442
  budget amendment resolution delivered to, 20-9-164
  cooperatives, full service education — contracts filed, 20-7-454
School trustees, single-member trustee districts — boundary certification filed, 20-3-337
Seal of clerk
  bonds, affixation, 7-31-112
  county license blanks, 7-21-2102
  firefighters, "exempt certificates", 7-33-2315
  hospital districts, petition for creation, 7-34-2105
  justice's court's certificate of acknowledgment, certificate of authenticity, 3-1-405
  name changes, farm and ranch, 30-13-112
  summons, on, 25-31-407
Secured transactions, See also **Liens, duties**
  execution upon, duties, 25-13-505, 25-13-506
  financing statement, filing, 30-9-401, 30-9-421
    attachment when, 27-18-413, 27-18-414
    copies, 30-9-403
    fees, 7-4-2631, 30-9-403
    index, 7-4-2619, 7-4-2631
    renewable resource grant and loan projects, 85-1-615
Seismic operations for geophysical exploration
  noncompliance, notice to, 82-1-106
  notice of intention to explore, filing, 82-1-103
  permit for exploration, issuance, 82-1-105, 82-1-106
  record of work performed, filing, 82-1-108
Session laws, copies to, 5-11-203
Smoke abatement
  bonds, attestation, 7-31-112
  contracts deposited with, 7-31-103
Snowmobiles, instruments pertaining to — refiling unnecessary, 23-2-611
Solid waste management districts
  protests, delivery to, 7-13-209, 7-13-212
  resolutions on file, 7-13-208
Special improvement district assessments, certification to, 7-12-4181, 7-12-4183, 7-12-4184
State lands
  appraisement book, recording, 7-4-2613
  certificates of purchase, certification of instruments affecting, 77-2-335
  survey notes and plat filed, 77-1-104
State payments to local government entities, notification, 17-8-311
State-tribal cooperative agreements filed with, 18-11-107
Subdivisions
  fees, 7-4-2631
  instruments of transfer, recording restrictions, 76-3-302
  plats
    amended, filing, 76-3-207
    certificates of survey, 7-4-2631, 76-3-613
    certification, 76-3-304
    corrections of recorded plats, filing, 76-3-614
    filing, 7-4-2631, 76-3-302, 77-2-312
    final, filing requirements, 76-3-301, 76-3-303
    index to filed plats, 7-4-2619, 76-3-613
    noncomplying, filing or recording prohibited, 76-4-122
    ordinances, filing, 76-1-606

COUNTY CLERK AND RECORDER (Continued)
Subdivisions (Continued)
  plats (Continued)
    public service, director of — approval required, 7-3-4444
    street name changes, filing, 7-14-4112
    transportation, department of — filed by, when, 60-4-105
Surveys, certificates and amendments — filing fee, 7-4-2631
Taxation
  agricultural association indebtedness, levy for, 35-16-406
  agricultural land rollback tax lien, recording of release, 15-7-209
  assessment as evidence, 15-16-504
  cancellation of taxes, 15-16-702, 15-16-703, 15-17-911
  cities and towns, annual tax levy — certification of resolution, 7-6-4407
  corporation reviver, filing with, 15-31-524
  county tax appeal board, notice of meetings, 15-15-101
  delinquent list
    charge to county treasurer, 15-16-303
    comparison with property tax record, 15-16-302, 15-16-305
    delivery to, 15-16-302
    disposition, 15-16-305
    reports to, 15-16-301
  equalization, records used for, 15-9-103
  estate tax certificate of payment, recording, 7-4-2613
  federal in-lieu payments for, 7-6-104, 7-6-106
  inheritance tax
    joint tenancy, additional filings, 7-4-2613, 72-16-503
    list of deaths from department of public health and human services, 72-16-217, 72-16-218
    property records, cross check with list of deaths, 72-16-218
    receipt for payment, copy to, 72-16-434, 72-16-435
  irrigation districts, See **Irrigation districts**
  levies
    certification to, 7-2-2750
    commerce, department of — to, 7-6-2322
    notification, 15-10-305
    recording of orders, 7-6-2504
  mills to be levied, report to department of revenue, 15-10-305
  property tax record
    changes, transmittal to, 15-8-709
    preparation, 7-6-4412
  reduction of assessment, applications for, 15-15-102
  residential property in area of changing use, statement to county clerk, 15-7-402
  tax deeds, 15-18-211, 15-18-212, 15-18-216, 15-18-411
  tax sales, 15-17-123, 15-17-212, 15-18-113, 15-18-212, 15-18-218
  transfers of property, recording duties, 15-7-102, 15-7-304, 15-7-305, 15-7-308
Television districts
  annexation of contiguous areas, petition transmitted to, 7-13-2541
  creation
    order for, filed, 7-13-2509
    petition, 7-13-2503, 7-13-2504
  tax levy, certification to, 7-13-2528
Trailer courts, platted lots filed, 50-52-101
Transient retail merchants, licenses filed, 7-21-2409
Transportation districts, presentation of petition for creation, 7-14-207
Trust indentures, duties
  assignment, recording, 71-1-313
  coal severance tax bonds, filing, 17-5-711

COUNTY CLERK AND RECORDER (Continued)
Trust indentures, duties (Continued)

  foreclosure
    affidavit of compliance, recording, 71-1-315
    notice of sale, 71-1-313, 71-1-314
    surplus proceeds, deposit, 71-1-316
  highway revenue bonds, filing, 17-5-923
  trustee, successor — recording of appointment, 71-1-306, 71-1-313
Underground storage tank closure, amount of costs — filing, 75-11-517
Urban renewal contracts or conveyances, recording, 7-15-4264
Utilities, rural cooperatives — filings transmitted to, 35-18-501
Veterans' interment, responsibilities, 10-2-503, 10-2-504
Village plats filed with, 7-2-2103
Vital statistics
  certificates, filing, 50-15-109
  copies or certified copies, 50-15-121
  records, disclosure unlawful when, 50-15-114, 50-15-122
Wage brokers, filing of assignment, 31-1-307
Warrants
  canceled, delivery to, 7-7-2273
  county bounty fund, issuance, 81-7-203
  death of county employee, reissuance to designee, 7-4-2521
  investment, notification concerning, 7-6-2701
  issuance, 7-6-2111, 7-6-2202, 7-6-2601
  processing, 7-6-2607
  public cemetery fund, 7-35-2123
  record of, 7-6-2607
  registration, 7-6-2601
  rural special improvement district, signing, 7-12-2171
  signing, 7-6-2601
Water conservancy districts, organization documents filed with, 85-9-208
Water quality districts, creation
  protests, delivery to, 7-13-4509
  resolution of intention on file, 7-13-4507
Water supply and sewer district creation, protests delivered to, 7-13-3006, 7-13-3011
Water use
  appropriation permits
    forms distributed by, 85-2-302
    ground water, filing of notice of completion on excepted wells, 85-2-306
  ground water
    controlled ground water area, order for designation or modification filed with, 85-2-507, 85-2-511
    well logs filed with, 85-2-516
  name of watercourse, recording change, 85-2-134
  report of permits or certificates required, 85-2-117
  rights, notice and declaration — recording, 7-4-2613, 7-4-2619, 7-4-2631
  transfer of water rights, 15-7-308, 85-2-421, 85-2-423, 85-2-424, 85-2-426, 85-2-431
  water conservation revenue bonds, filing of trust indenture securing, 85-1-305
  water users' associations, recording of records, 7-4-2615
  yellowstone river appropriation claim filed with, 85-20-104
Zoning regulations, proposed — on file with, 76-2-205

COUNTY COMMISSIONERS, BOARD OF, 7-1-2104, 7-4-2101, 7-5-2101 — 7-5-2105, 7-5-2123; Const., XI, 3
  See also **PUBLIC OFFICERS OR EMPLOYEES**
Abandonment and consolidation of counties, Title 7, chapter 2, part 27
Abolishment when, 7-3-1212

COUNTY COMMISSIONERS, BOARD OF (Continued)

Accounts for county charges, See **County charges**
Actions
  against, 7-4-2714
  recovery of forfeiture, 7-6-2113
  county road drains and ditches, recovery of forfeitures for obstructions, 7-14-2305
  jurisdiction and power, 7-5-2104
  rural special improvement districts, against contractors, 7-12-2139
  venue, change of — allowance of costs, 25-2-205
Administrative rules and register, state — copies distributed to, 2-4-313
Agricultural Heritage Commission, representation on, 2-15-3314
Agriculture
  extension work, 7-21-3203, See also **COOPERATIVE EXTENSION SERVICE**
  products, appropriation for advertising, 7-21-3201, 7-21-3202, 7-21-3410
Agriculture, Department of — assistance and appropriation to, 7-21-3201
Airport
  establishment, commissioners as governing body, 67-10-202
  joint board, per diem and mileage set by, 67-10-205
Alcoholic beverages sale and consumption, action to prohibit, 16-1-205
Alcoholism treatment and prevention, approval of countywide treatment plans, 53-24-211
Amusement game permits, 23-6-103
Appeals
  hearings, on, 7-22-2110
  notices, 7-6-2424
  planning and zoning decisions, 76-2-110
  to board of county commissioners, 7-8-2509, 7-22-2110, 20-6-309
Appointment of, 7-4-2106, 10-3-603, 13-16-505
Appointments by, See specific county entity
Appropriation of state and federal money by county, 7-6-2218
Arts, facilities for, Title 7, chapter 16, part 22
Association of counties, membership in, 7-5-2141
Attachment of property in control of public officers, service of writ upon commissioners, 27-18-406
Attorney employed by, when, 7-4-2708
Attorney general opinions, 2-15-501
Audits
  county sheriff, expense claims, 7-32-2144
  county superintendent of schools, travel expenses, 20-3-203
Authority generally, 7-5-2101, 7-21-3458
Boarding homes, 7-34-2301, 7-34-2303
Boards, districts, or commissions
  duties, assumption, 7-1-203
  establishment and appointment of members, 7-1-201
  new or existing, creation or transition, 7-1-202
Bonds, See also **COUNTY FINANCE; BONDS AND BOND ISSUES**
  county officers and employees, 2-9-703, 7-4-2213
  general obligation, See **General obligation bonds**
  official, Title 2, chapter 9, part 7, See **SURETY BONDS, County officers and employees; Official bonds**
  refunding general obligation, See **Refunding general obligation bonds**
Bridges, Title 7, chapter 14, part 22, See also **County roads and bridges**
Budget, Title 7, chapter 6, part 23, See **COUNTY FINANCE**
Buildings, 7-8-2101 — 7-8-2104
  fair buildings, 7-21-3408, 7-21-3409
  hospitals, for, 7-8-2102, 7-34-2201
  lease, 7-21-3409, 7-34-2204, 7-34-2303

COUNTY COMMISSIONERS, BOARD OF (Continued)
Buildings (Continued)

- park buildings, 7-8-2102, 7-8-2103, 7-16-2101
- permit for construction, issuance, 50-61-112
- rental, 7-3-4370
- state building codes, applicability, 50-60-102

Business improvement districts, appointing authority, 7-12-1103, See **BUSINESS IMPROVEMENT DISTRICTS**
Business incubators, tax exemption, 15-24-1802
Carnival game permits, 23-6-103
Cash basis, county business conducted on — restrictions and regulations, 7-6-2211
Cattle protection
- program, duties, 81-7-602, 81-7-603, 81-7-605
- protective districts, Title 81, chapter 6, part 2

Cemeteries, Title 7, chapter 35, parts 1 and 22
Cemetery districts, Title 7, chapter 35, part 21
Census, required by — when, 7-2-4102
Chairman, 7-4-2109
- absence, 7-4-2109
- bonds, signing, 7-7-2255
- building commission, member of, 7-8-2103
- county road improvement district bonds, signing, 7-14-2753
- metropolitan sanitary and/or storm sewer districts, resolution for tax levy — signing, 7-13-124
- park commissioners, board of, 7-16-2331, 7-16-2325
- records, signing, 7-5-2130
- rural special improvement district bonds and warrants, signing, 7-12-2171
- smoke abatement bonds, signing, 7-31-112
- subpoena power, 7-5-2127
- tax-deed lands, 7-8-2304, 7-8-2305
- warrants, signing, 7-6-106

Chemical dependency treatment and prevention, approval of countywide treatment plans, 53-24-211
Child abuse, action brought by, 40-6-233
Child protective teams, members of, 41-3-108
Child support, estates — claims against for support when, 40-6-213
Cities and towns, See **CITIES AND TOWNS**
City-county consolidation
- effect, 7-3-1212
- elections, duties, 7-3-1205, 7-3-1208, 7-3-1271
- petition for, 7-3-1205

City or town council or commission members, appointment, 7-4-4112, 10-3-604
City treasurer, recovery of forfeitures from, 7-6-2113
Civic centers
- erection and maintenance, 7-8-2102, 7-16-2101
- joint fair and civic center commission, 7-21-3451 — 7-21-3458
- management, 7-8-2103
- tax levy for, 7-16-2102

Claims
- abandonment and consolidation of counties, processing, 7-2-2741
- bounty claims, 81-7-204
- budget appropriations, exceeding — disapproval, 7-6-2323
- cemetery districts, for tax proceeds, 7-35-2123
- county commissioners, board of — by, 7-6-2407, 7-6-2423
- county sheriff, expenses, 7-32-2144
  - false claims, 7-32-2128
- investigation, reports from, 7-6-2407

COUNTY COMMISSIONERS, BOARD OF (Continued)
Claims (Continued)

- list of claims allowed or rejected, 7-6-2411
- noxious weed fund, approval, 7-22-2145
- opposition, 7-6-2422
- payment, order for, 7-6-2202
  - publication, 7-5-2123
- presentation, 7-6-2421
- public health and human services, department of — protective services employees' salaries and expenses, 52-1-110
- road superintendent's certificates, payment, 7-14-2307
- water quality districts, 7-13-4525

Classification of counties, designation, 7-1-2112
Coal leases, 7-8-2233
Codes, 7-5-107, 7-5-108
Commerce, Department of — approval required when, 7-5-2132
Commercial property, delinquent taxes — suspension and cancellation, 15-16-801, 15-24-1701 — 15-24-1703
Community college districts
- emergency budgets, status of funds and tax levy, 20-15-326
- levy requirements, 20-15-313, 20-15-326
- trustees, complaints and suspension, 20-15-227

Compensation, 7-2-2243, 7-4-2107; Const., XI, 3
- expenses, 7-4-2108, 7-5-2145, 7-6-2423, 7-14-2610

Composition, 7-4-2101
Conciliation court, counseling expense assumed when, 40-3-125
Conflict of interest, 7-5-2106, 7-14-2823
Conservation districts
- assessments, Title 76, chapter 15, part 5
- cooperative use agreements, 7-8-2507
- notice of organization transmitted to, 76-15-323
- project areas, 76-15-622, 76-15-623
- warrants, request for issuance and registration, 76-15-505

Constables, salary — fixing, 3-10-703
Construction
- bridges, 7-14-2202, 7-14-2204, 7-14-2205
- pipelines, highway or road restoration, 69-13-103
- road improvement district improvements, 7-14-2902, 7-14-2903, 7-14-2907
- roads, permits, 7-14-2139, See also **County roads and bridges**
- stream alteration or modification projects, Title 75, chapter 7, part 1

Continuity of government, 10-3-603, See **EMERGENCIES AND EMERGENCY POWERS**
Contracts
- abandoned counties, Title 7, chapter 2, part 27
- bridges, 7-14-2406
- city commissioners, for work by county officials and employees, 7-3-4370
- conflict of interest, 7-5-2106
- county attorneys, for services, 7-4-2707
- dog pounds, for, 7-23-103
- fire districts, 7-33-2104, 7-33-2109
- generally, See **COUNTIES**
- insect pest control supplies and equipment, 7-22-2305
- libraries
  - city, with board of trustees, 22-1-315
  - services, 22-1-303
- new counties, for transcription of records, 7-2-2403
- park commissioners, board of, 7-16-2325

COUNTY COMMISSIONERS, BOARD OF (Continued)
Contracts (Continued)

- power regarding, 7-14-2401, 7-14-2718
- printing, Title 7, chapter 5, part 24, See also **PUBLIC CONTRACTS**, **Printing**
- rehabilitation of private dwellings, 7-15-2120
- right-of-way for county roads, 7-14-2107
- road improvement districts, 7-14-2902
- roads, See **County roads and bridges**
- rural special improvement districts, Title 7, chapter 12, part 21
- smoke abatement, 7-13-102, 7-13-103, 7-13-106, 7-13-108
- solid waste management districts, services for cities and towns, 7-13-304
- state correctional institution overcrowding, for confinement in detention center, 53-30-106
- supplies, for, 7-5-2105, 7-5-2411
- writing required, 7-4-2707
- youth guidance centers, multicounty, 7-16-2104

Contractual obligations with county, delinquency, 15-16-701, 15-16-702
Correctional facilities, private — approval of location, 53-30-607
Counties, 7-1-2112, See also **COUNTIES**
County assessors, 7-4-3007, 7-5-2145
County attorneys
- certification of election or appointment, 7-4-2502
- contracts for services, other county attorney, 7-4-2707
- deputies, approval of appointment, 7-4-2703
- full- or part-time position, establishment, 7-4-2706
- legal adviser for board, 7-4-2711
- money illegally paid, recovery, 7-4-2714
- special counsel, employment or authorization, 7-4-2705
- vacancy in office, procedure to fill, 7-4-2702

County auditor, duties prescribed by, 7-6-2406, 7-6-2412
County books and accounts, examination reports, 7-6-2409
County building commission
- creation, 7-8-2103, 7-34-2202
- joint fair and civic center commission
  - application for, 7-21-3451
  - duties, 7-21-3454
  - organization, 7-21-3452

County charges
- accounts, jurisdiction and power, 7-6-2430
- criminal actions, allocation of costs, 7-6-2428
- enumeration, 7-6-2426
- presentation, 7-6-2425

County classification, designation, 7-1-2112
County clerk and recorder
- books for recording documents, 7-4-2612, 7-4-2615
- clerk of board, as, 7-4-2611, See **COUNTY CLERK AND RECORDER**
- financial statement, 7-5-2123, 7-6-2203
- salary withheld when, 7-6-2322

County coroner
- acting, request for, 7-4-2902
- deputies, approval of appointment, 7-4-2901
- property of deceased persons, statement regarding, 7-4-2914
- stenographer, approval of appointment and salary, 7-4-2903

County fair commission, 7-21-3401, 7-21-3406
County fairs or fair districts, Title 7, chapter 21, part 34
County forests, Title 7, chapter 8, part 26
County hard-rock mine trust reserve account, 7-6-2225, 15-37-117
County high school unification, duties following, 20-6-313

COUNTY COMMISSIONERS, BOARD OF (Continued)

County officers generally
  absence from state, consent, 7-4-2208
  accounts, examination and allowance, 7-6-2429
  appointment, 7-4-2203, 7-4-2205, 7-4-2206
  bonds, official
    examination, 7-4-2213
    purchase, 2-9-703
  books provided for, 7-5-2105
  deputies and personnel, 7-4-2402
    appointment, 7-4-2313, 7-4-2405
    salaries, 7-4-2505
  fees, effect of misconduct concerning, 7-4-2520
  indemnity insurance, 7-4-2111
  money illegally paid by, recovery, 7-4-2714
  reports by, 7-6-2213, 7-6-2214
  salaries
    establishment, 7-4-2502
    payment, order for, 7-4-2501, 7-4-2502, 7-4-2514
  supervision, 7-4-2110
  supplies, 7-5-2105
  townships, 7-4-2204
  vacancies in office, 7-4-2206, 7-4-2520
County offices, consolidation, 7-4-2301; Const., XI, 3
  deputies and personnel, approval, 7-4-2313
  hearings, 7-4-2306 — 7-4-2309
  initiation, 7-4-2305
  intercounty, 7-4-2303
  order for, 7-4-2309, 7-4-2310
  petition, 7-4-2302, 7-4-2303
  resolution of intent, 7-4-2306
  salary of officer, fixing, 7-4-2312
County powers exercised by, 7-1-2104, See also **Powers**
County Printing, Board of — membership, 2-15-1811
County rail authorities, powers, 7-14-1613
County road fund
  oil and gas lease proceeds, allocation, 7-14-2505
  road district expenditures, appropriation for, 7-14-2514
County road improvement districts, Title 7, chapter 14, part 27
County roads and bridges
  abandonment or vacation, 7-14-2103, 7-14-2107, 7-14-2615
  bonds issuance, 7-14-2521, 7-14-2525
  bridge fund, order for use, 7-14-2502
  cattle guards, 7-14-2130
  construction, permits, 7-14-2139
  contracts, Title 7, chapter 14, part 24
  ditches, dikes, flumes, or canals, Title 7, chapter 14, part 23
  drains and ditches, recovery of forfeitures for obstructions, 7-14-2305
  duties generally, 7-14-2103
  duties of surveyor and superintendent, allocation, 7-4-2812
  emergency areas, designation, 7-14-2128
  encroachments, order for removal, 7-14-2134
  establishment, alteration, and abandonment, Title 7, chapter 14, part 26
  fences across right-of-way, 7-14-2130
  ferry and bridge fund, combined, 7-14-2502, 7-14-2807
  improvement districts, Title 7, chapter 14, part 29

COUNTY COMMISSIONERS, BOARD OF (Continued)
County roads and bridges (Continued)

- inspections, 7-14-2125
- livestock, control of movement on, 7-14-2130
- machinery and materials
  - acquisition, 7-14-2123
  - cities and towns, use by, 7-14-103
  - superintendent, requisitions, 7-14-2303
  - surplus crushed rock and gravel, disposition, 7-14-2124
- obstructions, removal, 7-14-2133
- oil and gas leases and reserved royalty interests, allocation of proceeds, 7-14-2505
- parking regulations, 7-14-2106
- passes and gates, construction, 7-14-2130
- pipeline construction, restoration of road, 69-13-103
- plat books, 7-14-2110
- powers concerning, 7-14-2101, 7-14-2102, 60-1-102
- reports regarding, 7-14-2105
- reseeding right-of-way areas, 7-14-2131, 7-22-2152
- right-of-way
  - acquisition, 7-14-2107, 7-14-2608
  - fences across, 7-14-2130
  - reseeding, 7-14-2131, 7-22-2152
- speed limits, authority, 7-14-2113, 61-8-310
- stock lanes, 7-14-2621
- superintendent, 7-14-2301
  - certificate for work performed, 7-14-2307
  - drains and ditches, construction, 7-14-2305
  - equipment, requisition for, 7-14-2303
  - reports, 7-14-2308
- supervisor, 7-14-2121, 7-14-2122, 7-14-2613
- survey of road, 7-14-2606
- tax levies, 7-14-2501, 7-14-2504
- traffic, limitation or prohibition when, 7-14-2127
- transfer of responsibility to state when, 7-14-2109
- unsafe, temporary closure, 7-14-2127
- width, increase or decrease, 7-14-2112
- workers, wages, 7-14-2304

County seal, 7-4-2112, See **COUNTIES, Seal**
County seats, removal
- election results, 7-2-2606, 7-2-2607
- petition, 7-2-2601, 7-2-2602, 7-2-2604

County sheriff
- deputy or undersheriff, overtime compensation, 7-4-2509
- expense claims, audit and allowance, 7-32-2144
- false claims by, 7-32-2128
- fees, setting, 7-4-2525, 7-32-2141
- privately owned vehicles, liability insurance for — when, 7-32-2126
- vehicle for, lease or purchase, 7-32-2125

County superintendent of schools, duties regarding, 20-3-201 — 20-3-203, 20-3-213
County surveyor, duties regarding, 7-4-2812, 7-4-2821, 7-4-2803
County Tax Appeal Board members, appointment, 15-15-101
County Transportation Committee, membership, 20-10-131, See also **SCHOOL TRANSPORTATION**
County treasurer
- accounts, 7-6-2112, 7-6-2115
- books and records, inspection, 7-6-2114
- deputies, additional — allowed when, 7-6-2102

COUNTY COMMISSIONERS, BOARD OF (Continued)
County treasurer (Continued)

  reports, 7-6-2112, 7-6-2113
  suspension when, 7-6-2103
County water and/or sewer districts, Title 7, chapter 13, parts 22 and 23
County weather modification authorities
  abolishment, 85-3-416, 85-3-417
  commissioners, appointment, 85-3-411, 85-3-412, 85-3-414, 85-3-421
  creation, 85-3-411 — 85-3-415
  recall of commissioners, 85-3-417
  tax levy by, 85-3-422
County weed control, Title 7, chapter 22, part 21
Coupons, duplicate, 7-7-2104
Courts, See **Conciliation court**; **District courts**; **Justices' courts**; **Small claims courts**; **Youth court**
Cultural facilities, tax levy for, 7-16-2102
Day-care facilities, tax levy and fund for, 7-16-2108, 7-16-4114
Deaf and Blind, Montana School for the — payments to, for indigent children, 20-8-108
Debris, accumulation — ordinances to control, 7-5-2110, 7-5-2111
Detention centers
  jurisdiction and power, 7-32-2201
  maintenance, 7-32-2204
  medical care costs for inmates, funding, 7-6-2541
  state correctional institution overcrowding, contracts for confinement in, 53-30-106
  work program, authorization, 7-32-2226
Detention center work program, authorization, 7-32-2226
Developmental disabilities, persons with — contributions to facilities in or out of jurisdiction, 53-20-208
Devises, acceptance, 7-35-2201
Disasters, See **Emergencies and emergency powers**
District courts
  facilities to be provided by, 3-5-404
  witnesses, statement of compensation to clerk of commissioners, 3-5-512
Dogs
  control and licensing, 7-23-2108, 7-23-2109
  pounds, contracts for, 7-23-103
Drinking and driving prevention programs, 61-2-106 — 61-2-108
Drug abuse treatment and prevention, approval of countywide treatment plans, 53-24-211
Duplicate bonds, warrants, or coupons, 7-7-2104
Election of, Const., XI, 3
  ballot arrangement, 13-12-207
  districts, by, 7-4-2104
  new counties, for, 7-2-2223, 7-2-2225
  tie vote, 13-16-505, 13-16-506
  vacancies, to fill, 7-4-2106
Elections
  abandonment and consolidation of counties, 7-2-2709, 7-2-2710, 7-2-2712, 7-2-2713
  bridges, construction in cities and towns, 7-14-2205
  cemetery districts, creation, 7-35-2104, 7-35-2106, 7-35-2107
  cities and towns
    disincorporation, 7-2-4902
    organization and incorporation, 7-2-4104, 7-2-4106
  city-county consolidation, 7-3-1205, 7-3-1208, 7-3-1271
  county seat, 7-2-2606, 7-2-2607
  general obligation bonds, See **General obligation bonds**
  hospital districts, creation, 7-34-2109, 7-34-2110
  multimunicipality organization, 7-3-4311

COUNTY COMMISSIONERS, BOARD OF (Continued)
Elections (Continued)

  new counties, creation, Title 7, chapter 2, part 22
  resort tax, for, 7-6-1503, 7-6-1504, 7-6-1508
  school, ordered by, 20-20-201, See also **SCHOOL ELECTIONS**
  single tax imposition, petition, 7-16-2109
  smoke abatement contracts and bond issues, Title 7, chapter 31, part 1
  transportation districts, creation, 7-14-210
  water and/or sewer districts, 7-13-2225, 7-13-2256
Emergencies and emergency powers, Title 10, chapter 3, See also **EMERGENCIES AND EMERGENCY POWERS**
  expenditures and liabilities, procedures for, 7-6-2341, 7-6-2342
  funds for relief, authorization to transfer, 7-31-2101
  hazardous material incidents, response authorities — designation, 10-3-1208
  local governing bodies, postattack appointments to, 10-3-604
  tax, levy and disposition, 10-3-405
  vacancy on board, postattack, 10-3-603
  warrants, 7-6-2329, 7-6-2345
Eminent domain, 7-14-2123, 7-14-2803, 7-14-2804, 7-35-2201
Employees of county
  compensation, procedure to establish, 7-14-2304
  employment preferences, nonapplicability
    disabilities, persons with, 39-30-103
    veterans, 39-29-101
Encroachments on county roads, removal, 7-14-2134
Engineer, civil — employed by, when, 7-4-2803
Equipment
  county roads, See **County roads and bridges**
  inventory, 7-8-2111
  trade-in or sale, 7-8-2211, 7-8-2220
Estates, claims against for support of children when, 40-6-213
Expenditures
  emergency, 7-6-2341, 7-6-2342
  limitation, 7-6-2324
  road districts, limitation, 7-14-2514
Expenses, See **Compensation**
Extension work in agriculture and home economics, 7-21-3203, See also **COOPERATIVE EXTENSION SERVICE**
Facility siting, applications — copies to, 75-20-211, 75-20-225
Fair and civic center commission, joint, 7-21-3451
  authority of county commissioners, 7-21-3458
  budget and revenue amount, 7-21-3455 — 7-21-3457
Fair commission, 7-21-3401, 7-21-3406
Fairs and fair districts, Title 7, chapter 21, part 34
Federal in-lieu payments for taxes, 7-6-101, 7-6-102, 7-6-104, See also **COUNTY FINANCE**
Federal relief, administration, 7-6-2217
Fences
  county roads, 7-14-2130, 7-14-2134
  fallen, procedures regarding, 81-4-106 — 81-4-108
Ferries and wharves, Title 7, chapter 14, part 28, See **FERRIES AND WHARVES**
Fire danger areas, closure of land requested by, 87-3-106
Fire districts, Title 7, chapter 33, part 21
Fire service areas, Title 7, chapter 33, part 24
Fish, Wildlife, and Parks — department-owned lands, allocation of payments in lieu of taxes, 87-1-604
Flathead Basin Commission, appointments to, 2-15-213
Flood control projects, duties, Title 76, chapter 5, part 11, See **FLOODS, Control projects**

COUNTY COMMISSIONERS, BOARD OF (Continued)

Flood plain and floodway delineation programs, notification regarding, 76-5-201
Forest protection and management, money for, 7-8-2601
Forest reserve money, federal — distribution, 17-3-213
Forests, county, Title 7, chapter 8, part 26
Franchise applications, recording of action on, 7-4-2611
Franchise Book, 7-5-2129
Gambling
  card game tables, live — ordinance for hours of play, 23-5-307
  raffles, authority and accounting, 23-5-413
Gas mains, authority for construction, 7-13-2101
General obligation bonds, See also **Refunding general obligation bonds**
  canceled bonds or warrants, exhibition and report, 7-7-2272, 7-7-2273
  election
    call for, 7-7-2223
    petition, delivery to, 7-7-2226
    resolution for, 7-7-2223, 7-7-2227
    without, sale and issuance when, 7-7-2222
  form and execution, 7-7-2255
  issuance, 7-7-2222
  outstanding, purchase, 7-7-2270
  principal and interest
    statement of amount due and payable, 7-7-2264
    tax levy for payment, 7-7-2206, 7-7-2265
  printing, 7-7-2256
  rescission of authority, 7-7-2239
  sale, 7-7-2222, 7-7-2238
    notice and publication, 7-7-2251, 7-7-2252
    procedure, 7-7-2254
  serial bonds, determination and commencement of installments, 7-7-2211
  sinking fund, See **Sinking funds**
  tax levy for payment, 7-7-2206, 7-7-2265
    insufficient, liability, 7-7-2266
Gravel on state lands, permits for use, 77-3-208
Grazing districts
  advisory capacity, 76-16-104
  cooperative use agreements, 7-8-2507
  establishment, 7-8-2709
  trespassing livestock, claims of ownership, 76-16-317
Hail insurance levy money, determination of use, 80-2-232
Hard-rock mine trust reserve account, 7-6-2225, 15-37-117
Hard-Rock Mining Impact Board, representation on, 2-15-1822
Hazardous substances, remedial action upon release — notice and public meeting, 75-10-713, 75-10-745
Health care facilities
  buildings for, 7-8-2102, 7-34-2201
  commission, 7-34-2202
  county property, lease, 7-34-2204
  erection and management, 7-6-2512, 7-34-2201
Health, local boards of
  appointments to, 50-2-104, 50-2-106, 50-2-107
  city-county board appropriations, duties, 50-2-111
  district board appropriations, duties, 50-2-112
  establishment by, 50-2-106, 50-2-107
  members, as, 50-2-104
Herd districts, Title 81, chapter 4, part 3

COUNTY COMMISSIONERS, BOARD OF (Continued)

Highways
  abandonment by state, notice and hearing, 60-2-107
  federal-aid secondary system, cooperation in selection, 60-1-103
  pipeline construction, restoration of highway, 69-13-103
  secondary highway system, duties and capital construction projects, 60-2-110, 60-2-125, 60-2-126, 60-3-206, 60-3-207
Historic properties, tax abatement, 15-24-1601 — 15-24-1603
Horses
  abandoned, roundup of, Title 81, chapter 4, part 5
  herd districts, Title 81, chapter 4, part 3
Hospital districts, Title 7, chapter 34, part 21
Hospitals, See **Health care facilities**
Housing authorities, Title 7, chapter 15, part 21
Indemnity insurance, premium payments, 7-4-2111
Indian tribes
  state jurisdiction, consent for, 2-1-302
  state lands, exchange or sale, 77-2-201, 77-2-306
Industrial park tax exemption, 15-24-1902
In-lieu payments for taxes (PILT), 7-6-101, 7-6-102, 7-6-104, See also **COUNTY FINANCE**
Insect pest control,7-22-2301, 7-22-2303, 7-22-2305
Insurance
  buildings, for, 7-8-2104
  county officers, for, 7-4-2111
  county sheriff, for privately owned vehicles when, 7-32-2126
Interlocal cooperation commission
  establishment, petition or resolution for, 7-11-204
  members, selection, 7-11-207
  organization, 7-11-212
Intoxication, authority limited, 53-24-106
Inventory of county tools, equipment, and machinery, 7-8-2111
Investments
  bond proceeds when, 7-7-2112
  sinking funds, 7-7-123
Irrigation districts
  partition of tax-deed lands, 85-7-2165
  taxes and assessments, levy, 85-7-2133, 85-7-2134
  tax sales, 85-7-2155, 85-7-2156
Jails, See **Detention centers**
Junk, accumulation — ordinances to control, 7-5-2110, 7-5-2111
Juries and jurors
  compensation, statement to commissioners, 3-15-204
  list of jurors, aid in compilation, 3-15-401, 46-17-202
Justices' courts
  constables, 7-4-2203
  establishment, location, and designation of number of justices, 3-10-101
  facilities to be provided, 3-10-103
  justices of the peace
    appointment when, 3-10-206
    city court judge, designation as — approval, 3-11-205
    reports required when, 7-6-2213, 7-6-2214
    salaries to be set by, 3-10-207
    substitute justice, list of qualified persons and appointment, 3-10-231, 3-10-232
  numbering of judicial offices, 3-10-201
  office hours to be set by, 3-10-208

COUNTY COMMISSIONERS, BOARD OF (Continued)

Land, See also **Property**
  administration, 7-8-2502
    rules, 7-8-2505
  advisory boards, 7-8-2703, 7-8-2707 — 7-8-2709
  advisory committee, appointment, 7-8-2506
  appraisal required, 7-8-2513
  appraised value fixed by, 7-8-2511
  cemeteries, for, 7-35-102, 7-35-2201
  cities and towns, transferred to, 7-16-102
  classification, 7-8-2501, 7-8-2504
  cooperative use agreements, 7-8-2507
  exchange or trade, 7-8-2219, 7-8-2507, 7-8-2512, 7-8-2513
  fair purposes, for, 7-21-3408
  fire danger areas, closure requested by, 87-3-106
  fish, wildlife, and parks — department owned lands, payments in lieu of taxes, 87-1-604
  governmental entities, deeded to — authorization and purpose, 7-8-102, 7-35-102
  historic easement or right-of-way for access to private land, sale, 7-14-4901
  improvements on leaseholds, 7-8-2509
  leases, permits, or licenses
    appraisal required when, 7-8-2513
    discrimination in issuance prohibited, 49-3-204
    granting, 7-8-2507
    mineral interests, 7-8-2513
    modification of leases, 7-8-2510
    renewal, 7-8-2508
    state lands — permits for stone, gravel, and sand use, 77-3-208
  management alternatives, 7-8-2507
  oil, gas, and other minerals — exploration and development, 7-8-2507, 7-8-2510, 7-8-2514
  roads, right-of-way or easements, 7-8-2514
  royalty interests, 7-8-2305, 7-8-2306, 7-8-2514
  sale, 7-8-2507, See also **Property**
    appraisal required when, 7-8-2513
    procedure, 7-8-2511
  sand, gravel, and clay — reservation for, 7-8-2514
  state lands — permits for stone, gravel, and sand use, 77-3-208
  tax-deed, See **Tax-deed lands**
  transfer, 7-16-102
Land advisory boards
  advice, assistance, and recommendations, 7-8-2708
  cooperation with, 7-8-2703, 7-8-2709
  minute book provided by, 7-8-2707
Law enforcement, powers relating to, 7-32-2301, 7-32-2302
Lawsuits, See **Actions**
Leases
  buildings, 7-34-2204, 7-34-2303
  coal, 7-8-2233
  fairgrounds and buildings, 7-21-3409
  ferries and wharves, 7-14-2805, 7-14-2806
  land, See **Land**
  motor vehicles, 7-32-2125
  property, See **Property**
  public markets, 7-21-3302
Legal adviser, 7-4-2711
Legislative vacancies filled by, 5-2-402 — 5-2-404, 10-2-227
Levies set by, See **Conservation districts**; **School district levy requirements**; **Taxation**

COUNTY COMMISSIONERS, BOARD OF (Continued)

Liability
  bond funds, misconduct, 7-7-121, 7-7-122
  bridge repairs or maintenance, 7-14-2201
  budget appropriations, exceeding, 7-6-2323
  county road obstructions, neglect or failure to act, 7-14-2133
  incurring, limitation, 7-6-2324
  tax levy for payment of bonds, insufficient, 7-7-2266
Libraries, Title 22, chapter 1, part 3
Licenses or permits
  amusement games or arcades, 23-6-103
  authority, 7-21-2101
  discrimination in issuance prohibited, 49-3-204
  dogs, 7-23-2108, 7-23-2109
  ferries and wharves, 7-14-2823
  land, See **Land**, leases, permits, or licenses
  sheep, fee requirements, 81-7-303, 81-7-305
  timber removal, 7-8-2608, 7-8-2609
  violations, investigation, 7-21-2114
  wage brokers, 31-1-302
  zoning, location or conformance, 76-2-207
Lighting system maintenance, Title 7, chapter 12, part 22
Literacy programs, adult, 20-7-714
Livestock
  abandoned horses, Title 81, chapter 4, part 5
  cattle guards on county roads, 7-14-2130
  county roads, control on, 7-14-2130
  disease control areas, establishment, Title 81, chapter 2, part 3, See **LIVESTOCK, Disease control**
  diseased, indemnity payments for slaughter, 81-2-207
  herd districts, Title 81, chapter 4, part 3
  inspections, designation of loading and unloading facilities for, 81-3-206
  inspectors, employment, 7-21-3211, 81-9-316
    confidentiality, 7-21-3213
  levies for, 81-6-104, 81-6-204, 81-6-209
  protective committee, Title 81, chapter 6, part 1
  protective districts, Title 81, chapter 6, part 2
  purebred livestock shows and sales, 81-8-503, 81-8-504
  stock lanes, establishment and alteration, 7-14-2621
Livestock, Department of — cooperation with, 81-7-102
Loans, authorization to borrow money, Title 7, chapter 7, part 24, See also **Bonds**; **General obligation bonds**; **Refunding general obligation bonds**
Local economic development organization, building and land tax exemption, 15-24-2002
Malpractice review panels, hearings — provision of facilities, 27-6-501, 27-12-501
Markets and market houses, Title 7, chapter 21, part 33
Meetings, 7-5-2122, 7-5-2125, 7-21-3213; Const., II, 9; Title 2, chapter 3, part 2, See also **PUBLIC PARTICIPATION IN GOVERNMENT**
Megalandfill siting
  application, copy to, 75-10-918
  long-range plan filed with, 75-10-913
  party to proceedings, 75-10-927
Mental health corporation boards, appointment of members and budgeting, 53-21-204
Metal mines license tax revenue, allocation, 7-6-2225, 7-6-2226, 15-37-117
Metal mines tax reserve account, 7-6-2226, 15-37-117
Metropolitan sanitary and/or storm sewer districts, Title 7, chapter 13, part 1
Mileage allowance, See **Compensation**

COUNTY COMMISSIONERS, BOARD OF (Continued)

Mill levies set by, See **School district levy requirements**; **Taxation**, levies
Minors
  abuse, actions regarding, 40-6-233
  curfew, 7-32-2302
  support, 40-6-213
Minute Book, 7-5-2129, See also **Proceedings**
Money illegally paid, 7-4-2714
Montana State University-Bozeman, cooperation and agreements with, 7-21-3203
Mosquito control districts, Title 7, chapter 22, part 24
Motor carrier certificate of public convenience and necessity, party to proceedings, 69-12-321
Motor fuel excise tax, resolution for, 7-14-301
Motor vehicles
  fees, disposition, 61-3-203
  lease, 7-32-2125
  tax, local option, 61-3-537
  wrecking facilities and graveyards
    notice of application for, 75-10-516
    recycling and disposal program, representative, 75-10-521
Museums
  erection and maintenance, 7-8-2102, 7-16-2101
  establishment and acquisition, 7-16-2202
  management, 7-8-2103
  public, not owned by county — contributions to, 7-16-2202, 7-16-2205
  tax levy for, 7-16-2205
  trustees, board of, 7-16-2203
Neglect of duty, 7-7-121, 7-7-2266, 7-14-2133, 7-14-2201
New counties, See also **COUNTIES**
  creation by petition, Title 7, chapter 2, part 22
  creation generally, records, Title 7, chapter 2, part 24
Noxious Weed Management Advisory Council, representation on, 80-7-805
Noxious weed management and fund, Title 7, chapter 22, part 21
Oaths, administration, 7-5-2121
Officers of county, See **County officers generally**; specific officer
Offices, See **County offices, consolidation**
Oil and gas interests, lease when acquired, 82-10-204
Orders by
  bridge fund, use, 7-14-2502
  cemeteries, disinterment of bodies when, 7-35-4102
  cemetery districts, 7-35-2115, 7-34-2113
  cities and towns, disincorporation, 7-2-4901, 7-2-4902
  county offices, consolidation, 7-4-2309, 7-4-2310
  county road improvement districts
    assessment register
      approval and certification, 7-14-2742
      confirmation, 7-14-2740
    assessments, levy, 7-14-2745
    bonds, issuance, 7-14-2752
    contractors, bonds issued in payment, 7-14-2720
    costs, payment of county's share, 7-14-2733
    creation, 7-14-2710
    meeting between road superintendent, owners of land, and residents, 7-14-2705
  county roads, See **County roads and bridges**
  county superintendent of schools, part-time office — establishment, 20-3-213
  district weed board orders, order on appeal from, 7-22-2110

COUNTY COMMISSIONERS, BOARD OF (Continued)
Orders by (Continued)

- emergency expenditures and liabilities, for, 7-6-2342
- herd districts
  - dissolution, 81-4-302
  - effective period, change, 81-4-305
  - exclusion of government land, 81-4-303
- horse herd districts
  - creation, 81-4-322
  - dissolution, 81-4-323
- horses, roundup of abandoned, 81-4-503
- hospital districts
  - annexation of land, 7-34-2154
  - dissolution, 7-34-2163, 7-34-2164
  - withdrawal of land, 7-34-2158
- land, sale, 7-8-2511
- metropolitan sanitary and/or storm sewer districts
  - improvements, for, 7-13-111
  - reserve fund
    - loans from, 7-13-156
    - transfers to, 7-13-152
- minute book, recorded in, 7-5-2129
- mosquito control districts
  - annexation of land, 7-22-2443
  - creation, 7-22-2408
  - dissolution, 7-22-2447
- predator control
  - program, disestablishment, 81-7-305
  - tax levy to pay bounties, 81-7-202
- rural special improvement districts
  - creation, 7-12-2102
  - funds, loans to, 7-12-2183
  - improvements, for, 7-12-2113
- salaries, payment, 7-4-2501, 7-4-2502, 7-4-2514
- sheep
  - license fees, 81-7-303
  - predator control program, disestablishment, 81-7-305
- solid waste management district improvements, 7-13-212
- television districts, creation, 7-13-2509, 7-13-2521
- transportation districts, dissolution, 7-14-245
- vacation
  - plats in abandoned townsites, 7-5-2501
  - public sites in unincorporated places, 7-5-2504
- warrants, for issuance, 7-2-2253, 7-2-2724, 7-4-2611, 7-6-106, 7-6-2111, 7-6-2202, 7-6-2430, 7-6-2601, 7-6-2605
- water and/or sewer district creation, for, 7-13-2214

Ordinances and resolutions

- adoption, 7-5-103, 7-5-108, 7-5-121
  - procedures, 7-5-102
- effective date, 7-5-104 — 7-5-106, 7-5-123, 7-5-132
- initiatives or referendum
  - effect, 7-5-137
  - proposed by, 7-5-131
    - petition, 7-3-103, 7-5-132, 7-5-136
- register of ordinances, 7-5-103, 7-5-107
- signing, 7-5-103, 7-5-121
- subject, limitations, 7-5-103

COUNTY COMMISSIONERS, BOARD OF (Continued)

Park buildings
  erection and maintenance, 7-8-2102, 7-16-2101
  management, 7-8-2103
Park Commissioners, Board of, Title 7, chapter 16, part 23
Parking regulations in unincorporated places, 7-14-2106
Parks, tax levy for, 7-16-2102, 7-16-2109
Pawnbrokers, regulation, 7-21-2120
Per diem, See **Compensation**
Permits, See **Licenses or permits**
Personnel employed by, 7-5-2107
  public welfare, county board of, 53-2-203, 53-2-304
Petty cash fund, establishment, 7-6-2212
Pipeline construction, road or highway restoration, 69-13-103
Planning and zoning
  appeals from decisions concerning, 76-2-110
  commission, 76-2-101, 76-2-102
  development districts, 76-2-106, 76-2-107
  districts, creation, 76-2-101
Planning boards
  city boards, 76-1-105, 76-1-223, 76-2-311
  establishment, resolution for, 76-1-104
  jurisdictional area, boundaries, Title 76, chapter 1, part 5
  members
    appointment, 76-1-201, 76-1-211, 76-2-311
    designation, 76-1-221, 76-1-223
  subdivision plats, advice concerning, 76-1-606
  tax levied for, 76-1-403 — 76-1-405
  vacancies filled by, 76-1-204
Powers, generally, 7-1-2104, 7-5-2101 — 7-5-2105, 7-5-2123; Const., XI, 3
Predator control
  county programs, 81-7-602, 81-7-603, 81-7-605; Title 81, chapter 7, parts 2 and 3
  livestock, department of — cooperation with, 81-7-102
  sheep protection, Title 81, chapter 7, part 3
Printing
  abandonment and consolidation of counties, contracts, 7-2-2726
  contracts, Title 7, chapter 5, part 24, See also **PUBLIC CONTRACTS, Printing**
  notice of hearings and schedule of maximum rates, copies to, 7-5-2404
Proceedings
  budget set out in, 7-6-2320
  confidentiality when, 7-21-3213
  emergency expenditures and liabilities, resolution entered in, 7-6-2341, 7-6-2342
  livestock inspectors, pertaining to, 7-21-3213
  minute book, 7-5-2129
  property transfers, entry in, 7-8-101
  publication, 7-5-2123
  recording, 7-4-2611
  warrants, canceled — list to be entered, 7-6-2607
  water and/or sewer district petitions for creation, determination of compliance, 7-13-2206
Property, See also **Land**
  abandoned counties, Title 7, chapter 2, part 27
  acquisition, authorization, 7-8-2201
  appraised value, objections filed with, 7-8-2215
  attachment, writ of — service upon commissioners when, 27-18-406
  boarding homes, lease for, 7-34-2303
  cities and towns, release upon disincorporation, 7-2-4913

COUNTY COMMISSIONERS, BOARD OF (Continued)
Property (Continued)
- community decay ordinances, enforcement, 7-5-2111
- conflict of interest, 7-5-2106
- fair purposes, for, 7-21-3408, 7-21-3410
- ferries and wharves, acquisition for, 7-14-2804
- governmental entities, transfer between, 7-8-101
- health care facilities, for, 7-8-2220, 7-34-2204
- lease, authorization, 7-2-2755, 7-8-2201, 7-8-2231, 7-21-3302, 7-34-2204, 7-34-2303
- management, authorization, 7-8-2201
- markets and market houses, for, 7-21-3301, 7-21-3302
- power regarding, 7-5-2101
- public markets, for, 7-21-3301, 7-21-3302
- sale or exchange, See also **Land**
  - appraisal required, 7-8-2214
  - authorization, 7-8-2211
  - coal leases, effect, 7-8-2233
  - failure to make, 7-8-2219
  - leased property subject to, 7-8-2231
  - lesser value, property of, 7-8-2217
  - private, when, 7-8-2218, 7-8-2301
  - proceeds, use, 7-8-2220
  - school districts, to, 7-8-2216
  - site, determination, 7-8-2212
  - terms, approval, 7-8-2213
- school districts, sale to, 7-8-2216
- valuation statements delivered to, when, 20-9-122

Public assistance, authority, Title 53, chapter 2, part 3, See **COUNTY WELFARE**
Public defender, creation of office and appointment to, 46-8-202
Public Health and Human Services, Department of — protective services employees' salaries and expenses, payment, 52-1-110
Public markets, Title 7, chapter 21, part 33
Public Safety Commission, 7-32-122 — 7-32-124, 7-32-127
Public Safety, Department of
- establishment, 7-32-101
- overtime compensation, rate, 7-32-115
- salaries, payment, 7-32-104

Public scales and weigher, Title 7, chapter 21, part 31
Public Welfare, County Board of, Title 53, chapter 2, part 3, See **COUNTY WELFARE**
Quorum, 7-2-2242, 10-3-606
Rail authorities, powers, 7-14-1611, 7-14-1612, 7-14-1632
Railroads
- bridges in cities and towns, use by — payment of costs, 7-14-2206
- crossings, 69-14-603 — 69-14-606
  - expenditures, prioritization — request for hearing, 60-2-121
  - overhead or underground, 69-14-607
- drains and ditches, construction and maintenance, 69-14-240
- fireguards, duties, 69-14-722
- grade crossings, procedures for construction and use of interlocking plants and other structures, 69-14-239

Records, 7-5-2129
- abandoned counties, disposition, 7-2-2724
- county roads — establishment, alteration, and abandonment, 7-14-2614
- destruction allowed when, 7-5-2132
- new counties, transfer and transcription, 7-2-2254, 7-2-2401 — 7-2-2403, 7-2-2405
- preservation fund, 7-4-2635
- public, to be, 7-5-2131

COUNTY COMMISSIONERS, BOARD OF (Continued)
Records (Continued)

- retention schedules, 7-5-2132
- signing, 7-5-2130

Records preservation fund, 7-4-2635
Recreational facilities
- erection and maintenance, 7-8-2102, 7-16-2101
- management, 7-8-2103
- tax levy for, 7-16-2102

Refunding general obligation bonds, See also **General obligation bonds**
- advance refunding bonds, issuance, 7-7-2316
- authority, 7-7-2301
- sale, 7-7-2302
- term, calculation, 7-7-2303

Regional mental health corporation boards, appointment of members and budgeting, 53-21-204
Reports by, 7-14-2105
Reports to
- county auditor, 7-6-2331, 7-6-2407
- county clerk and recorder, 7-6-2331
- county officers, 7-6-2112, 7-6-2213, 7-6-2214, 7-6-2331, 7-6-2407
- county treasurer, 7-6-2112
- ferrymen, 7-14-2802, 7-14-2828
- park commissioners, board of, 7-16-2325, 7-16-2331
- road superintendent, 7-14-2308, 7-14-2709

Resignations made to, 2-16-502
Resort area districts, 7-6-1531 — 7-6-1550
Resort tax
- administrative ordinance, 7-6-1505
- definitions, 7-6-1501, 7-6-1505
- election, 7-6-1503, 7-6-1504, 7-6-1508
- establishment of resort area, 7-6-1501, 7-6-1508
- revenue, use, 7-6-1509

Revenue bonds, issuance, 7-7-2501
Rewards for apprehension of criminals, 7-32-2301
Road and bridge construction or improvement expenditure estimates, filing, 7-6-2311
Road and bridge depreciation reserve fund, 7-14-2506
Road Book, 7-5-2129
- expenditures, limitation, 7-14-2514
- powers relating to, 7-14-2102
- remote districts, use of tax money, 7-14-2514

Road improvement districts, Title 7, chapter 14, part 29
Roads and road districts, 7-5-2103, 7-14-2121, See also **County roads and bridges**
Rodent control districts, petition by landowner for exclusion, 7-22-2214
Rulemaking powers, 7-5-2102, 7-8-2505, 7-8-2604, 7-8-2605, 7-8-2609, 7-14-2806, 7-14-2826, 7-21-3104
- markets, notice of adopted rules, 7-21-3305

Rural special improvement districts, Title 7, chapter 12, part 21
Salaries
- establishment
  - constables, 3-10-703, 7-6-2426
  - coroner's stenographer, 7-4-2903
  - county employees, 7-5-2107, 7-14-2304
  - county officers, 7-4-2312, 7-4-2502
    - deputies, 7-4-2505
  - justices of the peace, 3-10-207
- overtime compensation, 7-4-2509, 7-32-115

COUNTY COMMISSIONERS, BOARD OF (Continued)
Salaries (Continued)

payment, order for
  county officers, 7-4-2501, 7-4-2502, 7-4-2514
  public safety, department of, 7-32-104
Salary of commissioners, See **Compensation**
Sale
  crushed rock and gravel, surplus, 7-14-2124
  property, See **Property**
  timber, Title 7, chapter 8, part 26
Sand on state lands, permits for use, 77-3-208
Scales, public, Title 7, chapter 21, part 31
School budgets
  budget amendment resolution, copy to, 20-9-162
  budget board, commissioners as, 20-6-502, See also **SCHOOL FINANCE, Budget board**
School district levy requirements
  adult education programs, 20-7-705
  basic county tax for elementary and high school equalization and BASE funding program, 20-9-331, 20-9-333
  bonds, failure to make levy for, 20-9-439
  building reserve fund, 20-9-503
  bus depreciation reserve fund, 20-10-147
  computation, reports regarding, 20-3-205
  debt service fund, 20-9-439, 20-9-506
  general fund, 20-9-141, 20-9-142, 20-9-353
  joint districts, 20-9-151, 20-9-152
  nonoperating fund, 20-9-506
  retirement fund, 20-9-501
  state equalization aid, 20-9-360
  transportation fund, 20-10-144, 20-10-146
School districts
  boundaries, record and reports, 20-6-103
  county, division into, 7-5-2103
  elementary
    annexation, copy of order for, 20-6-205
    boundaries, review — copies, 20-6-215
    consolidation, copy of order for, 20-6-203
  endowment fund reports, 20-9-604
  high school
    annexation, copy of order for, 20-6-317
    consolidation, copy of order for, 20-6-315
  joint high school district organization orders, appeal from, 20-6-309
  K-12
    attachment of elementary to high school district, copy of order for, 20-6-701
    dissolution order, copy to, 20-6-704
  levy requirements, See **School district levy requirements**
  sale of property to, 7-8-2216
School elections ordered by, 20-20-201, See also **SCHOOL ELECTIONS**, generally
Schools, See **County high schools**; **School district levy requirements**
School trustees, suspension when, 20-3-310
Seal, county, 7-4-2112, See **COUNTIES, Seal**
Sewer districts, Title 7, chapter 13, parts 22 and 23
Sewer rentals, applicability of municipal laws, 7-12-2301
Sinking funds
  interest, use, 7-7-2261
  investment, 7-7-123
  transfer of money, 7-7-2274

COUNTY COMMISSIONERS, BOARD OF (Continued)

Small claims courts
    creation by, 3-12-103, 3-12-203
    multicounty districts, 3-12-203
Smoke abatement, Title 7, chapter 31, part 1
Snowmobiles, permission for operation on county roads, 23-2-631
Solid waste management plans, submission to, 75-10-111
Solid waste management districts, Title 7, chapter 13, part 2
Special improvement districts
    resolutions, copies to, 7-12-4102, See **SPECIAL IMPROVEMENT DISTRICTS**
    rural, Title 7, chapter 12, part 21
    utilities, for underground conversion — authorization to create, 69-4-311, See **UTILITIES, Underground conversion**
State correctional institution overcrowding, contracts for confinement in detention center, 53-30-106
State lands
    permits for stone, gravel, and sand use, 77-3-208
    tribal governments, exchange with or sale to, 77-2-201, 77-2-306
Stock inspectors, See **Livestock**
Stock lanes, creation, 7-14-2621
Stone on state lands, permits for use, 77-3-208
Stream access law, Title 23, chapter 2, part 3, See **RIVERS AND STREAMS, Recreational use**
Stream alteration or modification projects, Title 75, chapter 7, part 1
Streambeds, repairs to, 7-14-2203
Streets in unincorporated places, abandonment, 7-14-2616
Subdivision plats, advice regarding, 76-1-606, See also **PLANNING BOARDS; SUBDIVISIONS, Governing bodies**
Subpoenas
    fees of officers and witnesses, 7-5-2128
    powers, 7-5-2127
Supplies, contracts for, 7-5-2105, 7-5-2411, See also **COUNTIES, Contracts; PUBLIC CONTRACTS, Printing**, county printing
Surety upon official bonds, as — not allowed when, 2-9-507
Taxation
    appraisal
        preexisting work, 15-7-104
        reappraisal plan to, 15-7-111
    cancellation of tax when, 15-16-801, 15-17-911, 15-24-1701 — 15-24-1703
    classification, preexisting work, 15-7-104
    coal gross proceeds tax, reallocation of distribution, 15-23-703
    cultural, social, and recreational facilities — single tax, 7-16-2109
    delinquent
        commercial property, suspension and cancellation, 15-16-801, 15-24-1701 — 15-24-1703
        5-year list, transmittal to, 15-16-701
        personal property, list to and request for collection, 15-16-119, 17-4-103
    flood control project assessments, Title 76, chapter 5, part 11, See **FLOODS, Control projects**
    in-lieu payments for, 7-6-101, 7-6-102, 7-6-104, See also **COUNTY FINANCE**
    irrigation districts, tax sales, 85-7-2155, 85-7-2156
    levies
        abandonment and consolidation of counties, 7-2-2749
        arts, facilities for, 7-16-2205
        bond payments, for, 7-2-2749, 7-7-2206, 7-7-2265

COUNTY COMMISSIONERS, BOARD OF (Continued)
Taxation (Continued)
  levies (Continued)
    bridge tax
      municipal, 7-14-2503
      road and bridge construction tax, 7-14-2504
      special, 7-14-2502
    cattle protective districts, recommendations for, 81-6-204, 81-6-209
    cemetery districts, 7-35-2116, 7-35-2122
    cities and towns, disincorporation, 7-2-4918
    civic centers, for, 7-16-2102
    community college districts, 20-15-313, 20-15-326
    county roads and bridges, 7-14-2101
      road and bridge construction tax, 7-14-2504
      road tax, general, 7-14-2501
    cultural facilities, for, 7-16-2102
    detention center inmate medical care costs, funding, 7-6-2541
    emergency warrants, funding, 7-6-2345
    extension work in agriculture, for, 7-21-3203
    fair purposes, for, 7-16-2109, 7-21-3410, 7-21-3433, 7-21-3457
    ferries and wharves, for, 7-14-2801, 7-14-2807
    fire districts, 7-33-2109
    fund requirements and reserves, 7-6-2319, 7-6-2321
    health care facilities, 7-6-2512
    hospital districts, 7-34-2133, 7-34-2134
    insufficient, liability, 7-7-2266
    interest, for, 7-6-2211
    livestock, for, 81-6-104, 81-6-204, 81-6-209
    livestock protective committees, recommendations, 81-6-104
    metropolitan sanitary and/or storm sewer districts, Title 7, chapter 13, part 1
    mills and fractions of mills, computation in, 15-10-201
    mosquito control districts, 7-22-2432, 7-22-2433
    museums, for, 7-16-2205
    noxious weed management, 7-22-2142
    parks, for, 7-16-2102, 7-16-2109
    planning boards, for, 76-1-403 — 76-1-405
    predator control, county programs, 81-7-201, 81-7-202
    recreation facilities, for, 7-16-2102
    responsibility for, 7-6-2501, 7-6-2502, 7-14-2801, 7-14-2807
    rural special improvement districts, Title 7, chapter 12, part 21
    school districts, See **School district levy requirements**
    sinking fund, for, 7-6-2211
    smoke abatement bonds, payment, 7-31-116
    solid waste management district bonds, payment, 7-13-237
    television districts, 7-13-2528
    transportation districts, 7-14-232
    vocational-technical education, for, 20-9-212, 20-25-439
    water and/or sewer districts, 7-13-2302
    weed management, 7-22-2142
    youth centers, for, 7-16-2102
  new counties, assessments, 7-2-2252
  new industrial facilities, request for prepayment, 15-16-201
  office space to be furnished, 15-8-102
  oil and natural gas accelerated tax fund, 15-36-326
  oil and natural gas production tax, reallocation of distribution, 15-36-324
  payments in lieu of (PILT), 7-6-101, 7-6-102, 7-6-104, See also **COUNTY FINANCE**
  public assistance, levies for, 53-2-322
  public safety tax, 7-6-2513

COUNTY COMMISSIONERS, BOARD OF (Continued)
Taxation (Continued)

- purebred livestock shows and sales, for, 81-8-503, 81-8-504
- rate of tax, fixing, 7-6-2502
- refunds — order for, judicial review, and payment, 15-16-603 — 15-16-605, 15-16-613
- tax deeds
  - issuance, request for, 15-18-211, 15-18-212
  - notice, designation of newspaper for publication, 15-18-212
- vehicle tax, local option, 61-3-537
- water and/or sewer districts, 7-13-2302 — 7-13-2304, 7-13-2306, 7-13-2307
- water conservation project assessments, Title 76, chapter 5, part 11, See **FLOODS, Control projects**

Tax-deed lands
- deed of conveyance, 7-8-2305
- exchange, 7-8-2401, 7-8-2603
  - disposal of land and timber acquired by, 7-8-2402
- mineral royalties, 7-8-2305, 7-8-2306
- sale, donation, or retention, 7-8-2301
  - terms, approval, 7-8-2304

Television districts, Title 7, chapter 13, part 25
Term of office, 7-2-2713, 7-4-2105
- commissioner districts, change, 7-4-2102

Timber and timber sales, Title 7, chapter 8, part 26
Townships
- abandonment of counties, disposition following, 7-2-2721
- districts, 7-5-2103
- establishment, 7-2-2105
- officers, See **COUNTY OFFICERS**

Traffic on county roads, limitation or prohibition when, 7-14-2127
Transportation, Department of
- reports to, 7-14-2105
- road responsibilities transferred to, when, 7-14-2109

Transportation districts, Title 7, chapter 14, part 2
Treasure state living cultural treasures program, nominations solicited for, 2-15-238
Upper Clark Fork River Basin Steering Committee, appointments to, 85-2-338
Utilities
- lines and facilities, underground conversion — duties, Title 69, chapter 4, part 3
- mains, authority for construction, 7-13-2101

Vacancy in office
- general provisions, 7-4-2106
- postattack, 10-3-603, 10-3-606

Vacation
- county roads, Title 7, chapter 14, part 26
- plats in abandoned townsites, 7-5-2501
- public sites in unincorporated places, 7-5-2504
- validation of action for, 7-5-2503

Value-added manufacturing, expanding industry taxable value decrease, 15-24-2403
Veterans
- appointment of "acting" officers, 10-2-227
- employment preference, nonapplicability when, 39-29-101
- interment, duties and report to, 10-2-501, 10-2-503
- reemployment applications, receipt of, 10-2-223

Violations
- official bond, liability on, 7-4-2113
- stock employment, divulging name or purpose of employment, 7-21-3213

Votes, recording, 7-4-2611
Warrant Book, 7-5-2129, 7-6-2607

COUNTY COMMISSIONERS, BOARD OF (Continued)

Warrants, See **COUNTY FINANCE, Warrants**
Water
  conservation and flood control projects, duties, Title 76, chapter 5, part 11, See **FLOODS, Control projects**
  contracts for water or water rights, 85-1-224
  mains, authority for construction, 7-13-2101
  watercourses, repairs to, 7-14-2203
Water and/or sewer districts, 7-6-2218; Title 7, chapter 13, parts 22 and 23
Water and wastewater authorities, regional — agreements for organization, filing, 75-6-305
Water pollution, clean-up orders issued to, 75-5-601
Water quality districts, duties, Title 7, chapter 13, part 45, See **WATER QUALITY**
Water users' association, books for recording records, 7-4-2615
Weather modification authorities, See **County weather modification authorities**
Weeds and weed control, Title 7, chapter 22, part 21
Welfare, County Board of, Title 53, chapter 2, part 3, See **COUNTY WELFARE**
Witnesses, 7-5-2127, 7-5-2128
Youth centers
  erection and maintenance, 7-8-2102, 7-16-2101
  management, 7-8-2103
  tax levy for, 7-16-2102
Youth court, funding — authorization, 41-5-104
Youth guidance centers, multicounty, 7-16-2104
Zoning, Title 76, chapter 2, part 2

COUNTY CORONER
  See also generally **COUNTY OFFICERS**; **FORENSIC SCIENCE**; **PUBLIC OFFICERS OR EMPLOYEES**
Abuse, neglect, or exploitation of aged persons or persons with developmental disabilities — disclosure of records or reports, 52-3-813, 52-3-814
Accounts, 7-4-2914, 7-6-2426
Actions
  against, statute of limitations, 27-2-209
  party to, effect, 7-4-2902, 25-3-206
Anatomical gifts
  nonliability, 72-17-207
  release and permit removal of parts, 72-17-215
Appointment, 7-3-440, 7-4-2203, 7-4-2901, 7-4-2904
Attorneys at law
  persons held in custody by coroner, right to see, 37-61-418
  security on bond or recognizance, not to become, 37-61-419
Autopsies, duties, 39-72-606, 46-4-103, 46-4-110, 46-4-123, 50-21-103
Burial Preservation Board, representation, 22-3-804
Burial sites or materials, protection — duties, 22-3-802, 22-3-805, 22-3-806
Cemetery associations, interment information provided, 35-20-209
Cessation order, 44-3-404, 46-4-110
Child abuse and neglect
  records, confidentiality — disclosure exceptions, 41-3-205
  reporting of, 41-3-201, 41-3-203 — 41-3-207
City-county consolidated government department of health, duties of director, 7-3-1346
County sheriff, duties as — when, 7-4-2911
Death certificates
  certification or amendment, 46-4-110, 50-15-403, 50-15-404
  physician's failure to sign, 7-4-2911
Death penalty, execution — pronouncement of death, 46-19-103

COUNTY CORONER (Continued)

Dental records, use, 44-2-401, 44-2-402
Deputy coroners, 7-4-2901, 7-4-2905
Developmental disabilities, persons with — report of abuse, neglect, or exploitation required, 52-3-811
Disinterment or removal or body, order for, 44-3-404, 46-4-103, 46-4-110
Disqualification when, 7-4-2902, 25-3-206, 46-4-201
Education requirements, 7-4-2901, 7-4-2902, 7-4-2904, 7-4-2905, 44-3-211
Elderly persons — report of abuse, neglect, or exploitation required, 52-3-811
Election of, 7-3-440, 7-4-2203, 7-4-2904, 7-4-2905, 13-12-207; Const., XI, 3
Entry, right of, 46-4-111
Evidence, authority, 7-4-2911, 46-4-110 — 46-4-112
Examinations and tests conducted by, 46-4-110, 46-4-113
Expenses or fees, 3-15-203, 7-4-2902, 7-4-2911, 7-4-2913, 7-4-2905, 7-4-2923, 7-6-2421, 46-4-103, 46-4-201, 46-4-206
Fetal death, 46-4-114, 46-4-120, 50-15-404
Fetal, infant, and child mortality review teams — representation on, 50-19-403
Human remains, finding — notification to coroner, 46-4-120
Human skeletal remains, protection — duties, 22-3-802, 22-3-805, 22-3-806
Indigent persons, burial, 35-20-209
Infants, sudden infant death syndrome, 50-15-411, 50-15-412
Inquests, 7-4-2911, 46-4-201, 50-21-103
  conducted by, 7-4-2902, 7-4-2911, 46-4-110, 46-4-201
  costs, 3-15-203, 7-4-2913, 26-2-503, 46-4-201, 46-4-206
  determination for, 46-4-121
  disqualification of coroner when, 7-4-2902, 46-4-201
  escheated estates, when title vests in state, 72-14-102
  evidence, 46-4-112
  interpreters for deaf persons, 49-4-503
  juries of, 3-15-102, 3-15-105, 46-4-201
    fees, 3-15-203
    impaneling, 3-15-802
    summoning, swearing, and instructions, 3-15-801, 46-4-202
    trial jury, service on inquest jury grounds for challenge, 46-16-115
    verdict and viewing of body and death scene, 46-4-205
  register, 46-4-207
  subpoenas, 46-4-112, 46-4-203
  testimony, proceedings, and record, 46-4-201, 46-4-206
  verdict, 46-4-202, 46-4-205, 46-4-206
  witnesses, 26-2-503, 46-4-112, 46-4-201, 46-4-203, 46-4-206
Inquiry, 7-4-2911, 46-4-121
  autopsy, order for, 46-4-103
  cessation order, 44-3-404
  conflict of interest, 7-4-2902
  custody of body, 7-4-2915
  evidence, 46-4-110, 46-4-112
  other counties, in, 46-4-101
  records, 7-4-2911
  removal of body from place of death, 50-15-405
  report, 46-4-123
  required when, 7-4-2911, 46-4-110, 46-4-121, 46-4-122
  subpoenas, 46-4-112
Jurisdiction, 46-4-101
Laboratory of criminalistics, fees for services prohibited, 44-3-302
Law, practice of — prohibited, 37-61-203
Medical examiner, state — jurisdiction and assistance, 44-3-211, 46-4-101

COUNTY CORONER (Continued)

Missing person investigations, 44-2-401
Morgue facilities, 46-4-103
Mortuary
  autopsy conducted at, 46-4-103
  release of body to, 7-4-2915
  removal of body to, 46-4-104
Motor vehicle accident reports, 61-7-111, 61-7-112
Oath of office, 7-4-2904
Powers, 46-4-110
Property, custody and control, 7-4-2911, 46-4-111
Property with or upon person of deceased, accounting and disposition, 7-4-2914, 7-4-2917
Qualifications, 7-4-2201, 7-4-2901, 7-4-2904; Const., XI, 3
Register, 46-4-207
Relatives of deceased, notice, 7-4-2911
Removal of body from place of death, 50-15-405
Reports, 44-3-213, 46-4-123, 61-7-112
Salary, See **COUNTY OFFICERS**, **Salaries**
Search warrants, authority, 46-4-111
Selection provided by ordinance, 7-3-440
Service of process
  execution by, 7-4-2923
  obstruction, penalty, 25-3-105, 45-7-302
  process servers or levying officers, registration provisions — nonapplicability, 25-1-1101
Stenographer for, 7-4-2903
Subpoenas, issuance, 46-4-110, 46-4-112, 46-4-203
Suicide notes, disposition, 7-4-2917
Unclaimed bodies, disposal, 7-4-2911
Unidentified bodies, identification, 44-2-402
Vacancy in office, 7-4-2902, 25-3-206
Violation of duty, 3-1-501
Witness to and certification of deaths when, 7-4-2911

COUNTY ELECTION ADMINISTRATOR
  See **ELECTION ADMINISTRATOR**

COUNTY EXTENSION AGENTS
  See **COOPERATIVE EXTENSION SERVICE, Counties**

COUNTY FAIR COMMISSIONERS OR DISTRICTS
  See **FAIRS, County fair commission**; **County fair districts**

COUNTY FINANCE
Abandoned horse fund, 81-4-503, 81-4-512, 81-4-514
Abandonment and consolidation of counties, See **COUNTIES, Abandonment and consolidation**
Accountability, Const., VIII, 12
Accounting methods, alternative, 7-6-601 — 7-6-604
Accounts, See **County charges**
Actions
  bond issues, to restrain, 7-7-105
  bonds
    funds, enforcement of officers' liability, 7-7-122
    general obligation, to test validity, 7-7-104
  duplicate bonds, warrants, or coupons — owner or holder of original, recovery of money paid upon, 7-7-2106
  motor fuel excise tax, delinquent — recovery, 7-14-304

COUNTY FINANCE (Continued)
Actions (Continued)

- officers, enforcement of liability, 7-7-122
- service consolidation or transfer, effect of adoption, 7-11-309
- sinking fund, enforcement of officers' liability, 7-7-122
- taxes, levy and collection — to restrain, 7-7-105
- venue, change of — allocation of costs, 7-6-2427, 7-6-2428, 25-2-205

Aging and aged persons, funds for activities, 7-16-101
Agriculture
- extension work, 7-21-3203
- products, appropriation for advertising, 7-21-3201, 7-21-3202

Aircraft registration account money, allocation to, 67-3-205
Air pollution control program, deposit and use of fees, 75-2-301
All-purpose fund, 7-6-2525
Ambulance services, tax levy for, 7-34-102
Anticipation notes, Title 7, chapter 6, part 11, See **LOCAL GOVERNMENT, Notes, tax and revenue anticipation**
Appeals, 7-6-2343, 7-6-2424
Appropriations
- city or town infrastructure facilities, projects, or services — transfers for, 7-6-2335
- classification, 7-6-2314, 7-6-2320, 7-6-2324
- lapse, 7-6-2330
- limitations, 7-6-2324
- reports concerning, 7-6-2331
- transfer, 7-6-2325

Armories, funding, 10-1-108
Assessments, See also **Taxation**
- conservation districts, Title 76, chapter 15, See **CONSERVATION DISTRICTS**
- conservation easements, property subject to, 76-6-208
- fire service areas, 7-33-2404
- metropolitan sanitary and/or storm sewer districts, Title 7, chapter 13, part 1, See **SEWAGE DISPOSAL AND SEWER SYSTEMS**
- open-space land purposes, for, 76-6-109
- road improvement districts, 7-14-2902, 7-14-2907

Auditor, See **COUNTY AUDITOR**
Audits, 7-6-604; Title 2, chapter 7, part 5
Bingo and keno tax revenue, 23-5-409
Boarding homes
- bond issues, See **HEALTH CARE FACILITIES, County facilities**
- depletion allowance reserve fund, 7-34-2401 — 7-34-2404
- multicounty operation, 7-34-2503, 7-34-2504
- property leased for, rental proceeds, 7-34-2303

Boating access and facilities, development and maintenance, 7-16-2121
Bond issues and bonds, See also **Borrowing**
- abandoned counties, See **COUNTIES, Abandonment and consolidation**
- action to restrain, 7-7-105
- amortization, tax levy for, 2-9-316, 15-1-402
- bridges, construction, 7-14-2204
- building and loan associations, investment in, 32-2-406
- capital project bonds, payment, 7-6-2225
- citizen bonds, 7-7-2212 — 7-7-2215
- city-county consolidated government sinking fund, investment in, 7-3-1322
- city-county consolidation plans, provisions concerning, 7-3-143
- coal severance tax bonds, 85-1-605; Title 17, chapter 5, part 7
- consolidated governments, 7-7-107, 7-7-108, 7-5-201
- consolidation, Title 17, chapter 5, part 16

COUNTY FINANCE (Continued)
Bond issues and bonds (Continued)

- construction bonds
  - flood control or water conservation projects, for, 76-5-1117
  - issuance, authorization, 7-7-2111
  - proceeds, investment, 7-7-2112
- county merger, provisions concerning, 7-3-144
- destruction of bonds when, 7-5-2132
- duplicate bonds, 7-7-2104, 7-7-2106
- economic development, Title 17, chapter 5, part 15
- elections, 7-7-105, 7-7-106
- exemption, 7-6-2348
- expenditures, proceeds to finance, 7-6-2327
- fire districts, 7-33-2109
- funds, enforcement of officers' liability, 7-7-122, See also **Sinking fund**
- general obligation bonds, See **General obligation bonds**
- government, form of — effect of change, 7-3-106, 7-3-152
- health care facilities, for, 7-6-2512; Title 7, chapter 34, part 24, See **HEALTH CARE FACILITIES**, **County facilities**
- hospital districts, 7-34-2122, 7-34-2131
- hospitals, See **HEALTH CARE FACILITIES**, **County facilities**
- industrial development projects and revenue bonds, See **INDUSTRIES AND INDUSTRIAL DEVELOPMENT**, **Development projects**
- insurers, deposits — securities eligible for, 33-2-603
- interest and principal, See **Sinking fund**
- interest rate, 17-5-101 — 17-5-104
- judgment or settlement liability, payment, 2-9-316
- metropolitan sanitary and/or storm sewer districts, Title 7, chapter 13, part 1, See **SEWAGE DISPOSAL AND SEWER SYSTEMS**
- name change of county, effect, 7-2-2509, 7-2-2511
- new counties, to pay indebtedness, 7-2-2246
- notes, sale in anticipation of federal or state revenue, 7-7-109
- notice of public bond sale, publication, 17-5-106
- park districts, 7-16-2433
- park lands, for purchase and improvements, 7-16-2327
- port authorities, 7-14-1131, 7-14-1133, 7-14-1134
- printing, 7-7-2256
- proceeds from issues not yet authorized, 7-6-2311, 7-6-2314
    - road and bridge construction costs, budget estimates, 7-6-2311
  - use, 7-6-2327
- redemption
  - optional method, 17-5-105
  - prior to maturity, when, 17-6-213
- refunding bonds
  - crossover refunding bonds, 17-5-2101, 17-5-2102
  - general obligation, See **Refunding general obligation bonds**
  - revenue bonds, 7-7-2501
  - road and bridge, 7-14-2525
  - solid waste management districts, 7-13-236, 7-13-237, 7-13-308, 7-13-309
- registration, Title 17, chapter 5, part 11
- replacement, 7-7-2104
- restrain, action to, 7-7-105
- retention schedules for bonds, 7-5-2132
- revenue bonds
  - issuance, authorization, 7-7-2501
  - solid waste management districts, 7-13-236, 7-13-237, 7-13-308, 7-13-309
  - transportation districts, 7-14-235

COUNTY FINANCE (Continued)
Bond issues and bonds (Continued)

- road and bridge
  - amortization bonds, 7-14-2526, 7-14-2527
  - authorization, 7-14-2521, 7-14-2522
  - form, 7-14-2526
  - interest, payment, 7-14-2529
  - issuance, 7-14-2522
    - amount, limitation, 7-14-2524
  - redemption, 7-14-2530
  - refunding agreements and bonds, 7-14-2525
  - sale, 7-14-2522
  - serial bonds, 7-14-2526, 7-14-2528
  - "single purpose" defined, 7-14-2531
  - term, 7-14-2523
- road improvement districts, Title 7, chapter 14, part 27, See **COUNTY ROAD IMPROVEMENT DISTRICTS**
- rural fire districts, 7-33-2109
- rural special improvement districts, Title 7, chapter 12, part 21, See **RURAL SPECIAL IMPROVEMENT DISTRICTS, Bonds and warrants**
- self-government consolidated units, authority, 7-5-201
- self-insurance reserve fund, to fund, 2-9-211, 2-9-212
- service consolidation or transfer, effect of adoption, 7-11-309
- sinking fund, See **Sinking fund**
- smoke abatement, for, Title 7, chapter 31, part 1; Title 75, chapter 2, See **AIR QUALITY, Smoke abatement program**
- solid waste management districts, 7-13-236, 7-13-237, 7-13-308, 7-13-309
- tax protest refunds, for, 15-1-402
- timber sale agreements, requirements, 7-8-2606
- tort claims, payment of judgment or settlement liability — for, 2-9-316
- transportation districts, 7-14-235, 7-14-236
- validation, Title 17, chapter 5, part 2
- void when, 7-7-2102
- water or sewer systems, 7-7-108

Bond register, 7-7-103

Borrowing, See also **Bond issues and bonds**; **Indebtedness**
- amount, determination, 7-7-2403
- authorization, 7-7-2401
- consolidated units, 7-7-108
- disaster loans, 10-3-314
- election
  - ballot, form, 7-7-2405
  - conduct, 7-7-2406
  - notice, 7-7-2404
  - required when, 7-7-2402
- fire districts, 7-33-2109
- hard-rock mine trust reserve account funds to provide loans, 7-6-2225
- health care facilities, for, Title 7, chapter 34, part 24, See **HEALTH CARE FACILITIES, County facilities**
- hospital districts, 7-34-2122, 7-34-2131
- park districts, 7-16-2433
- port authorities, 7-14-1133
- proceeds
  - use, 7-6-2327
  - restrictions, 7-7-2407; Const., VIII, 11
- self-government units, mandatory provisions, 7-1-114

Bounty fund, 81-7-203

COUNTY FINANCE (Continued)

Bridge fund, 7-7-2201, 7-14-2206, 7-14-2502
Bridges, See **Roads and bridges**
Bridge tax
  municipal, 7-14-2503
  special, 7-6-2523, 7-14-2502
Budget
  all-purpose fund, 7-6-2525
  alternative accounting method, requirements, 7-6-604
  appropriations, See **Appropriations**
  approval and amendment, adoption, 7-6-2317, 7-6-2320
  arts, facilities for, 7-16-2205
  boards or commissions, appointed, 7-6-2348
  cemetery districts, 7-35-2121
  classification of estimates, appropriations, and expenditures, 7-6-2302, 7-6-2314
  commerce, department of — role, 7-6-2302
  conciliation court — provisions for, exception, 40-3-114, 40-3-122, 40-3-125
  consolidated governments, 7-5-201
  construction of provisions, 7-6-2301
  county poor fund, 53-2-322
  county sheriff's, fees credited to, 7-4-2525
  county superintendent of schools, controversy appeal costs paid from, 20-3-210
  county weather modification authorities, 85-3-423
  detention center inmate medical care costs, 7-6-2541
  district courts, See **District courts**
  drinking and driving prevention programs, 61-2-106
  emergency, 7-6-2329
  estimates
    classification, 7-6-2314
    filing and form, 7-6-2311, 7-6-2312
    tabulation
      consideration, 7-6-2315
      expenditures and revenue sources, 7-6-2313
  fair districts, 7-21-3429, 7-21-3430
  final, 7-6-2320, 7-6-2322
  fire districts, 7-33-2105
  fire service areas, 7-33-2403
  funding requirements, See **Funds generally**
  hard-rock mining impact payments, 90-6-323
  hearings, 7-6-2316, 7-6-2317
  installment purchase contracts, 7-5-2306
  interlocal cooperation agreements, 7-11-105
  livestock reserve fund, excess funds — inclusion, 15-24-926
  metropolitan sanitary and/or storm sewer districts, applicability of provisions, 7-13-146
  mosquito control districts, effective date of dissolution, 7-22-2448
  museums, 7-16-2205
  park districts, 7-16-2431
  planning boards, tax levy for, See **PLANNING BOARDS**, **Tax levies**
  proposed, 7-6-2315 — 7-6-2317, 53-2-322
  public assistance and protective services, 53-2-322
  revenues, See **Revenues**
  road and bridge construction costs and maintenance, 7-6-2311, 7-14-2101
  road and bridge, unexpended and unencumbered — disposition, 7-14-2506
  self-government units, 7-1-114, 7-5-201
  service consolidation or transfer, 7-11-304
  study commissions, 7-3-184

COUNTY FINANCE (Continued)
Budget (Continued)

- surety bond premiums, 2-9-704
- tax levy, See **Taxation**, levies
- teachers' retirement system, employer contributions, 19-20-605
- transfers or revisions, 7-6-2325
- transportation districts, 7-14-231
- violation of provisions, 7-6-2303
- warrants, unpaid and outstanding, See **Warrants**
- welfare, 53-2-322

Business incubators, tax exemption, 15-24-1802
Capital improvement fund
- establishment, 7-6-2219, 7-21-3413
- fair commission, establishment and management, 7-21-3413, 7-21-3414
- investment and interest, 7-6-2702
- levy for, 7-6-2220
- limitations, 7-6-2221

Card game tables, live — permit fee revenue, 23-5-306
Cash basis, authorization to conduct business on, 7-6-2211
Cash verification, 7-6-2204
Cemetery districts
- budget, 7-35-2121, 7-35-2125
- claims, 7-35-2123
- excess expenditures, 7-35-2125
- permanent care and improvement fund, See **CEMETERY DISTRICTS**
- tax levy, 7-35-2116, 7-35-2122
  - proceeds, disbursement, 7-35-2123

Charges for services — limit on fund balance, exceptions, audits, reduction, and reports, 17-2-301 — 17-2-304
City road fund, 7-14-2512, See also **CITY FINANCE**
Civic centers, 7-16-2102, 7-16-2103
Claims
- abandoned counties, processing, 7-2-2741
- approval required, 7-4-2812, 7-6-2407
- auditing, 7-6-2407, 7-16-2330
- cash basis, county business conducted on — effect, 7-6-2211
- cemetery districts, for tax proceeds, 7-35-2123
- county commissioners, board of — by, procedures, 7-6-2423
- county sheriff, 7-32-2144
  - false, 7-32-2128
- destruction when, 7-5-2132
- detention centers
  - administrators, false claims, 7-32-2249
  - costs of holding persons, 7-32-2222, 7-32-2242
- disallowance, 7-5-2123, 7-6-2323, 7-6-2424
- emergency situations, 7-6-2341
- horses, abandoned — roundup expenses, 81-4-503
- investigation and examination, 7-6-2407
- limitations, 7-6-2421
- list of those allowed or rejected, 7-6-2411
- noxious weed fund expenditures, 7-22-2145
- opposition, 7-6-2422
- park commissioners, board of — audit and allowance, 7-16-2330
- parks and cultural, social, and recreational facilities — claims on fund for, 7-16-2103
- payment, 7-6-2202, 7-16-2330
  - approval required, 7-6-2407
  - fiscal yearend, 7-6-2330

COUNTY FINANCE (Continued)
Claims (Continued)
  payment (Continued)
    order for, publication, 7-5-2123
  prompt payment, 7-6-401 — 7-6-403
  publication, 7-5-2123
  public health and human services, department of — protective services employees' salaries and expenses, 52-1-110
  public officers, dealings in, 2-2-204 — 2-2-207
  retention schedules, 7-5-2132
  roads and bridges
    construction and repair, approval, 7-4-2812
    inspections, 7-14-2126
    superintendent's certificate, 7-14-2307
  solid waste management districts, 7-13-234
  statutes of limitation, 7-6-2421, 27-2-209
Coal severance tax bond revenues, 17-5-701, 17-5-703; Title 90, chapter 6, part 7
Commerce, Department of
  alternative accounting method, requirements, 7-6-603, 7-6-604
  annual financial statement, copies to, 7-6-2203
  audits, Title 2, chapter 7, part 5
  budget and tax levies, submission to, 7-6-2322
  budget law, role, 7-6-2302, 7-6-2311, 7-6-2314
Commercial property, delinquent taxes — suspension and cancellation, 15-16-801, 15-24-1701 — 15-24-1703
Conservation practice loan accounts, 76-15-542
Contingent fund, salary for county coroner's stenographer, 7-4-2903
Contracts, See **COUNTIES**; **COUNTY ROADS AND BRIDGES**
Contractual obligations owed to county, delinquent, 15-16-701
County adult literacy fund, 20-7-714
County bounty fund, 81-7-203
County charges
  auditing, 7-6-2425
  coroner
    accounts, 7-6-2426
    acting, salary and expenses, 7-4-2902
  criminal cases removed from county, collection procedure, 7-6-2428
  criminal prosecution costs, special provisions, 7-6-2427
  election administrator, 13-2-117
  elections, recount, 13-16-205
  enumeration, 7-6-2426
  examination, settlement, and allowance, 7-6-2430
  insurance on bonds, securities, or time or savings deposits, 7-7-123
  interest on overdue accounts, 7-6-401 — 7-6-403
  judgments against county or county officer, payment, 25-13-205
  justices of the peace, 3-10-209, 7-6-2426
  long-short cash account, 7-6-2224
  officers' accounts, 7-6-2429
  safety deposit box fees, 7-7-123
County fair commission
  capital improvement fund, 7-21-3413, 7-21-3414
  transfer of money, 7-21-3434
County fair districts
  budgets, 7-21-3429, 7-21-3430
  money, management, 7-21-3435
  tax levy for fairs, 7-21-3433
  transfer of money to, 7-21-3434
County fair fund, 7-21-3406, 7-21-3409, 7-21-3414, 7-21-3435

COUNTY FINANCE (Continued)

County fairs
  activities, 7-6-2523, 7-21-3410
  fairgrounds and buildings, lease and rental revenue, 7-21-3406, 7-21-3409
  funding, 7-21-3410 — 7-21-3412
County free library fund, 22-1-315
County hard-rock mine trust reserve account, 7-6-2225, 15-37-117, 90-6-331
County land planning account, 15-35-108
County market fund, 7-21-3307
County motor vehicle fund, 7-14-2511, 7-14-2512
County museum fund, 7-16-2203
County park districts
  assets, distribution upon dissolution, 7-16-2443
  bonds, issuance, 7-16-2433
  budget, 7-16-2431
  debts and obligations, procedure upon dissolution, 7-16-2443
  fee for operation, 7-16-2411, 7-16-2431, 7-16-2443
  tax levy, 7-16-2411, 7-16-2423, 7-16-2431, 7-16-2432, 7-16-2443
County parks, expenditures for, 7-16-2107
County poor fund, See also **Public assistance**
  boarding homes, proceeds from property leased for, 7-34-2303
  indigent services, support, 53-2-322, 53-2-801
  public assistance administrative costs and staff personnel salaries and expenses paid from, 53-2-304
  public health and human services, department of — protective services employees' salaries and expenses, payment, 52-1-110
  warrants issued against, payment of outstanding, 7-7-2201
County restitution fund, 46-18-250
County road and bridge fund
  abandoned vehicle sale proceeds, 61-12-407
  construction costs to be financed from, estimates, 7-6-2311
  damages paid from, 7-14-2305, 7-14-2610
  flood control or water conservation project costs, allocation, 76-5-1112
  machinery and materials, acquisition — payment, 7-14-2123, 7-14-2303
  motor vehicle
    fees, 61-3-203
    fund, transfers from, 7-14-2512
    size, weight, and load violations — fines and forfeited bonds, disposition, 61-10-148
  new counties, transfers, 7-2-2253
  oil and gas leases and reserved royalty interests, allocation, 7-14-2505
  right-of-way acquisition, payment, 7-14-2107
  road district expenditures, appropriation for, 7-14-2514
  road tax proceeds for, 7-14-2501
  sale of surplus crushed rock and gravel, deposit of proceeds, 7-14-2124
  state land equalization payments, allotment, 77-1-506
  superintendent's certificate, payment of claims from, 7-14-2307
  tax-deed lands, sale and lease proceeds, 7-8-2306
  use, 7-14-2513
  warrants issued against, outstanding — payment, 7-7-2201
County road improvement districts
  costs, payment of county share, 7-14-2733
  excess funds, 7-14-2721
County roads and bridges, See **Roads and bridges**
County sheriff
  budget, fees credited to, 7-4-2525
  expense claims, 7-32-2128, 7-32-2144

COUNTY FINANCE (Continued)
County sheriff (Continued)

  retirement system contributions, 19-7-404
County superintendent of schools, expenses, 7-5-2146, 20-3-203
County treasurer, duties, 7-6-2111
County weather modification authorities
  appropriations, 85-3-423
  budget waiver and emergency expenditures, 85-3-423
  unexpended funds, 85-3-411, 85-3-416, 85-3-417
  tax levy for, 85-3-412 — 85-3-415, 85-3-422, 85-3-423
  weather modification fund, 85-3-412
County welfare, funding, See **County poor fund**; **Public assistance**
Court charges, deposit and use, 46-18-236
Credit, county — use restrictions, 7-7-2103
Cultural facilities, 7-16-2102, 7-16-2103
Day-care facilities, 7-16-2108, 7-16-4114
Debts, See **Indebtedness**
Debt service fund, 7-7-109
  hard-rock mining local government facility impact bonds, 90-6-310
  port authorities, 7-14-1135
Definitions, 7-6-213, 7-6-401, 7-6-602, 7-7-105, 7-7-109, 7-14-2502, 7-14-2527, 7-14-2528, 7-14-2531
Depletion allowance reserve fund, 7-34-2401 — 7-34-2404
Deposit of public money, See **Public funds**
Detention centers
  administrators, false claims, 7-32-2249
  costs of holding persons, 7-32-2222, 7-32-2242
  medical care costs for inmates, 7-6-2541
  multicounty, 7-7-2201, 7-7-2203
Detention, youth
  facilities, 41-5-1804
  program, levy to fund, 7-6-501, 7-6-502
Developmental disabilities, persons with — contributions to facilities in or out of jurisdiction, 7-6-2523, 53-20-208
Disincorporating cities and towns
  indebtedness, 7-2-4917
  surplus assets, 7-2-4919
  tax levy, 7-2-4918
District court fund, 7-6-2351, 7-6-2352.
  clerk of the district court fees, 25-1-201
  grand jury expenses, payment, 46-11-319
  judgment, confession of — costs, 27-9-103
  juror and witness fees, 3-5-511, 3-5-903, 3-15-204, 3-15-205, 46-11-319, 46-15-116
  maintenance or child support payment handling fees, 40-4-206
  process servers, certificate of registration fee, 25-1-1103
District courts
  budget, 7-6-2351
    estimates, 7-6-2311, 7-6-2312
  levy for expenses, 7-6-2352, 7-6-2511
  reimbursement program, 3-5-901
    assigned counsel, compensation, 46-8-201
    county, costs charged against when, 7-6-2427
    fiscal administration for payment of expenses, 3-5-902
    juror and witness fees, 3-5-511, 3-5-901, 3-5-903, 46-11-319, 46-15-116
    mental disease or defect of defendant, examination to determine fitness or mental condition, 3-5-901, 46-14-202, 46-14-221
    motor vehicles, district court fee — use, 3-5-901, 61-3-509

COUNTY FINANCE (Continued)
District courts (Continued)
    reimbursement program (Continued)
        public defender's officer, 46-8-202
        sentencing fines and costs collected, disposition, 46-18-235
        transcript of proceedings, fees, 3-5-604, 3-5-901
    reporters
        certificate, payment, 3-5-604
        salaries, 3-5-602
    standing masters, compensation — payment, 3-5-123
    state grants, 3-5-901, 7-6-2352
District fair fund, 7-21-3435
Dog control and licensing violations, fines, 7-23-105
Drinking and driving prevention programs, funding, 61-2-107, 61-2-108
Drug forfeiture account, 3-10-601, 44-12-206, 46-5-308, 46-18-235
Duties imposed by state, new, 1-2-112, 1-2-114, 1-2-115, 7-5-201
Economic development
    hard-rock mine trust reserve account funds for, when, 7-6-2225
    metal mines license tax revenue, allocation, 15-37-117
Elderly persons, funds for activities, 7-6-2523, 7-16-101
Elections
    absentee election board program, 13-13-230
    bond issues
        challenges, 7-7-105
            hearing and determination, 7-7-106
        general obligation bonds, See **General obligation bonds**
        refunding general obligation bonds, See **Refunding general obligation bonds**
    borrowing, approval, See **Borrowing**
    costs, 7-6-2319, 13-1-302
        election administrator, 13-2-117
        recount, 13-16-205
        voting machines, 13-17-104
    detention center inmate medical care costs, funding, 7-6-2541
    emergency warrants, funding, 7-6-2345
    exceeding maximum mill levy, for approval, 7-6-2531 — 7-6-2535
    health care facility bond issues, 7-34-2414
    indebtedness, to incur, 7-7-2101, See also **Bond issues and bonds**; **Borrowing**; **General obligation bonds**; **Refunding general obligation bonds**
    loans, for approval, See **Borrowing**
    park districts, change in tax levy, 7-16-2432
    park land, bond issues for purchase and improvements, 7-16-2327
    road and bridge construction tax, additional, 7-14-2504
    smoke abatement bond issues, Title 7, chapter 31, part 1; Title 75, chapter 2, See **AIR QUALITY**, **Smoke abatement program**
Emergency expenditures and liabilities
    appeal of order for, 7-6-2343
    civil defense, 10-3-405
    interstate emergency services mutual aid agreements, 10-3-1105, 10-3-1115
    procedures to make, 7-6-2341, 7-6-2342
    relief, transfer of funds for, 7-31-2101
Emergency warrants, See **Warrants**
Equalization payments from state lands, Title 77, chapter 1, part 5, See **STATE LANDS**, **Equalization payments**
Expenditures, See **Appropriations**, **Funds generally**, **Levies**, **Revenues**
    cemetery districts, excess, 7-35-2125
    classification, 7-6-2314, 7-6-2325
    estimates, filing, 7-6-2311, 7-6-2312
    parks, county — for, 7-16-2107

COUNTY FINANCE (Continued)
Expenditures (Continued)

  reports regarding, 7-6-2331
  road and bridge construction costs and maintenance, budget estimates, 7-6-2311
  road districts, limitations, 7-14-2514
  tabulation of program, 7-6-2313
  tax-financed, restrictions, 7-6-2328
Fair fund, 7-21-3406, 7-21-3435
Fairs, See **County fair commission**; **County fair districts**; **County fairs**
Families achieving independence in Montana (FAIM), 53-2-610, 53-4-246, 53-4-247
Federal Flood Control Act, money from, 17-3-231, 17-3-232
Federal forest reserve money, apportionment, 17-3-211 — 17-3-214, 20-9-331, 20-9-333, 20-10-146
Federal funding
  metropolitan sanitary and/or storm sewer districts, 7-13-142, 7-13-143
  park commissioners, board of — acceptance, 7-16-2332
Federal in-lieu payments for taxes, See **In-lieu payments for taxes**
Federal money, appropriation, 7-6-2218
Federal relief, administration, 7-6-2217
Fence wire, fund for sale proceeds, 81-4-108
Ferry and bridge fund, combined, 7-14-2502, 7-14-2807
Financial reports, Title 2, chapter 7, part 5
Financial statement, annual, 7-6-604, 7-6-2202, 7-6-2203
  publication, 7-5-2123
Fire control activities, funding, 7-33-2209
Fire district fund, 7-33-2107
Fire districts
  appropriation to, 7-6-2218
  budgets, 7-33-2105
  tax levy, 7-33-2105, 7-33-2109
Fire service areas
  budgets, 7-33-2403
  dissolution, effect on assets and indebtedness, 7-33-2401
  financing, 7-33-2404
Fiscal impact, legislation affecting — estimate of impact required, 5-4-210
Fiscal year, 7-6-604, 7-6-2201
Fish, Wildlife, and Parks — Department owned land, payments in lieu of taxes, 87-1-603
Flathead Basin Commission, money allocated to, 75-7-307
Flood Control Act, Federal — allocation of money from, 17-3-231, 17-3-232, 20-9-331
Flood control projects as tax base protection, Title 76, chapter 5, See **FLOODS, Control projects**
Forest fire emergency, state suppression costs — reimbursement, 7-33-2210
Forest protection and fire protection violations, fines from, 76-13-114
Forest reserve money, federal — apportionment, 17-3-211 — 17-3-214, 20-9-331, 20-9-333, 20-10-146
Funds generally, See also specific fund in this main category
  abandoned or consolidated counties, See **COUNTIES, Abandonment and consolidation**
  appropriations, See **Appropriations**
  budget provisions, construction, 7-6-2301
  cash flow, determination of projected, 7-6-2318
  county officers' association memberships, payment of fees and expenses from, 7-5-2141 — 7-5-2144
  emergency relief, transfer for, 7-31-2101
  investment, See **Investments**
  recreational activities for elderly persons, 7-16-101
  reserves, 7-6-2319
  tax levy for, See **Taxation**, levies

COUNTY FINANCE (Continued)
Funds generally (Continued)

- transfer, 7-2-2730, 7-2-2742, 7-2-2744, 7-2-2752, 7-6-2326, 7-6-2536, 7-31-2101
- water quality districts, 7-13-4525, 7-13-4529

Gambling
- activities, fees or taxes permitted when, 23-5-171
- bingo and keno tax revenue, 23-5-409
- card game tables, live — permit fee revenue, 23-5-306
- fines, penalties, forfeitures, and confiscated money — deposit to general fund, 23-5-123, 23-5-136
- video gambling machine gross income tax revenue, 23-5-610, 23-5-612

Gasoline and vehicle fuels taxes, allocation, 15-70-101, 15-70-102

General fund
- abandoned counties, payments for transcribing records, 7-2-2724
- abandoned horse fund, transfers from, 81-4-514
- agriculture
  - extension work, 7-21-3203
  - products, appropriation for advertising, 7-21-3201, 7-21-3202, 7-21-3410
- appropriations, See **Appropriations**
- boat, sailboat, personal watercraft, canoe, motorized rubber raft and pontoon fee in lieu of tax — fine for failure to pay, 23-2-519
- building permit fees, 76-2-108
- child support payment handling fees, 40-4-206
- county attorney, salary, 7-4-2502
- county officers
  - fees credited to, 7-4-2511
  - salaries, payment, 7-4-2502
- county officials' and employees' compensation for work done by, when, 7-3-4370
- county road improvement districts, deposit of excess funds, 7-14-2721
- county sheriff
  - fees, deposit, 7-32-2141
  - mileage, 7-32-2143
- county superintendent of schools, travel expenses, 20-3-203
- county weather modification authorities
  - emergency expenditures from, 85-3-423
  - unexpended funds, deposit to, 85-3-411, 85-3-416, 85-3-417
- court reporters' salaries paid from, 3-5-602
- criminal actions transferred between counties, payment of costs, 7-6-2428
- criminal proceedings, fees and costs
  - defendant, paid by, 46-18-235
  - interpreters for deaf persons, 49-4-509
- custom combiner's special permit fees, deposit to, 61-10-130
- developmental disabilities, persons with — contributions to facilities in or out of jurisdiction, 53-20-208
- disincorporated cities and towns, surplus assets, 7-2-4919
- dissolution of marriage or legal separation fees, 25-1-201
- district court
  - facilities, payment of expenses for, 3-5-404
  - fees, 25-1-201, 25-1-202, 27-9-103
  - operations, fees deposited for, 3-5-901
- driver's license fees, 61-5-121
- fair activities, appropriation for, 7-21-3410, 7-21-3412
- fair commission, appropriation to, 7-21-3410
- federal relief, expenses for administration, 7-6-2217
- fence wire, sale proceeds, 81-4-108
- fire control activities, financing, 7-33-2209
- gambling fines, penalties, forfeitures, and confiscated money — deposit, 23-5-123, 23-5-136

COUNTY FINANCE (Continued)
General fund (Continued)

- geophysical exploration permit revenues, 82-1-105
- grazing district livestock sale proceeds, transfer when, 76-16-317
- health care purposes, proceeds from property leased for, 7-34-2204
- health, local boards of — appropriations for, 50-2-109, 50-2-111, 50-2-112
- horse herd district fund, transfers from, 81-4-327
- insect pest control
  - appointees, compensation, 7-22-2303
  - control program, 7-22-2306
  - supplies and equipment, 7-22-2305
- judgments
  - confession of, costs, 27-9-103
  - payment, 2-9-316
- jury fees
  - impaneling expenses, deposit, 3-15-205
  - payment from, 3-15-204, 46-11-319
  - reimbursement, deposit, 3-5-903, 46-11-319
- justices' court fees, fines, penalties, and forfeitures — deposit, 3-10-601
- lakeshore protection, fines from violations, 75-7-216
- liquor license tax money, 16-1-405
- livestock
  - deputy, special — compensation paid from, 81-6-105
  - diseased, payment of indemnity for slaughter, 81-2-203, 81-2-207
  - fines from violations, 81-3-231
  - inspectors, compensation, 7-21-3212
  - marketing violations, fines from, 81-8-216, 81-8-279
  - purebred shows and sales, expenditure for, 81-8-503, 81-8-504
- livestock reserve fund, excess funds transferred to, 15-24-926
- local government study commissions, reversion of unexpended funds, 7-3-184
- location or conformance permit fees, 76-2-207
- maintenance payment handling fees, 40-4-206
- manufactured home titling fees, 15-1-116
- marriage license or declaration of marriage fees, 25-1-201
- meat establishments, sale proceeds from meat held in violation, 81-9-116
- mentally ill persons, regional mental health services, 53-21-204
- metropolitan sanitary and/or storm sewer district improvements, costs paid from — when, 7-13-123
- mineral royalty interests, 7-8-2306
- mineral trusts, interest earned — allocation, 82-1-304
- mining operations wage claims costs, deposit to, 39-3-513
- mosquito control districts, dissolution — unexpended funds, 7-22-2448
- motor vehicles
  - fines, 61-12-701
  - fleet taxes and fees, disposition, 61-3-738
  - foreign vehicle registration, window decal fees, 61-3-707
  - gross vehicle weight fees, 61-10-225
  - license plate fees, 61-3-332, 61-3-406, 61-3-453
- naturalization fees, deposit, 3-5-515
- nontax revenue, deposit, 7-6-2207
- noxious weed fund, appropriations to, 7-22-2142
- oil operations wage claims costs, deposit to, 39-3-513
- outfitters' and guides' violations, fines, 37-47-344
- petty cash fund, 7-6-2212
- process servers' certificate of registration fees, 25-1-1103
- professional and occupational licensing, practice without — penalty from violation of injunction to restrain, 37-1-318

COUNTY FINANCE (Continued)
General fund (Continued)
- professional employer organizations and groups, penalty for violation of injunction, 39-8-304
- public markets, expenses, 7-21-3306
- public money, interest from deposit or investment, 7-6-204
- railroads, livestock fences — fines for failure to repair, 69-14-701
- records preservation fund money transferred to, 7-4-2635
- records, transcription
  - certification fees, 7-2-2405
  - payment, 7-2-2404
- rewards for apprehension of criminals, payment, 7-32-2301
- roads and bridges, penalties from violations regarding, 7-14-2138
- rodent control districts, dissolution — transfer of money, 7-22-2232
- rural special improvement districts
  - bid security forfeitures paid into, 7-12-2137
  - federal property, payment of cost of improvements fronting, 7-12-2157
  - revolving fund
    - loans to, 7-12-2185
    - transfers to or from, 7-12-2182, 7-12-2186
- septage disposal fines and penalties, 75-10-1223
- sinking fund money transferred to, when, 7-7-2274
- smoke abatement bond issue elections, expenses, 7-31-111
- taxation, minimum tax — difference between taxes and special assessments and, deposit, 15-16-118
- tax-deed lands, sale or lease proceeds, 7-8-2306
- tax deeds, fee, 15-18-211
- tax levy for, 7-6-2501, 7-6-2523
- tax refunds from, 15-1-402, 15-16-605
- tax sales
  - personal property, unclaimed excess proceeds, 15-17-911
  - proceeds, deposit, 15-17-322
  - redemption, unclaimed money, 15-18-114
- taylor grazing act, deposit of money from, 17-3-222
- television districts, abandoned — deposit of money remaining, 7-13-2542
- timber sale or permit proceeds, 7-8-2610
- tobacco possession or consumption by minors, fines from violations, 45-5-637
- tuberculosis patients, transportation payments from, 50-17-114
- vertebrate pest management fund, transfers to, 7-22-2512
- vital statistics fees for local registrars, payment from, 50-15-107
- warrants issued against, payment of outstanding, 7-7-2201
- water conservancy districts, deposit of funds, 85-9-306, 85-9-604
- water use fines and penalties, deposit to, 85-2-123
- witness fees
  - payment from, 3-5-511, 46-11-319
  - reimbursement, deposit, 3-5-903, 46-11-319, 46-15-116

General obligation bonds
- accounts, See **Sinking fund**
- amortization bonds, 7-7-2209, 7-7-2251, 7-7-2268, 7-7-2269
- amount, limitation on, 7-7-2203, 7-7-2204
- cancellation, 7-7-2272, 7-7-2273
- capital appreciation bonds, 7-7-2215
- citizen bonds, 7-7-2212 — 7-7-2215
- copies, 7-7-2258
- cultural, social, and recreational purposes — for, 7-16-4104
- definitions, 7-7-2210, 7-7-2211
- delivery to purchaser, 7-7-2259
- detention facilities for youth, 41-5-1804

COUNTY FINANCE (Continued)
General obligation bonds (Continued)

- election
  - bonds issued without, 7-7-2221, 7-7-2222
  - call for, 7-7-2223, 7-7-2227
  - electors, percentage required to authorize, 7-7-2237
  - held when, 7-7-2228
  - notice, 7-7-2229
  - petition, 7-7-2223, 7-7-2224
    - certification and filing, 7-7-2225
    - delivery, 7-7-2226
    - examination, 7-7-2227
  - port authorities, applicability, 7-14-1134
- execution and form, 7-7-2255
- interest and principal
  - amortization bonds, 7-7-2210
  - citizen bonds, 7-7-2212
  - late payments, interest, 7-7-2263
  - payment, 7-7-2205, 7-7-2206, 7-7-2262, 7-7-2265, 7-7-2274
  - rate of interest, 7-7-2251, 7-7-2254
  - serial bonds, 7-7-2211
  - statement of amount due and payable, 7-7-2264
  - taxes collected for, 7-7-2261
- issuance, 7-7-2201 — 7-7-2203, 7-7-2222, 7-7-2255
- judgments, for satisfaction, 7-7-2202, 7-7-2221
- nature, 7-7-2205
- open-space land purposes, for, 76-6-109
- outstanding, purchase — authority to, 7-7-2270
- printing, 7-7-2256
- proceedings, 7-7-101 — 7-7-103
- redemption, 7-7-2207, 7-7-2268, 7-7-2269, 17-6-213
- refunding, See **Refunding general obligation bonds**
- registration, 7-7-2257
- rescission of authorization, 7-7-2239
- sale, 7-7-2201, 7-7-2202, 7-7-2222, 7-7-2238
  - citizen bonds, 7-7-2212 — 7-7-2214
  - private, 7-7-2251, 7-7-2254
  - proceeds, disposition, 7-7-2260
- serial bonds, 7-7-2209, 7-7-2238
- sinking fund, See **Sinking fund**
- state, held by
  - principal and interest, late payments — interest, 7-7-2263
  - redemption, 17-6-213
- tax levy for payment, 7-7-2206, 7-7-2261, 7-7-2264, 7-7-2265
  - insufficient, procedure, 7-7-2266
- tax protests lost, to repay, 7-7-2202, 7-7-2203, 7-7-2221
- transportation districts, 7-14-235
- validity, action to test — limitation, 7-7-104
- zero-coupon bonds, 7-7-2215

General road fund
- ferries and wharves, penalties from violations, 7-14-2826, 7-14-2831
- flood control act, federal — money from, 17-3-232
- flood control or water conservation project costs, allocation, 76-5-1112
- forest reserve money, federal — deposit, 17-3-213
- motor vehicles, single movement permit fees, 61-4-311
- new counties, transfers, 7-2-2253

Governmental facilities, state — closure or retrenchment, impact statement, 39-2-1003

COUNTY FINANCE (Continued)

Government project fund, See **In-lieu payments for taxes**
Grants
  cemetery districts, 7-35-2109
  depletion allowance reserve fund, 7-34-2402
  detention services for youth, 41-5-1901 — 41-5-1908
  hard-rock mine trust reserve account funds to provide, 7-6-2225
  health care facilities, 7-34-2402, 7-34-2411
  mosquito control districts, 7-22-2415
  notes, issuance and sale in anticipation of, 7-7-109
  port authorities, 7-14-1126, 7-14-1133, 7-14-1136
  reclamation and development, See **RECLAMATION, Reclamation and development grants program**
  renewable resource grants and loans, Title 85, chapter 1, part 6
  restrictions, 7-7-2103
  rodent control programs, 7-22-2216
  weed management, 7-22-2142, 80-7-810, 80-7-813, 80-7-814
Grazing Act, Taylor — allocation of money from, 17-3-221, 17-3-222, 20-9-331
Hail insurance fund, deposits to, 80-2-206, 80-2-230
Health care facilities
  bond issues, See **HEALTH CARE FACILITIES, County facilities**
  depletion allowance reserve fund, 7-34-2401 — 7-34-2404
  multicounty operation, 7-34-2503, 7-34-2504
  property leased for, rental proceeds, 7-34-2204
Health, local boards of — funding, 50-2-109, 50-2-111, 50-2-112
Horse herd district fund, 81-4-327
Housing authorities, municipal — payments by, 7-15-4465
Indebtedness, See also **Borrowing**
  abandoned counties, 7-2-2729, 7-2-2752
  bonds, See **Bond issues and bonds**
  boundary alterations, apportionment, 7-2-102, 7-7-2201, 7-7-2221, 7-7-2402
  city-county consolidation, 7-3-143, 7-3-1102, 7-7-108
  county merger, provisions concerning, 7-3-144
  disincorporating cities and towns, 7-2-4917, 7-2-4918
  fire districts, annexation by municipality, 7-33-2129
  fire service areas, 7-33-2401, 7-33-2404
  government, form of — effect of change, 7-3-106, 7-3-152
  health care facilities, bonds for, 7-6-2512
  interlocal program for services, affected by — consideration, 7-11-226
  limitation on amount, 7-7-2101, 7-7-2203, 7-14-2524, 7-16-2327, 7-33-2404; Const., VIII, 10
    cash basis, business conducted on — when, 7-6-2211
    exceeding, effect, 7-7-2102
    hard-rock mining local government facility impact bonds, applicability, 90-6-310
  liquidation, 7-7-2201, 7-7-2221, 7-7-2402
  name change of counties, effect, 7-2-2511
  new counties, creation — determination and adjustment, 7-2-2241, 7-2-2244, 7-2-2246, 7-7-2201, 7-7-2221, 7-7-2402
  outstanding, change of evidence of, 7-7-107
  park commissioners, board of — power to contract, 7-16-2327
  park districts, dissolution — effect, 7-16-2443
  payment, 7-6-2202
  redemption, surplus borrowed money for, 7-6-2327
  refunding bonds issued when, 7-7-2301, 7-14-2525
  renewable resource grants and loans, Title 85, chapter 1, part 6
  road improvement districts, 7-14-2902, 7-14-2907
  service consolidation or transfer, effect of adoption, 7-11-309

COUNTY FINANCE (Continued)

Industrial development
  hard-rock mine trust reserve account funds for, when, 7-6-2225
  projects and revenue bonds, See **INDUSTRIES AND INDUSTRIAL DEVELOPMENT, Development projects**
Industrial park tax exemption, 15-24-1902
Infrastructure projects, Title 90, chapter 6, part 7
In-lieu payments for taxes, See also **STATE FINANCE, Federal sums in lieu of taxes**
  collection, 7-6-104
  computation, 7-6-103
  definitions, 7-6-101
  disposition, 7-6-108
  government project fund, 7-6-105
  requests for, authorization, 7-6-102
  services, requirement to provide, 7-6-109
  subdivisions other than county, procedures, 7-6-107
  warrants, issuance, 7-6-106
Insect pest control, 7-6-2523, 7-22-2303, 7-22-2305, 7-22-2306
Insurance, See **GOVERNMENTAL LIABILITY**
Interest on overdue accounts, 7-6-401 — 7-6-403
Interlocal cooperation
  agreements
    financing, 7-11-105, 7-11-208
    self-insurance reserve fund, for, 2-9-211
  commission, funding, 7-11-223
Investments
  bond proceeds when, 7-7-2112
  capital improvement fund money, 7-6-2702
  hard-rock mine trust reserve account money, 7-6-2225
  interest, 7-6-2225, 7-6-2226, 7-6-2701, 7-6-2702, 7-6-4501, 7-6-4502
  libraries, depreciation reserve fund, 22-1-307
  metal mines tax reserve account money, 7-6-2226
  9-1-1 emergency telephone system funds, 10-4-303, 10-4-312
  public money, 7-6-202, 7-6-204
  repurchase agreements, 7-6-213, See also **Repurchase agreements**
  road and bridge depreciation reserve fund money, 7-14-2506
  sinking fund, 7-7-123, 7-7-124
  state, by — when, 17-6-204; Const., VIII, 13
  tax and revenue anticipation note proceeds, 7-6-1102
  tax protest fund money, 15-1-402
  warrants, in, 7-6-2701, 7-6-4501, 7-6-4502
Jails, See **Detention centers**
Judgments, 2-9-316
  creation of new counties, procedures, 7-2-2255, 7-2-2411
  general obligation bonds, issuance for satisfaction, 7-7-2202, 7-7-2221
  licensing requirements, enforcement — damages added when, 7-21-2116
Justices of the peace
  acting justice, expenses, 3-10-234
  city judge training course expenses, payment, 3-11-204
  travel expenses, 3-10-203, 3-10-209, 3-10-234, 3-11-204
Keno and bingo tax revenue, 23-5-409
Land, revenues from, 7-8-2306, 7-8-2402, 7-8-2515, 7-16-2328
Legislation affecting, fiscal note requirements, 5-4-201, 5-4-203

COUNTY FINANCE (Continued)

Levies
- abandonment of counties
  - bonds, for payment
    - continuing county, 7-2-2729
    - principal and interest, 7-2-2730, 7-2-2747 — 7-2-2749
  - certification of levy, 7-2-2750
  - special warrant districts, levies within, 7-2-2730, 7-2-2745, 7-2-2746
- absentee election board program, 13-13-230
- additional, 7-6-2526, 7-6-2531 — 7-6-2536, 7-7-2266
- aircraft, exemption 67-3-204
- airports, 67-10-402, 67-11-302
- all-purpose, 7-6-2521, 7-6-2522
  - changes from, 7-6-2524
  - distribution, 7-6-2525
  - future levies, 7-6-2526
  - increase, 1-2-112
  - levies replaced by, 7-6-2523, 7-6-2526
- ambulance services, for, 7-34-102
- authorization, 7-6-2501, 7-6-2502, 7-6-2521
- bonds, for payment
  - amortization, 2-9-316, 15-1-402
  - continuing county, 7-2-2729
  - principal and interest, 7-2-2730, 7-2-2747 — 7-2-2749, 7-7-2206, 7-7-2264 — 7-7-2266, 7-7-2303
  - road and bridge, reduction of term, 7-14-2523
- bridges, construction, 7-14-2204
- business equipment tax rate reduction reimbursement, 15-1-112
- business incubators, exemption — applicability, 15-24-1802
- cancellation, 7-8-2403
- capital improvement fund, 7-6-2220
- cemetery districts, 7-35-2116, 7-35-2122
- cities and towns newly incorporated, maintenance of property, 7-2-4111
- commerce, department of — to, 7-6-2322
- commercial property, delinquent taxes — suspension or cancellation, applicability, 15-24-1703
- consolidated units, self-government, 7-5-201
- county fairs, for, 7-6-2523, 7-21-3410, 7-21-3432, 7-21-3433
- day-care facilities, for, 7-16-2108, 7-16-4114
- detention center inmate medical care costs, funding, 7-6-2541
- detention programs for youth, 7-6-501, 7-6-502
- developmental disabilities, persons with — for contributions to facilities in or out of jurisdiction, 7-6-2523, 53-20-208
- disincorporated cities and towns, 7-2-4918
- district courts, for, 7-6-2352, 7-6-2511
- district fairs, for, 7-21-3433
- elderly persons, recreational activities for, 7-6-2523, 7-16-101
- election for approval
  - additional levy, 7-34-102, 22-1-304
  - emergency warrants, unpaid, 7-6-2345
  - expenditures
    - proposed prior to election, 7-6-2314
    - limitations, 7-6-2318, 7-6-2328
  - noxious weed management, 7-22-2142
  - park districts, 7-16-2432
  - parks or county-owned cultural, social, and recreational facilities — for, 7-16-2102

COUNTY FINANCE (Continued)
Levies (Continued)
  election for approval (Continued)
    port authorities, when, 7-14-1134
    resort tax, for, 7-6-1503, 7-6-1504, 7-6-1508
    road or bridge construction expenditure estimates prior to, 7-6-2311
    search and rescue unit funding, 7-32-235
  emergency, 10-3-405
    effect of additional levies, 7-6-2537
  emergency warrants, unpaid, 7-6-2345
  exceeding maximum when, 7-6-2531, 15-7-122
    election
      ballot, form, 7-6-2534
      conduct, 7-6-2535
      notice, 7-6-2533
      purpose to be stated, 7-6-2532
      required, 7-6-2531
    emergency levy, effect on, 7-6-2537
    proceeds, use, 7-6-2536
    prohibited when, 7-6-2301, 7-6-2320, 7-6-2329, 7-6-2345
    state mandates, 1-2-112
  expenditures, limitations, 7-6-2318, 7-6-2328
  extension work in agriculture, 7-21-3203
  ferries and wharves, for, 7-14-2801, 7-14-2807
  fire control activities, for, 7-33-2209, 7-33-2211
  fire districts, for, 7-33-2105, 7-33-2109
  fixing, fund requirements — rate, 7-6-2321
  fund requirements
    determination, 7-6-2319
    emergency warrants, unpaid, 7-6-2345
    limitation, 7-6-2301
    rate, 7-6-2321
  hard-rock mine trust reserve account funds to reduce when, 7-6-2225
  health care facilities, for, 7-6-2512, 7-6-2531, 7-34-2411, 7-34-2417, 7-34-2418
  health, local boards of — for, 50-2-111, 50-2-114
  historic properties, tax abatement — applicability, 15-24-1603
  hospital districts, See **HOSPITAL DISTRICTS, Tax levy**
  increase, 1-2-112, 15-10-203, 15-10-204
  industrial park exemption, applicability, 15-24-1902
  insect pest control programs, 7-6-2523, 7-22-2306
  insufficient, 7-7-2266
  insurance and reserve funds, for, 2-9-211, 2-9-212
  interest, for, 7-6-2211
  judgments or settlements, for satisfaction, 2-9-316, 7-7-2202
  lease revenue, distribution, 7-8-2232, 7-8-2306
  libraries, for, 22-1-304, 22-1-316, 22-1-403
    state aid, distribution withheld when, 22-1-326
  literacy programs, for, 20-7-714
  livestock, 81-6-101, 81-6-104, 81-6-204, 81-6-209, 81-7-201
    purebred shows and sales, 81-8-504
  local economic development organization, building and land tax exemption — applicability, 15-24-2002
  maximum, 7-6-2501, 7-6-2522
    exceeding, authorization, 22-1-304
  mentally ill persons, regional mental health services, 53-21-204
  mosquito control districts, 7-22-2432, 7-22-2433, 7-22-2444
  new counties, to pay indebtedness, 7-2-2246
  noxious weed management, 7-6-2523, 7-22-2142

COUNTY FINANCE (Continued)
Levies (Continued)

- open-space land purposes, for, 76-6-109
- orders for, recording, 7-4-2611, 7-6-2504
- park districts, 7-16-2411, 7-16-2423, 7-16-2431, 7-16-2432, 7-16-2443
- personal property tax revenue reduction, reimbursement, 15-1-111
- planning and zoning districts, within, 76-2-102
- port authorities, 7-14-1111, 7-14-1132, 7-14-1134, 67-10-402
- power of counties, 7-1-2103
- predator control and bounty payments, 81-7-201
- protest refunds, for, 15-1-402
- public assistance and protective services, for, 7-6-2523, 15-10-420, 53-2-322, 53-2-813
- recreation, 7-6-2523, 7-16-101
- restrain, action to, 7-7-105
- roads and bridges
  - additional road and bridge construction tax, 7-14-2504, 7-14-2514
  - bonds, reduction in term to lower levy, 7-14-2523
  - bridge tax, 7-6-2523, 7-14-2502
  - collection, 15-16-117
  - generally, 7-14-2101
  - municipal bridge tax, 7-14-2503
  - road tax, 7-14-2501, 7-14-2514
- rodent control programs, 7-22-2222
- search and rescue units, for, 7-32-235
- self-government units
  - consolidated units, 7-5-201
  - restrictions, 7-1-112, 7-1-114
- service districts, multijurisdictional, 7-11-1106, 7-11-1112
- sheep, 81-6-101
- sinking fund, for, 7-6-2211
- smoke abatement bonds, for payment, 7-31-116
- solid waste management district bonds, for payment, 7-13-237, 7-13-308, 7-13-309
- special levies, 1-2-112, 7-7-2265, 7-33-2105, 7-34-2417
- state mandates, 1-2-112
- tort claims, judgment or settlement liability, 2-9-316
- transportation
  - districts, 7-14-232, 7-14-233
  - services, 7-14-111
- value-added manufacturing, expanding industry taxable value decrease — applicability, 15-24-2403
- vertebrate pest management, 7-22-2512
- warrants, to pay and retire outstanding, 7-7-2201

Liabilities
- boundary alterations, apportionment, 7-2-102
- city-county consolidation, effect, 7-3-1103, 7-3-1209
- emergencies, incurring, See **Emergency expenditures and liabilities**
- exceeding appropriations, effect and liability, 7-6-2323
- new counties, creation — apportionment, 7-2-2102
- park commissioners, board of — limitation on incurring, 7-16-2329
- reports regarding, 7-6-2331

Libraries
- county free library fund, 22-1-315
- depreciation reserve fund, 22-1-305 — 22-1-307
- joint city-county, funds respecting, 22-1-316
- public library fund, 22-1-304, 22-1-309
- taxation, 7-6-2348, 22-1-304, 22-1-313, 22-1-316, 22-1-326, 22-1-403

License fees, 7-16-2121, 7-21-2105, See also **COUNTIES, Licenses and permits**

COUNTY FINANCE (Continued)

Literacy program, adult, 20-7-714
Liquor license tax proceeds, 16-1-404, 16-1-405
Livestock
  purebred shows and sales, levy for, 81-8-503, 81-8-504
  running at large, disposition of fines, 81-4-202
Livestock reserve fund, 15-24-926
Loans, See also **Bond issues and bonds**; **Borrowing**; **Indebtedness**
  notes, issuance and sale in anticipation of, 7-7-109
  renewable resource grants and loans, Title 85, chapter 1, part 6
Local economic development organization, building and land tax exemption, 15-24-2002
Local government study commissions, 7-3-184
Long-short cash account, 7-6-2224
Mentally ill persons
  commitment costs, 53-21-113, 53-21-116, 53-21-118, 53-21-120, 53-21-128, 53-21-132
  regional mental health services, 53-21-204
Metal mines license tax revenue, allocation, 7-6-2225, 7-6-2226, 15-37-117
Metal mines tax reserve account, 7-6-2226, 15-37-117
Metropolitan sanitary and/or storm sewer districts, Title 7, chapter 13, part 1, See **SEWAGE DISPOSAL AND SEWER SYSTEMS**
Mill levies, See **Levies**; **Taxation**
Mosquito control districts, Title 7, chapter 22, part 24, See **PESTS AND PESTICIDES**
Mosquito control fund, 7-22-2431, 7-22-2434
Motor fuel excise tax
  delinquent — lien, interest and penalty, and recovery, 7-14-304
  distributors, 7-14-301, 7-14-302
  funds, disposition, 7-14-303
  refunds, 7-14-301
  revenues, allocation and use, 7-14-302, 7-14-303
  statute of limitations on recovery, 7-14-304
Motor vehicle fund, 7-14-2511, 7-14-2512
Motor vehicles
  county sheriff
    privately owned, liability insurance for — when, 7-32-2126
    purchase or lease for, 7-32-2125
  graveyards, budgets for, 75-10-521, 75-10-533, 75-10-534
  tax, local option, 61-3-537, 61-3-736
Motor vehicle suspense fund, 23-2-616, 61-3-509
Museums, 7-16-2205
National guard armories, funding, 10-1-108
9-1-1 emergency telephone system funds, distribution and use limitations, 10-4-302, 10-4-303, 10-4-311, 10-4-312
Nontax revenue, deposit in general fund when, 7-6-2207
Notes
  hospital districts, 7-34-2122, 7-34-2131
  sale in anticipation of revenue or taxes, 7-7-109; Title 7, chapter 6, part 11, See also **LOCAL GOVERNMENT, Notes, tax and revenue anticipation**
  self-insurance reserve fund, to fund, 2-9-211, 2-9-212
Noxious weed fund, 7-6-2523, 7-22-2109, 7-22-2117, 7-22-2141, 7-22-2142, 7-22-2145, 7-22-2146, 7-22-2148
Obligations
  abandoned counties, See **COUNTIES, Abandonment and consolidation**
  bond issues, See **Bond issues and bonds**
  city-county consolidation, effect, 7-3-143, 7-3-1102, 7-3-1103, 7-3-1209, 7-3-1321
  county merger, requirements, 7-3-144
  federal, investment in, 7-6-202

COUNTY FINANCE (Continued)
Obligations (Continued)

- government, form of — effect of change, 7-3-106, 7-3-152
- mosquito control districts, effect of dissolution, 7-22-2448
- name change of county, effect, 7-2-2511
- park districts, effect of dissolution, 7-16-2443
- registration, Title 17, chapter 5, part 11
- service consolidation or transfer, effect of adoption, 7-11-309
- short-term, Title 7, chapter 6, part 11, See **LOCAL GOVERNMENT, Notes, tax and revenue anticipation**
- tabulation, 7-6-2313
- void when, 7-7-2102

Oil and natural gas accelerated tax fund, 15-36-326
Oil and natural gas production tax, revenue from, 15-36-324
Overdue accounts, interest on, 7-6-401 — 7-6-403
Park fund, 7-16-2324, 7-16-2328, 7-16-2329
Parks, county, 7-16-2102, 7-16-2103, 7-16-2107
Payments in lieu of taxes (PILT), See **In-lieu payments for taxes**
Petty cash fund, 7-6-2212
Pipeline construction, reimbursement for road damage, 69-13-103
Planning boards, 76-1-307, 76-1-401, 76-1-402
Poor fund, See **County poor fund**
Port authorities, See **PORT AUTHORITIES**
Predatory animal control fund, 81-7-303 — 81-7-305
Probation officers, salaries and expenses — payment, 41-5-1704
Property, revenue from, 7-8-2213, 7-8-2232
Protest fund, 15-1-402
Public assistance

- accounts and funds, 53-2-322
- administrative costs, 53-2-304, 53-2-322
- county discretion, 53-3-115
- families achieving independence in Montana (FAIM), 53-2-610, 53-4-246, 53-4-247
- federal funds, See **PUBLIC ASSISTANCE, Federal funding**
- indigent services, optional, 53-2-801, 53-2-803, 53-2-322
- levies for, 7-6-2523, 15-10-420, 53-2-322, 53-2-813
- medical assistance, third party recoveries — lien of county, 53-2-612
- poor fund, See **County poor fund**
- reimbursement of state, 53-2-304, 53-2-322, 53-2-610
- residence of recipient, determination of county of financial responsibility, 53-2-610

Public cemetery fund, 7-35-2123
Public funds, 7-6-201

- deposit
  - demand deposits, 7-6-205
  - financial institutions, 7-6-201, 7-6-211
  - interest, 7-6-203, 7-6-204
  - liability, 7-6-212
  - repurchase agreements, 7-6-201, 7-6-206, See also **Repurchase agreements**
  - security, 7-6-201, 7-6-207
    - substitutions, 7-6-208
  - time or savings deposits, 7-6-201, 7-6-206
- investment, 7-6-202, 7-6-204

Public library fund, 22-1-304, 22-1-309
Public markets, 7-21-3306, 7-21-3307
Rail authorities, 7-14-1632 — 7-14-1634
Railroad crossings, apportionment of expenses regarding, 69-14-607
Records preservation fund, 7-4-2635

COUNTY FINANCE (Continued)

Recreation
  elderly persons, activities for, 7-6-2523, 7-16-101
  facilities, 7-16-2102, 7-16-2103
Redemption fund, warrants drawn on, 7-6-2601
Refunding general obligation bonds
  advance refunding bonds, 7-7-2316
  applicability of other provisions, 7-7-2302
  cancellation, 7-7-2273
  election, issuance without, 7-7-2311, 7-7-2402
  interest rate, 7-7-2304, 7-7-2316
  issuance, 7-7-2301, 7-7-2304, 7-7-2311, 7-7-2316
  limitation provisions not applicable when, 7-7-2203
  sale, 7-7-2301, 7-7-2302
    proceeds, disposition, 7-7-2312
  term, 7-7-2303
Repurchase agreements, 7-6-213
  public money deposited in, 7-6-201, 7-6-202, 7-6-206
Resort tax, 7-6-1501 — 7-6-1509, See also **CITY FINANCE**
Revenue bonds
  industrial development projects, See **INDUSTRIES AND INDUSTRIAL DEVELOPMENT, Development projects**
  issuance, authorization, 7-7-2501
  transportation districts, 7-14-235
Revenues
  accountability, Const., VIII, 12
  anticipation notes, Title 7, chapter 6, part 11, See **LOCAL GOVERNMENT, Notes, tax and revenue anticipation**
  coal severance tax bond, 17-5-701, 17-5-703; Title 90, chapter 6, part 7
  estimates, 7-6-2318, 7-6-2319
    filing, 7-6-2311, 7-6-2312
  fairground and building leases and rentals, 7-21-3406
  gasoline and vehicle fuels taxes, 15-70-101, 15-70-102
  insufficient, See **Borrowing**
  land, from, 7-8-2306, 7-8-2402, 7-8-2515
  liquor license tax, 16-1-404, 16-1-405
  motor fuel excise taxes, 7-14-302, 7-14-303
  nontax, deposit in general fund when, 7-6-2207
  notes, sale in anticipation of, 7-7-109
  property, sale or lease, 7-8-2213, 7-8-2232
  resort tax, use, 7-6-1509
  shortfalls, 7-6-2320
  state, collection — coordination, 7-6-2141
  table wine tax, 16-1-411
  tabulation of sources, 7-6-2313
Road and bridge construction tax, additional, 7-14-2504
Road and bridge depreciation reserve fund, 7-14-2506
Road funds, See also **County road and bridge fund**; **General road fund**
  crediting of interest, 7-6-204
  road and bridge depreciation reserve fund, 7-14-2506
Road improvement district fund, 7-14-2907, 7-14-2908
Road improvement districts, 7-14-2902, 7-14-2907, 7-14-2908, See **County road improvement districts**
Roads and bridges
  bond issues, See **Bond issues and bonds**

COUNTY FINANCE (Continued)
Roads and bridges (Continued)

  bridge tax
    municipal, 7-14-2503
    special, 7-14-2502
  construction costs and maintenance, budget provisions, 7-6-2311, 7-14-2101
  definitions, 7-14-2527, 7-14-2528, 7-14-2531
  district expenditures, limitation, 7-14-2514
  funds, See **Bridge fund**; **County road and bridge fund**; **General road fund**; **Road and bridge depreciation reserve fund**
  gasoline and vehicle fuels tax revenues, 15-70-101, 15-70-102
  inspections, claims, 7-14-2126
  motor fuel excise tax revenue, 7-14-302
  municipal bridge tax, 7-14-2503
  oil and gas leases and reserved royalty interests, allocation, 7-14-2505
  road and bridge construction tax, additional, 7-14-2504, 7-14-2514
  road tax, general, 7-14-2501, 7-14-2514
  tax levies, See **Levies**; **Taxation**
Road tax, general, 7-14-2501
Rodent control district fund, 7-22-2207, 7-22-2221 — 7-22-2226, 7-22-2232
Rural special improvement districts, Title 7, chapter 12, part 21, See **RURAL SPECIAL IMPROVEMENT DISTRICTS**
Sanitary coupon bond fund, 7-31-114, 7-31-115, See **AIR QUALITY**, **Smoke abatement program**
Sanitary coupon bonds, 7-31-112, See **AIR QUALITY**, **Smoke abatement program**
Self-government units
  consolidated units, 7-5-201
  mandatory provisions, 7-1-114
  powers requiring delegation, 7-1-112
Self-insurance reserve fund, funding, 2-9-211, 2-9-212
Service consolidation or transfer, 7-11-304, 7-11-309
Sheriffs' retirement system contributions, 19-7-404, See also **County sheriff**
Short-term obligations, Title 7, chapter 6, part 11, See **LOCAL GOVERNMENT**, **Notes, tax and revenue anticipation**
Sinking fund
  abandoned and consolidated counties, 7-2-2728, 7-2-2742, 7-2-2744, 7-2-2747, 7-2-2749, 7-2-2751, 7-2-2759
  accounts
    closing or transfer of money, 7-7-2274
    maintenance, 7-7-2261
  advance refunding bonds, 7-7-2316
  emergency relief, nontransferability, 7-31-2101
  interest credited to, 7-6-2701, 7-7-123, 7-7-2112, 7-7-2261
  investment, 7-7-123, 7-7-124, 7-7-2261
  officers' liability, 7-7-121, 7-7-122
  payments from, 7-7-2262
  purchase of outstanding bonds, 7-7-2270, 7-7-2272
  redemption of bonds, 7-7-2265, 7-7-2268
  smoke abatement bonds, 7-31-116
  transfer of money, 7-7-2274
Smoke abatement, bond issues for, Title 7, chapter 31, part 1; Title 75, chapter 2, See **AIR QUALITY**, **Smoke abatement program**
Solid waste management districts, Title 7, chapter 13, part 2, See **SOLID WASTE MANAGEMENT**
Solid waste management systems, 7-7-2501
State
  appropriation of state money, 7-6-2218

COUNTY FINANCE (Continued)
State (Continued)

- funds invested by, when, 17-6-204; Const., VIII, 13
- grazing district fund, 76-16-317
- land equalization payments, See **STATE LANDS, Equalization payments**
- mandates to local governments, 1-2-112, 1-2-114, 1-2-115, 7-5-201
- payments to local government entities, 17-8-311
- remission of funds, 1-2-112
- revenues, collection — coordination, 7-6-2141

Stockmen's special deputy fund, 81-6-104, 81-6-204, 81-6-209
- special deputy's compensation, payment, 81-6-105

Study commissions, funding, 7-3-184
Table wine tax, allocation, 16-1-411
Taxable valuation, 7-1-2111
- classification of county, basis for, 7-1-2111
- coal gross proceeds, consideration, 15-23-703
- consolidated governments, bond issue limitation, 7-7-107
- electrical generation property, taxable value — consideration, 7-1-2111, 7-7-107, 7-7-2101, 7-7-2203, 7-14-2524, 7-16-2327
- fund requirement tax levies, basis for, 7-6-2321
- general obligation bonds
  - amount, limitation, 7-7-2203
  - term, 7-7-2206
- indebtedness, amount, 7-7-2101, 7-14-2524, 7-14-2525, 7-16-2327
- large scale mineral development, reallocation, 90-6-403, 90-6-404
- mosquito control districts, dissolution — apportionment of funds, 7-22-2448
- motor vehicles, taxable value — consideration and exception, 7-1-2111
- oil and natural gas production tax, taxable value — consideration, 7-1-2111, 7-7-2101, 7-14-2524, 7-16-2327, 15-36-324
- refunding general obligation bonds, term, 7-7-2303
- road and bridge bonds, limitation on amount, 7-14-2524, 7-14-2525
- smoke abatement bonds, limitation on amount, 7-31-106
- telecommunications property, taxable value — consideration, 7-1-2111, 7-7-107, 7-7-2101, 7-7-2203, 7-14-2524, 7-16-2327

Taxation, See also **Levies**
- abandoned counties, See **COUNTIES, Abandonment and consolidation**
- airports, exemption, 67-11-306
- anticipation notes, Title 7, chapter 6, part 11, See **LOCAL GOVERNMENT, Notes, tax and revenue anticipation**
- arts, facilities for, 7-16-2205
- boundary alterations, collection upon, 7-2-103
- business equipment tax rate reduction reimbursement, 15-1-112
- business trusts, 35-5-205
- cemetery districts, for, See **CEMETERY DISTRICTS**
- city-county consolidation
  - governments, powers, 7-3-1104, 7-3-1310, 7-5-201
  - plans, effect on, 7-3-143
- civic centers, for, 7-16-2102
- classification of counties, how designated, 7-1-2111
- collection, action to restrain, 7-7-105
- collector of taxes, 7-6-2503
- commercial property, delinquent taxes — suspension and cancellation, 15-16-801, 15-24-1701 — 15-24-1703
- conservation easements, property subject to, 76-6-208
- county merger, effect on, 7-3-144
- cultural facilities, 7-16-2102
- delinquent, anticipated — exclusion from rate of levy, 7-6-2321

COUNTY FINANCE (Continued)
Taxation (Continued)

- delinquent, collection
  - abandoned counties, 7-2-2743, 7-2-2745, 7-2-2747, 7-2-2749, 7-2-2751, 7-2-2752
  - lien on money of taxpayer in county's possession, 15-16-404
  - new counties, 7-2-2251
- delinquent, suspension or cancellation when, 15-16-801, 15-24-1701 — 15-24-1703
- detention, youth
  - facilities, 41-5-1804
  - programs, 7-6-501, 7-6-502
- federal in-lieu payments, See **In-lieu payments for taxes**
- firearms, prohibited, 45-8-351
- fire department relief association benefits, exemption, 19-18-612
- fish, wildlife, and parks — department owned land, payments in lieu of, 87-1-603
- flood control projects as tax base protection, See **FLOODS**, **Control projects**
- fraternal benefit societies, exemption when, 33-7-410
- gambling activities, permitted when, 23-5-171
- hospital districts, for, See **HOSPITAL DISTRICTS**
- in-lieu payments, See **In-lieu payments for taxes**
- insurers
  - premium tax in lieu of, 33-2-705
  - state, preemption, 33-2-707
- libraries
  - cities exempt when, 22-1-313
  - levies for
    - federations, 22-1-403
    - joint city-county libraries, 22-1-316
    - public libraries, 22-1-304
      - state aid, distribution withheld when, 22-1-326
- mausoleum-columbarium authorities, exemption, 35-21-820
- metropolitan sanitary and/or storm sewer districts, Title 7, chapter 13, part 1, See **SEWAGE DISPOSAL AND SEWER SYSTEMS**
- mosquito control, for, 7-22-2432, 7-22-2433, 7-22-2444
- motor fuel excise tax, See **Motor fuel excise tax**
- motor vehicle taxes, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
  - local option, 61-3-537, 61-3-736
- museums, for, 7-16-2205
- new counties
  - assessment and collection, 7-2-2252
  - delinquent, collection, 7-2-2251
  - indebtedness, to pay, 7-2-2246
- parks, for, 7-16-2102
- payments in lieu of (PILT), See **In-lieu payments for taxes**
- personal property tax revenue reduction, reimbursement, 15-1-111
- planning boards, for, See **PLANNING BOARDS**, **Tax levies**
- police officers' retirement benefits, exemption, 19-19-504
- power of counties, 7-1-2103
- property acquisition by, 70-1-204, See **COUNTIES**, **Tax-deed lands**
- protest, payments under, 15-1-402
- protests lost, bond issues to repay, 7-7-2202, 7-7-2203, 7-7-2221, 15-1-402
- public employees' retirement benefits or refunds, 19-2-1004
- rate, fixing, 7-6-2502
- receipts, reports, 7-6-2331
- records, 15-1-104
- recreational facilities, for, 7-16-2102
- resort tax, 7-6-1501 — 7-6-1509, See also **CITY FINANCE**
- revenue, department of — studies, 2-7-104

COUNTY FINANCE (Continued)
Taxation (Continued)

- revenue estimates, See **Revenues**
- road and bridge construction, See **COUNTY ROADS AND BRIDGES**
- schools, for, See **SCHOOL FINANCE, Levies**
- self-government units, restrictions, 7-1-112, 7-1-114
- sheriffs' retirement system, contributions, 19-7-404
- tax sales, proceeds — deposit, 15-17-322
- teachers' retirement benefits, contributions, and funds — exemption, 19-20-706
- timber sale proceeds, distribution, 7-8-2610
- university system optional retirement program — exemption for contracts, benefits, and contributions, 19-21-212
- urban renewal property, exemption, 7-15-4261
- volunteer firefighters' pension benefits, exemption, 19-17-407
- water and wastewater authorities, regional — exemption, 75-6-328
- water conservation projects as tax base protection, See **FLOODS, Control projects**
- water quality district fees, placement on assessments, 7-13-4524
- weed management expenses as tax liability, 7-22-2146, 7-22-2148
- welfare, levy for, 15-10-420, 53-2-322, 53-2-813
- workers' compensation self-insurers guaranty fund, exemption, 39-71-2617
- youth centers, for, 7-16-2102

Tax-deed lands
- exchange, 7-8-2403
- sale or lease proceeds, 7-8-2306

Tax increment financing, See **URBAN RENEWAL, Industrial districts; Tax increment financing**

Taylor Grazing Act, allocation of money from, 17-3-221, 17-3-222, 20-9-331

Timber
- sale proceeds, 7-8-2610
- stumpage payments, 7-8-2402

Tort claims, payment, 2-9-316

Town clerk, duties, See **CITY OR TOWN CLERK, Town clerk**

Transportation
- districts, Title 7, chapter 14, part 2, See **TRANSPORTATION DISTRICTS, URBAN**
- public — state funds, 7-14-102
- services for the elderly and persons with disabilities, 7-14-111

Transportation, Department of — motor fuel excise tax, collection, 7-14-301, 7-14-303
- costs, reimbursement, 7-14-302

Valuation of property, See **Taxable valuation**

Value-added manufacturing, expanding industry taxable value decrease, 15-24-2403

Vertebrate pest management fund, 7-22-2511, 7-22-2513

Video gambling machine gross income tax revenue, 23-5-610, 23-5-612

Vouchers, retention schedules and destruction when, 7-5-2132

Warrants
- book, warrant, 7-5-2129
- building and loan associations, investment in, 32-2-406
- cancellation, 7-6-2607, 7-7-2273
- duplicate, 7-7-2104, 7-7-2106
- emergency, 7-6-2313
  - appropriation for, 7-6-2319
  - issuance, 7-6-2323
  - unpaid and outstanding, 7-6-2329
  - use of, 7-6-2345
- examination and processing, 7-6-2607
- interest, 7-6-2604
  - call for payment, 7-6-2602
  - investments, 7-6-2701, 7-6-4501

COUNTY FINANCE (Continued)
Warrants (Continued)
  interest (Continued)
    unpaid warrants, 7-6-2604, 7-6-2329
  issuance, 7-4-2611, 7-6-2111, 7-16-2331
    appropriations, in excess — effect and liability, 7-6-2323
  payment, 7-6-2602
  public officers, dealings in, 2-2-204 — 2-2-207
  redemption, 7-6-2601, 7-6-2606
  registration, 7-6-2345, 7-6-2603, 7-22-2306
  replacement, 7-7-2104, 7-7-2106
  unpaid and outstanding, 7-6-2329
Water conservation projects as tax base protection, Title 76, chapter 5, part 11, See **FLOODS, Control projects**
Water quality districts, 7-13-4524, 7-13-4525, 7-13-4529
Weather modification authorities, See **County weather modification authorities**
Welfare, funding, See **County poor fund; Public assistance**
Wildlife habitat, acquisition policy — impact analysis, 87-1-241
Youth community-based services, funding and services, 41-3-1132
Youth care facilities, reimbursement for payments for care, 41-3-1122
Youth centers, 7-16-2102, 7-16-2103
Youth court
  costs, allocation, 41-5-104
  evaluations, responsibility for costs, 41-5-1512
  payments for service and travel expense of summons, 41-5-1404
  probation officers, salaries and expenses — payment, 41-5-1704
Youth detention facilities, 41-5-1804
Youth guidance centers, multicounty, 7-16-2104
Youth shelter care facilities, 41-5-1801

COUNTY MANAGER FORM OF GOVERNMENT, 7-1-114, 7-3-112, 7-4-2211, 20-3-201, 20-3-204

COUNTY MOTOR VEHICLE COMPUTER SYSTEM AND COMMITTEE, 61-3-345 — 61-3-347, 61-3-511

COUNTY OFFICERS
  See also **PUBLIC OFFICERS OR EMPLOYEES**, generally; specific officer
Abandoned counties, 7-2-2713, 7-2-2724
Absence from state, 7-4-2208
Accounts, examination and allowance, 7-6-2409, 7-6-2429
Actions
  against, 7-4-2207, 7-4-2714, 7-6-2323
  bond funds, enforcement of liability, 7-7-122
  brought by, 7-1-2102
  fees prohibited when, 7-4-2519
  money illegally paid, recovery, 7-4-2714
  publication, costs, 7-4-2515
Affidavits
  execution, 7-4-2311
  fees collected, for, 7-4-2512, 7-4-2513
Alteration of existing form of government
  new officers, election, 7-3-160
  transition provisions, 7-3-158
Appointment, 7-2-2225, 7-2-2227, 7-4-2203, 7-4-2205, 7-4-2206, 7-4-2401, 7-4-2405
Attendance at meetings and conventions, 7-5-2145, 7-5-2146
Bond funds, liability, 7-7-121, 7-7-122, 20-9-445, 20-9-446
Bonds, official, Title 2, chapter 9, parts 5 and 7, See **SURETY BONDS, County officers and employees; Official bonds**

COUNTY OFFICERS (Continued)

Books, 7-5-2105, 7-6-2409
Budget estimates, filing, 7-6-2311, 7-6-2312
Business, official, 7-4-2207
Child support, duties, 40-5-206, 40-5-214
Cities and towns
  tax levy, all purpose — certification, 7-6-4454
  work performed for, 7-3-4370
City commissioners, qualifications, 7-3-4311
City-county consolidation, effect, 7-3-1212
Claims, See also **Actions**
  investigation, 7-6-2407
  restrictions, 7-6-2421
Clerks, See **Deputy officers**
Commerce, Department of — approval for destruction of records, 7-5-2132
Commission form of government, 7-3-401, 7-3-418, 7-3-431
Community decay ordinances, enforcement, 7-5-2111
Compensation, See **Fees**; **Salaries**
Conservation districts, duties and liability, Title 76, chapter 15, See **CONSERVATION DISTRICTS**, **Assessments**
Consolidation of offices
  authorization, 7-4-2301; Const., XI, 3
  bond of officer following, 7-4-2312
  commission form of government, 7-3-431
  county and municipal, 7-5-201
  county assessor, effect, 7-4-3007
  county surveyor, 7-4-2801
  deputies and personnel, 7-4-2313
  hearings, 7-4-2306
    conduct, 7-4-2309
    joint, 7-4-2308
    notice, 7-4-2306, 7-4-2307
  implementation, 7-4-2311
  initiation, 7-4-2305
  intercounty, 7-4-2303, 7-4-2308
  order for, 7-4-2309 — 7-4-2311
  petition, written, 7-4-2302, 7-4-2303
    details, 7-4-2304
    examination, 7-4-2306
  qualifications of officers, 7-4-2201
  resolution of intent, 7-4-2305, 7-4-2306
  salary of officer following, 7-4-2312
County attorney, opinions, 7-4-2711
County powers, exercise of, 7-1-2104
Death, designee to receive warrants or paychecks, 7-4-2521
Definitions, 7-4-2206, 7-4-2508
Deputy officers
  appointment, 7-4-2401, 7-4-2405
  compensation, See **Salaries**
  consolidated offices, 7-4-2313
  county officer
    acting as deputy, limitation, 7-4-2404
    official name, inclusion of deputy, 7-4-2403
  number, authorization to exceed limitation, 7-4-2402
  salaries, See **Salaries**
  seventh class counties, 7-4-2405

COUNTY OFFICERS (Continued)

District officers
  deputies and clerks, See **Deputy officers**
  qualifications, 7-4-2202
Documents, See **Records**
Duties, Const., XI, 3
  consolidation, See **Consolidation of offices**
  official name used in imposing, 7-4-2403
  state mandates, 7-5-201
Elected county official form of government, 7-3-111
Election of, 7-4-2203, 7-4-2206; Const., XI, 3
  ballot arrangement, 13-12-207
  date of election, 7-4-2206, 13-1-104
  declaration for nomination, filing, 7-4-2206, 13-10-201, 13-10-202
  local government with self-government powers, mandatory provisions, 7-1-114
  new counties, 7-2-2218, 7-2-2222, 7-2-2225
  tie vote, 13-16-506
Eligibility for office, 7-4-2201, 7-4-2202
Enumeration, 7-4-2203
Ethics, Code of, Title 2, chapter 2, part 1; Const., XIII, 4
Expenditures, limitations, 7-6-2324
Expenses, 7-5-2145, 7-5-2146
Fees
  collection, 7-4-2511
    statement and affidavit, 7-4-2512
      filing, 7-4-2513, 7-4-2514
      receipt, 7-4-2513
  county surveyor, 7-4-2501
  disposition, 7-4-2511
  misconduct concerning, effect, 7-4-2520
  not required when, 7-4-2516
  payment in advance, 7-4-2515
  prohibited when, 7-4-2519
  public administrator, 7-4-2501
  receipt, itemized and in writing, 7-4-2517
  reporting, 7-6-2213, 7-6-2214
  sheriff, See **COUNTY SHERIFF**
  statement of, posting, 7-4-2518
Fines, 7-4-2518
Forfeitures, imposition, 7-4-2212
Grazing districts, official acts — liability, 76-16-319
Indemnity insurance, 7-4-2111
Industrial district ordinance containing tax increment provisions, filed with, 7-15-4284
Inspection of books and accounts, 7-4-2110
Interlocal cooperation commission, 7-11-208, 7-11-227
Judgments against, payment, 25-13-205, 25-31-1111
Law, practice of — restrictions, 7-4-2210
Liability
  bond funds, 7-7-121, 7-7-122, 20-9-445, 20-9-446
  fees, See **Fees**
  incurring, limitations, 7-6-2324
  insurance against, 7-4-2111
  nonperformance or malperformance of duty, 7-4-2212
  official bonds, Title 2, chapter 9, parts 5 and 7, See **SURETY BONDS, County officers and employees; Official bonds**
  official business not completed, 7-4-2207

COUNTY OFFICERS (Continued)
Liability (Continued)

    official name used in imposing, 7-4-2403
    tax deed notification, 15-18-212
Literacy programs, adult — in-kind services, 20-7-714
Local government
    self-government powers, with — mandatory provisions, 7-1-114
    study commissions
        candidacy or appointment, 7-3-176, 7-3-177
        consultants for, 7-3-183
Money illegally paid, recovery, 7-4-2714
Name change of county, effect, 7-2-2513
Neglect of duty, 7-4-2111, 7-7-121
Negligence, 7-4-2113, 7-4-2517
Nepotism, Title 2, chapter 2, part 3, See **NEPOTISM**
New counties, creation by petition — officers of, See **COUNTIES**, **New, creation by petition**
Oaths, 7-2-2227
    administering and certification, 7-4-2209
    filing, 7-4-101
Offices
    child support, scale of suggested minimum contributions furnished to, 40-5-214
    consolidation, See **Consolidation of offices**
    execution, exemption, 25-13-613
    hours, 7-4-102, 7-4-2211
    joint
        city-county, 7-8-201
        county, Const., XI, 3
    location, 7-4-2211
    new counties, See **COUNTIES**, **New, creation by petition**
Penalties
    collection, 7-4-2511, See also **Fees**
    imposition, 7-4-2212
    withheld from salary when, 7-6-2312
Powers, See **Duties**
Property, authority for acceptance, 7-8-103
Public Employees' Retirement System, optional membership, 19-3-412
Qualifications, 7-2-2227, 7-4-2201, 7-4-2202
Recall Act, Title 2, chapter 16, part 6, See **RECALL**
Records, 7-4-2221 — 7-4-2223
    abandoned counties, disposition, 7-2-2724
    destruction when, 7-4-2222, 7-5-2132, 20-9-215
    transcripts required when, 7-2-101
    transfer, 7-2-2401, 7-4-2311
Reports, 7-4-2110, 7-6-2213, 7-6-2214
Resignations, 2-16-502
Rewards for apprehension of criminals, ineligibility, 7-32-2301
Rural fire chief, officer as, 7-33-2203
Salaries, See also specific officer
    cost-of-living increments, 7-4-2107, 7-4-2503, 7-4-2504
    establishment, 7-4-2502, 7-4-2504
    generally, 7-4-2501
    payment, 7-4-2502
        withheld when, 3-5-512, 3-15-204, 7-4-2514
    schedule, 7-4-2503
School districts
    joint, financial administration, 20-9-202

COUNTY OFFICERS (Continued)
School districts (Continued)

    records, destruction allowed when, 20-9-215
Self-government units, 7-1-114, 7-5-201
Service consolidation or transfer, effect, 7-11-304
Sinking fund, liability, 7-7-121, 7-7-122
State mandates regarding duties, 7-5-201
Suit in name of office, 7-1-2102
Supervision, 7-4-2110
Surety upon official bonds, as — not allowed when, 2-9-507
Term of office, 7-2-2226, 7-2-2713, 7-3-111, 7-3-431, 7-4-2205; Const., XI, 3
Township officers, 7-4-2202 — 7-4-2204
Transportation, Department of — consultations and advice, 60-2-206
Travel expenses, 7-5-2145, 7-5-2146
Underground storage tank installations or closures, inspection, 75-11-213
Urban renewal plans containing tax increment provisions, filed with, 7-15-4284
Vacancy in office, 2-9-513, 2-9-524, 7-4-2206, 7-4-2520

COUNTY PARK SUPERINTENDENT, 7-16-2312
    See also **PARKS AND RECREATION**

COUNTY PHYSICIANS, 35-20-209, 40-1-207
    See also **HEALTH OFFICERS, LOCAL**, generally

COUNTY PLANNING AND ZONING COMMISSION, Title 76, chapter 2, part 1
    See **ZONING, Planning and zoning commission**

COUNTY PLANNING BOARDS, Title 76, chapter 1
    See **PLANNING BOARDS**

COUNTY PRINTING, BOARD OF
    See **PUBLIC CONTRACTS, Printing**

COUNTY ROAD IMPROVEMENT DISTRICTS
    See also **COUNTY ROADS AND BRIDGES**
Actions, 7-14-2138, 7-14-2761
Assessment districts
    allocation of assessments, 7-14-2734
    boundaries, 7-14-2711
    determination of assessments, 7-14-2736, 7-14-2737
    lien, assessments to be, 7-14-2735
Assessment register, 7-14-2738
    approval and certification, 7-14-2742, 7-14-2745
    delivery to county clerk and recorder, 7-14-2744
    errors, 7-14-2741, 7-14-2742
    objections, written, 7-14-2739, 7-14-2740
Assessments
    bondholders, rights, 7-14-2761
    delinquent, interest and penalties, 7-14-2744, 7-14-2745, 7-14-2757
    determination, 7-14-2736
        adjustments, 7-14-2737
    districts, allocation, 7-14-2734
    errors on assessment roll, effect, 7-14-2741
    levy, 7-14-2731, 7-14-2743
    lien, as, 7-14-2731, 7-14-2735
    payment
        bond obligations, release from, 7-14-2756
        immediate payment, 7-14-2744

COUNTY ROAD IMPROVEMENT DISTRICTS (Continued)
Assessments (Continued)
    payment (Continued)
        installment payments, 7-14-2745, 7-14-2757
            amounts collected, disposition, 7-14-2746
            bond issues for, See **Bond issues**
            payments from for work in progress, 7-14-2720
        made to county treasurer, 7-14-2758
        manner of, 7-14-2702, 7-14-2732, 7-14-2744, 7-14-2745
        notice for, 7-14-2744, 7-14-2755
    rebates, 7-14-2721
Audits, Title 2, chapter 7, part 5
Bids, 7-14-2714, 7-14-2715
Bondholders, rights, 7-14-2761
Bond issues
    assessments, installment plan of payment — issuance for, 7-14-2732, 7-14-2745
    bondholders, rights, 7-14-2761
    contractors, bonds as payment, 7-14-2720, 7-14-2751, 7-14-2759
    details relating to, 7-14-2753
    interest and principal, 7-14-2745, 7-14-2746, 7-14-2753, 7-14-2760, 7-14-2763
    issuance, 7-14-2752, 7-14-2753, 7-14-2756
    limitation on amount, 7-14-2754
    outstanding bonds, retirement, 7-14-2763
    property of county, bonds to be, 7-14-2714
    redemption, 7-14-2746
    sale, 7-14-2753
    term, 7-14-2745, 7-14-2752
    use, 7-14-2751, 7-14-2762
        notice, 7-14-2755
Claims and accounts, 7-14-2719
Committee of supervisors, See **Supervisors, committee of**
Contractors
    bond requirements, 7-14-2717
    payment
        bonds as, 7-14-2720, 7-14-2751, 7-14-2759
        partial, 7-14-2716, 7-14-2720
Contracts
    awarding, 7-14-2715, 7-14-2716
    counties, with, 7-14-2714
    execution, 7-14-2718
Costs
    apportionment, 7-14-2738
    bond issues to pay, See **Bond issues**
    county, agreement to share, 7-14-2733
    districts, proportion borne by, 7-14-2702, 7-14-2703, 7-14-2733
    estimates, 7-14-2709, 7-14-2710
Counties
    authorization for projects, 7-14-2714
    costs, agreement to share, 7-14-2733
County road superintendent, See **Road superintendent**
Creation, order for, 7-14-2710
Damages
    determination, 7-14-2708
    estimates, 7-14-2709, 7-14-2710
Definition, 7-14-2701
Financial reports, Title 2, chapter 7, part 5
Funds
    claims and accounts, payment, 7-14-2719

COUNTY ROAD IMPROVEMENT DISTRICTS (Continued)
Funds (Continued)

excess, disposition, 7-14-2721
interest on bonds, payment, 7-14-2760
Liens
assessments to be, 7-14-2731, 7-14-2735
contracts, county to have lien, 7-14-2714
foreclosure, 7-14-2761
Obligations, See **Bond issues**, generally
Owners of land or residents
meeting with road superintendent, See **Road superintendent**
name of owner, error on assessment roll, 7-14-2741
petition for opening or improving road, 7-14-2702
redemption of land from liability, 7-14-2757
supervisors, committee of — election to, 7-14-2707, See **Supervisors, committee of**
Petition for opening or improving road, 7-14-2702
Plans and specifications, 7-14-2709
Protests, 7-14-2739, 7-14-2740
Residents, See **Owners of land or residents**
Resolution of public interest, 7-14-2704
Road superintendent
inspector of works, appointment, 7-14-2712
meeting with owners of land and residents, 7-14-2705
election of committee of supervisors, See **Supervisors, committee of**
notice, 7-14-2706
procedure, 7-14-2707
oaths, administering, 7-14-2707
plans and specifications, preparation, 7-14-2709
reports, 7-14-2709, 7-14-2710
Supervisors, committee of
assessment districts, boundaries, 7-14-2711
assessment register, approval and certification, 7-14-2745
bids, 7-14-2714, 7-14-2715
claims and accounts, approval, 7-14-2719
compensation, 7-14-2713
contracts, 7-14-2716, 7-14-2717
costs, apportionment, 7-14-2738
damages, determination and written release of claim, 7-14-2708
election, 7-14-2707
inspector of works, appointment, 7-14-2712
investigation of proposed road, 7-14-2708
payments, partial — certification and approval, 7-14-2716, 7-14-2720
Survey of proposed road, 7-14-2708, 7-14-2709

COUNTY ROADS AND BRIDGES
See also **BRIDGES**; **HIGHWAYS**; **STREETS AND ALLEYS**
Abandonment, See **Establishment, alteration, and abandonment**
Actions
drains and ditches, recovery of forfeiture for stopping or obstructing, 7-14-2305
encroachments, for removal or to recover costs, 7-14-2137
prosecution, 7-14-2138
water flow over road, recovery of expense from damages caused by, 7-14-2141
Aircraft landings and takeoffs, 67-1-204
Alteration, See **Establishment, alteration, and abandonment**
Boards of road viewers, 7-14-2302
Boundaries, as, 70-16-202, 70-20-201

COUNTY ROADS AND BRIDGES (Continued)

Bridges
- cities and towns, within, 7-14-2204 — 7-14-2206
- contracts, 7-14-2406, See also **Contracts**
- control, 7-14-2201
- crossing county lines, construction and maintenance, 7-14-2202
- ditches, dikes, canals, and flumes — construction, 7-14-2139
- federal-aid, 7-14-2531
- maintenance, 7-14-2139, 7-14-2201, 7-14-2202, 7-14-2204
- streambeds and watercourses, repairs to, 7-14-2203
- street railway, use by, 7-14-2206

Canals, See **Ditches, dikes, flumes, or canals**
Capital improvements, 7-14-2506
Cattle guards, 7-14-2130
Construction, See also **Establishment, alteration, and abandonment**
- blasting, Title 37, chapter 72
- bond issues for, See **COUNTY FINANCE, Bond issues and bonds**
- bridges, 7-14-2202, 7-14-2204, 7-14-2205
- claims, approval, 7-4-2812
- complaints, written, 7-14-2305
- contracts, See **Contracts**; See also **COUNTIES, Contracts**
- costs, 7-6-2311, 7-14-2101, 7-14-2202, 7-14-2205
- ditches, dikes, flumes, or canals, 7-14-2139 — 7-14-2141, 7-14-2305
- drains and ditches, 7-14-2305
- emergency areas, 7-14-2128, 7-14-2129
- financing, See **COUNTY FINANCE**
- information regarding, 7-14-2105
- joint projects, agreements for contributions toward cost, 7-14-2101
- permits, written, 7-14-2139
- reseeding right-of-way, 7-14-2131

Contracts, See also **COUNTIES, Contracts**
- authority for, 7-14-2401
- bridges, 7-14-2406
- completion, 7-14-2405
- conflict of interest, 7-5-2106
- inspection of work, 7-14-2125, 7-14-2126
- right-of-way, for acquisition, 7-14-2107
- roads, 7-14-2402 — 7-14-2405

Control, 7-4-2812, 7-14-2101, 7-14-2109, 7-14-2201
Controlled access, 60-5-104, 60-5-106
County road fund, See **COUNTY FINANCE**
Custodian, 60-1-102, See **COUNTY COMMISSIONERS, BOARD OF**
Definitions, 7-14-2101, 7-14-2201, 7-14-2401, 7-14-2502, 7-14-2601, 7-14-2621, 60-1-103
Description, 7-14-2110
Discontinuance, See **Establishment, alteration, and abandonment**
Districts
- division of county into, 7-5-2103, 7-14-2121
- establishment, alteration, and abandonment of roads, See **Establishment, alteration, and abandonment**
- expenditures, limitation, 7-14-2514
- improvement, Title 7, chapter 14, parts 27 and 29, See **COUNTY ROAD IMPROVEMENT DISTRICTS**
- powers relating to, 7-14-2102

Ditches, dikes, flumes, or canals
- construction, 7-14-2139 — 7-14-2141, 7-14-2305
- reseeding right-of-way, 7-14-2131

COUNTY ROADS AND BRIDGES (Continued)
Ditches, dikes, flumes, or canals (Continued)

  roads crossing, costs, 7-14-2612
Easements
  historic rights-of-way, 77-1-130, 77-1-131
  reservation for, 7-8-2514
  right-of-way on state lands, See **STATE LANDS, Easements**
  weed management along, 7-22-2101, 7-22-2152, See also **WEEDS AND WEED CONTROL**
Emergency areas, 7-14-2128, 7-14-2129
Eminent domain, 7-14-2101, 7-14-2108, 7-14-2123, 7-14-2621, 70-30-102, 70-30-107, 70-30-108, See also **EMINENT DOMAIN**
Employees
  hours of work, 39-4-107
  wages, 7-14-2304
Encroachments, removal, 7-14-2134 — 7-14-2137
Environmental control easements, prohibitions or limitations, 76-7-203
Establishment, alteration, and abandonment
  abandonment or vacation, 7-14-2601, 7-14-2615 — 7-14-2617
  contracts for, See **Contracts**
  costs, 7-14-104
  damages resulting from, 7-14-2607, 7-14-2608, 7-14-2610, 7-14-2612
  ditches or canals, crossing — costs, 7-14-2612
  hearings, 7-14-2615
  opening of roads, 7-14-2103, 7-14-2111, 7-14-2302, 7-14-2605, 7-14-2608
  petition for, 7-14-2103, 7-14-2107, 7-14-2601, 7-14-2611, 7-14-2616, 7-14-2621
    contents, 7-14-2602
    decision on, 7-14-2604
    investigation, 7-14-2603
  property acquisition or replacement, 7-14-2506
  railroads, crossing — costs, 7-14-2612
  records, 7-14-2614
  right-of-way, proceedings to procure, 7-14-2608, 7-14-2609
  state, abandonment by — designation as county road, 7-14-2101
  stock lanes, 7-14-2621
  subdivision or section lines, alteration of road to follow, 7-14-2611
  supervisor, notice to, 7-14-2613
  survey of road, 7-14-2606
Exchange of roadways or responsibilities, agreements for, 60-2-107
Farm vehicles, operation on, 61-10-102
Federal highway
  livestock on or near county road, control, 7-14-2130
  located over county road, 7-14-2109
  weed control, 7-14-2132
Financial management, Title 7, chapter 14, part 25, See **COUNTY FINANCE**
Fire hazard reduction along right-of-way, 76-13-401, 76-13-403, 76-13-407, 76-13-410
Flood control activities as protection, Title 76, chapter 5, part 11, See **FLOODS, Control projects**
Funds, See **COUNTY FINANCE, Bridge fund; County road and bridge fund; County road fund; Ferry and bridge fund, combined; General road fund**
Gas mains, construction, 7-13-2101 — 7-13-2104
Gasoline and vehicle fuels tax revenues, 15-70-101, 15-70-102; Const., VIII, 6
Gates for passage of vehicles and livestock, 7-14-2130
Grades, 7-4-2812
Guideposts, erection, 7-14-2103
Hearings, 7-14-2101, 7-14-2615
Highways, classification as, 60-1-201
Hunting, See **FISH AND WILDLIFE**

COUNTY ROADS AND BRIDGES (Continued)

Improvement districts, Title 7, chapter 14, part 27
Inspection of roads, 7-14-2125, 7-14-2126
Laying out of roads, 7-14-2101, 7-14-2103, 7-14-2111
Lease of road-building materials, 7-14-2123
Litter control, 7-5-2109, 7-5-2112, 7-5-4104, 7-5-4113, 61-8-365, 61-8-372, 75-10-212, 75-10-213, 75-10-233, See also **LITTERING AND LITTER CONTROL**
Livestock, control, 7-14-2129, 7-14-2130, 7-14-2621
Machinery and materials
  acquisition, 7-4-2812, 7-14-2123, 7-14-2506
  cities and towns, use by, 7-14-103
  superintendent — used by, hiring of equipment, or records, 7-14-2303, 7-14-2304, 7-14-2306
  surplus crushed rock and gravel, disposition, 7-14-2124
Maintenance, 7-4-2812, 7-14-2101, 7-14-2103, 7-14-2127, 7-14-2506
  bridges, 7-14-2139, 7-14-2201, 7-14-2202, 7-14-2204
  contracts, See **Contracts**
  information regarding, 7-14-2105
Maps, 7-14-2110
Motor fuel excise tax revenue, 7-14-302
Motor vehicles
  abandoned, removal, Title 61, chapter 12, part 4
  hunting from, when, 87-2-803
  parking, 7-14-2106
  road repairs, traffic limited or prohibited, 7-14-2127
  slow-moving vehicles, 61-9-415
  speed limits, 7-14-2113, 61-8-310
Obstructions, 7-4-2812, 7-14-2133, 7-14-2305
Outfitters, net client hunter use expansion — public comment, 37-47-317
Passes, construction, 7-14-2130
Paved secondary roads, maintenance by state, 60-2-203
Pedestrians, See **PEDESTRIANS**
Penalties, disposition, 7-14-2138
  drains and ditches, stopping or obstructing, 7-14-2305
  encroachments, failure to remove, 7-14-2136, 7-14-2138
Pipeline construction, 69-13-103
Planning boards, growth policy, 76-1-601
Plat books, 7-14-2110
Powers relating to, 7-14-2101, 7-14-2102
Private roads
  easements on state lands for, 77-2-101
  eminent domain for, 70-30-102, 70-30-107
  fire hazard reduction along right-of-way, 76-13-401, 76-13-403, 76-13-407, 76-13-410
  hunting from, restrictions, 87-1-227, 87-3-125
  lots in residential or commercial development, 15-8-512
  width, 7-14-2112
Railroads, roads crossing, 7-14-2612
Records, 7-14-2103, 7-14-2110, 7-14-2306, 7-14-2614
Repairs, 7-4-2812, 7-14-2127, 7-14-2201
Reports pertaining to, 7-4-2812, 7-14-2105, 7-14-2308
Reseeding right-of-way, 7-14-2131
Revenue for, See **COUNTY FINANCE**
Right-of-way
  abandoned vehicles upon, removal, Title 61, chapter 12, part 4
  abandonment or vacation, See **Establishment, alteration, and abandonment**
  acquisition, 7-14-2107, 7-14-2108, 7-14-2531, 7-14-2608
  “bridge” defined, 7-14-2101

COUNTY ROADS AND BRIDGES (Continued)
Right-of-way (Continued)

  controlled-access highways or facilities, for, 60-4-111, 60-5-104
  fences across, 7-14-2130
  fire hazard reduction along, 76-13-401, 76-13-403, 76-13-407, 76-13-410
  historic, recognition, 77-1-130
  hunting on, 87-2-803, 87-3-101
  notice of proceedings, failure to give, 7-14-2609
  reseeding, 7-14-2131
  reservation for, 7-8-2514
  state lands, easements for, See **STATE LANDS, Easements**
  weed management along, 7-22-2101, 7-22-2152
Road Book, 7-5-2129
Road districts, 7-5-2103, 7-14-2121, See **Districts**
Road improvement districts
  assessments, 7-14-2902, 7-14-2907
  contracts, 7-14-2902
  cost of operation, 7-14-2907, 7-14-2908
  creation or dissolution, 7-14-2902
  definitions, 7-14-2901, 7-14-2907
  improvements, 7-14-2902, 7-14-2903, 7-14-2907
  indebtedness, 7-14-2902, 7-14-2907
  petitions, 7-14-2902, 7-14-2903
  purpose, 7-14-2901
  resolutions, 7-14-2902, 7-14-2907
  road improvement district fund, 7-14-2907, 7-14-2908
Road funds, See **COUNTY FINANCE, Bridge fund; County road and bridge fund; County road fund; General road fund; Road and bridge depreciation reserve fund**
Road superintendent, Title 7, chapter 14, part 23, See **Superintendent**; See also **COUNTY ROAD IMPROVEMENT DISTRICTS, Road superintendent**
Road supervisor, See **Supervisor**
Road viewers, boards of, 7-14-2302
Section lines, roads to follow, 7-14-2111, 7-14-2611
Service districts, See **INTERLOCAL COOPERATION, Multijurisdictional service districts**
Shooting from or across and exception, 61-8-369, 87-2-803, 87-3-101
Snowmobiles, operation on, See **SNOWMOBILES, Roads and streets, operation on**
Speed limits, 7-14-2113, 61-8-310
State
  abandonment of road, designation as county road, 7-14-2101
  control transferred to, when, 7-14-2109
  highway
    livestock on or near county road, control, 7-14-2130
    located over county road, 7-14-2109
    weed control, 7-14-2132
  lands
    easements for right-of-way on, See **STATE LANDS, Easements**
    recreational use, vehicle use restrictions, 77-1-804
Stock lanes, 7-14-2621
Streets in unincorporated places, discontinuance, 7-14-2616, 7-14-2617
Subdivision lines, roads to follow, 7-14-2111, 7-14-2611
Superintendent, 7-14-2301 — 7-14-2308, See also **COUNTY ROAD IMPROVEMENT DISTRICTS**
Supervision, 7-4-2812, 7-14-2103
Supervisor, 7-14-2121, 7-14-2122
  complaints by, prosecution, 7-14-2138

COUNTY ROADS AND BRIDGES (Continued)
Supervisor (Continued)

- ditches, dikes, flumes, or canals
  - construction permits, written, 7-14-2139
  - water flow over road, notification of damages, 7-14-2141
- encroachments, removal, 7-14-2134, 7-14-2137
- information furnished by, 7-14-2105
- opening or alteration of road, notice to, 7-14-2613

Surveys, 7-4-2812, 7-4-2814, 7-14-2101, 7-14-2103, 7-14-2606
Traffic, limitation or prohibition when, 7-14-2127, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS**, generally
Unsafe, temporary closure, 7-14-2127
Utility

- easements, effect of discontinuance of streets, 7-14-2617
- lines and facilities, See **UTILITIES**, **Lines and facilities**
- mains, construction, 7-13-2101 — 7-13-2104

Vacation, See **Establishment, alteration, and abandonment**
Vehicles

- hunting from, when, 87-2-803
- off road use restrictions, 87-3-125

Water conservation activities as protection, See **FLOODS**, **Control projects**
Waterfowl, hunting of — allowed when, 87-1-227
Water mains, construction, 7-13-2101 — 7-13-2104
Weed management along, 7-14-2132, 7-22-2101, 7-22-2152, 7-22-2153
Width of roads, 7-14-2112, 7-14-2621
Work on roads, 7-14-2103, 7-14-2125, 7-14-2126

COUNTY SHERIFF
See also generally **COUNTY OFFICERS**; **LAW ENFORCEMENT**; **PEACE OFFICERS**; **PUBLIC OFFICERS OR EMPLOYEES**
Absence from state, 7-4-2208
Accounts and books, examination, 7-6-2409
Actions against, 2-9-711, 7-32-2127, 27-2-209
Actions, civil — liability in, 7-32-2131
Alcoholic Beverage Code enforcement, 16-6-301; Title 16, chapter 6
Animals

- dead animals, dumping or leaving upon thoroughfare — enforcement of provisions, 75-10-233
- protection, 7-32-2121

Appointment, 7-3-433, 7-4-2203, 7-32-102
Arrest

- contempt, arrest and custody of offender, 3-1-515
- duties, 7-32-2121
- execution, judgment debtor, 25-13-308, 25-14-102
- privilege from, 46-6-102
- sales finance companies, warrants, 31-1-211
- warrants for or conveyance of persons under, mileage allowance or fee in lieu of, 7-32-2143
- witnesses, disobedient, 26-2-106, 26-2-107

Arrest, prejudgment

- delivery of order to, 27-16-207
- deposit of money in lieu of bail, 27-16-601, 27-16-602
- directions in order, 27-16-206
- escape or rescue, liability for, 27-16-209, 27-16-210
- execution of order, 27-16-208
- fees, 7-4-2525, 7-32-2141
- filing of order, 27-16-404
- justice's court, for, 27-16-1001, 27-16-1003, 27-16-1004

COUNTY SHERIFF (Continued)
Arrest, prejudgment (Continued)

- return endorsement, 7-4-2525, 27-16-404
- service upon defendant, 7-4-2525, 7-32-2141, 27-16-207
- sureties, 27-16-405, 27-16-407
- surrender of defendant to, 27-16-501 — 27-16-503

Attachment of property

- balance of judgment, collection, 27-18-905
- certificate of interest to, 27-18-502
- debts and credits, collection by, 27-18-405, 27-18-407
- directions to sheriff, 27-18-301, 27-18-1504
- examination of defendant, delivery upon, 27-18-501
- excess property, delivery to defendant, 27-18-904
- failure to levy upon or sell property, liability, 7-32-2131
- fees, 7-4-2525, 7-32-2141, 7-32-2142
- holding property, fees for, 7-32-2142
- inventory of property, 27-18-603
- judgment, satisfaction by, 27-18-902, 27-18-903
- perishable property, sale, 27-18-801
- property to be seized, 27-18-401
- retention of property, 27-18-601
- security for costs, 27-18-305, 27-18-1505
- third party claims, 27-18-602
- undertaking of defendant, filing, 27-18-302
- writs
  - execution, order of, 27-18-303, 27-18-306
  - issuance to, 27-18-206, 27-18-207, 27-18-301
  - return, 27-18-604
  - service upon defendant, 27-18-405
    - fee, 7-4-2525, 7-32-2141, 7-32-2143
- written specification of property, 27-18-304

Auctioneer, ex officio — when, 30-11-511
Boats and boating

- accidents, investigation and report, 23-2-527
- certificate of ownership, transfer of interest, 23-2-510
- enforcement of provisions, 23-2-506

Bond, official, See **SURETY BONDS, County officers and employees**
Bonds, fee for taking, 7-4-2525, 7-32-2141
Bounty inspectors, as, Title 81, chapter 7, parts 1 and 2, See **PREDATORS AND PREDATOR CONTROL, Bounty inspectors**
Breach of the peace, prevention and suppression, 7-32-2121
Budget, fees credited to, 7-4-2525
Building permits, enforcement, 50-61-112
Children's services, interdisciplinary child information teams, 41-3-205, 41-5-215, 52-2-211
Child support, warrant for distraint, 40-5-247
Cigarette laws, enforcement duties, 16-11-142, 16-11-147
City-county consolidated government, powers and duties of director of police department, 7-3-1343
City courts

- execution, 46-17-302; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 23C, 23D, 23F
- service of process, Title 25, chapter 23, M.J.C.C.R.Civ.P. Rule 4D; Title 25, chapter 24, M.U.R.J.C.C., Rule 10

Civil disorder, prohibited activities and exceptions, 45-8-107 — 45-8-109
Claim and delivery

- action to recover possession, 27-17-404
- concealed property, seizure, 27-17-206
- custody of property, 27-17-205, 27-17-208, 27-17-301

COUNTY SHERIFF (Continued)
Claim and delivery (Continued)

- delivery by, 27-17-301, 27-17-306
- endorsement on affidavit required, 27-17-204
- fees, 7-4-2525, 7-32-2141, 7-32-2143
- justice's court, 27-17-102
- order for seizure required, 27-17-203
  - costs of service, security for, 27-17-208
- return of execution, 27-17-302
- service of affidavit, order, and undertaking, 7-4-2525, 7-32-2141, 27-17-205
- sureties, 27-17-205, 27-17-303, 27-17-306
- third party claims, service upon, 27-17-309
- undertaking of defendant given to, 27-17-304
- unlocatable property, seizure, 27-17-207

Commission form of government, selection, 7-3-433
Community corrections facilities or programs, rejection of offender after acceptance — custody, 53-30-313 — 53-30-315
Contempt
- arrest and custody of offender, 3-1-515
- sheriff charged when, 3-1-501

Contract security company license applications, notification, 37-60-304
Conventions or meetings, attendance and expenses, 7-5-2145
Cooks and attendants, appointment, 2-2-302
Correctional institutions, emergency capacity exceeded — notice, 53-30-106
Counties, new — commission orders and citations, 7-2-2242
County Commissioners, Board of
- livestock violations, notification, 7-21-3211
- meetings, attendance, 7-5-2126

County coroner, duties as, 7-4-2911
Courts, specific provisions, See also specific subject or court in this heading
- adjournment by sheriff, when, 3-1-304, 3-1-305, 3-5-407
- attendance, 7-32-2121
- delivery to parties, duties, 25-8-102
- deposits in court, duties, 7-32-2142, 7-32-2143, 25-8-102
- fees, 7-4-2525, 7-32-2141 — 7-32-2143, 25-10-402, 25-10-406, See also **CIVIL PROCEDURE**, **Costs**, officers' fees

Criminal identification, state system, 44-2-201, 44-2-202, 44-2-205, 44-2-206
Criminal Intelligence Information Advisory Council, representation on, 44-5-501
Criminal intelligence information section, participating agency, 44-5-506
Death penalty — pregnancy of defendant, duties, 46-19-203
Deputies
- absence from state, 7-4-2208
- city-county consolidated government, powers and duties of police officers and patrol officers, 7-3-1343
- default, 7-32-2127
- detention center staff, appointment as, 7-32-2123
- firewardens, as, 77-5-104, See **FORESTS AND FORESTRY**, **Firewardens**
- hours of work, 7-32-2111
- law enforcement academy, attendance, 7-32-2106
- law, practice of — prohibited, 37-61-203
- livestock deputy, special, 81-6-105
- livestock inspectors and detectives, powers as, 81-1-201
- longevity payments, 7-4-2507, 7-4-2510
- misconduct, 7-32-2127
- overtime, 7-4-2507, 7-4-2509
- overtime compensation exclusions, 39-3-406
- probationary period, 7-32-2105

COUNTY SHERIFF (Continued)
Deputies (Continued)

  public safety, department of — deputies in, 7-32-103, 7-32-105, 7-32-106
  qualifications, 7-32-2104
  salary, 7-4-2507, 7-4-2508, See also **COUNTY OFFICERS, Salaries**
  special deputies, residency requirements, 7-32-301, 7-32-302
  tenure, 7-32-2107
  termination of employment, 7-32-2105 — 7-32-2110
  undersheriff, See **Undersheriff**
Detention centers, See also **DETENTION CENTERS**
  administrator, as, 7-32-303, 7-32-2120, 7-32-2201, 7-32-2241, 44-4-302
  county detention center work program, supervision, 7-32-2226, 7-32-2227
  default or misconduct by sheriff, personnel, or detention center staff, 7-32-2127, 7-32-2129
  release of inmate, temporary — consent, 7-32-2246
  responsibility, 7-32-2121, 7-32-2123
  staff, appointment, 7-32-2123
  transporting
    inmates, 7-32-2144
    persons under arrest, 7-32-2143
  work release program, 46-18-701 — 46-18-704
Disability retirees, reinstatement procedures, 19-7-612
District court
  crier of court, 3-5-407
  facilities, to provide when, 3-5-404
Dogs running at large, seizure and impoundment, 7-23-102
Duties generally, 7-4-3001, 7-32-2121; Const., XI, 3
Election of, 7-3-433, 7-4-2203, 7-32-102, 13-12-207; Const., XI, 3
Elections, polling places — arrest authority upon obstruction, 13-13-122
Emergency medical personnel, authority, 61-9-227
Execution, duties
  alcoholic beverages seized under, 16-6-301
  arrest of judgment debtor, 25-13-308, 25-14-102
  city court, 46-17-302; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 23C, 23D, 23F
  costs, security for, 25-13-403
  criminal judgments, 46-17-302, 46-19-101, 46-19-103
  debts owed judgment debtor, payment to sheriff to satisfy, 25-13-502
  delivery of possession of property, when writ requires, 25-13-307
  exemption claim by judgment debtor, 25-13-212
  failure to levy upon or sell property, liability, 7-32-2131
  fees, 7-4-2525, 7-32-2141, 7-32-2142
  holding property, fees for, 7-32-2142
  indexes, citation in, 7-4-2620
  justice's court, 25-31-1104, 46-17-302; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 23C, 23D, 23F
  levying officers or process servers, registration provisions — nonapplicability, 25-1-1101
  motor vehicles, abandoned, 61-12-404
  multiple defendants, when only some served, 25-13-303
  personal property, execution upon before real property, 25-13-304
  police department director, powers, 7-3-1343
  principal debtor, execution upon before surety, 25-13-302
  public safety, department of — officers' status in enforcement, 7-32-105
  real property, lien on — judgment as, 25-13-305
  redemption
    notices to, 25-13-806, 25-13-807
    payments to, for benefit of others, 25-13-804, 25-13-805
  representative, when property in hands of, 25-13-306

COUNTY SHERIFF (Continued)
Execution, duties (Continued)

- sales
  - agisters' liens, 71-3-1203
  - boat certificate of ownership, transfer of interest, 23-2-510
  - fees, 7-4-2525, 7-32-2141
  - landlord and tenant, tenant's abandoned personal property, 70-24-430
  - loggers' liens, 71-3-614, 71-3-615
  - manner, 25-13-402
  - manufactured homes, 15-24-210
  - mobile homes, 15-24-210, 70-24-432
  - motor vehicles, transfer of interest, 61-3-201
  - snowmobile certificate of ownership, transfer of interest, 23-2-612
- seizure, notice of, 25-13-211
- specific performance, 25-13-203
- tax, delinquent, 15-16-401
- warrant of execution, 25-13-213
- writ
  - execution by, 25-13-402
  - fees, 7-4-2525, 7-32-2141
  - issuance to, 25-13-301, 25-13-401
  - possession or restitution, writs of, 7-4-2525, 7-32-2141
  - return, 25-13-404

Executive clemency, order and notice of hearing to, 46-23-303
Expenses, See **Fees**
Extradition, application for requisition, 46-30-401
False claims, 7-32-2128
Fees, 7-32-2143

- claim and delivery, 27-17-301
- commission for determination and adjustment of indebtedness and assessments for old and new counties, services for, 7-2-2242
- county charge, as, 7-6-2426
- court, 7-4-2525, 7-32-2141 — 7-32-2143, 25-10-402, See also **CIVIL PROCEDURE, Costs,** officers' fees
- false claims, 7-32-2128
- fish and game wardens, expenses as ex officio, 87-1-503
- fugitives, for return, 7-32-2145
- grazing districts, trespassing livestock — sale expenses, 76-16-317
- hail insurance lien foreclosures, 80-2-231
- meetings or conventions, 7-5-2145
- mileage, 2-18-504, 7-4-2511
- prisoners and mentally ill persons, transportation, 7-32-2144, 53-21-132
- property, for holding, 7-32-2142, 27-17-301
- small claims courts, service of process, 25-35-604
- state lands
  - lease payments or seizure of crops or improvements, 77-6-112
  - purchase payments or seizure of crops or improvements, 77-2-336
- taxation, collection of taxes and conducting tax sales, 15-16-119, 15-16-401
- tuberculosis patients, transportation, 50-17-114

Fingerprinting and photographing of persons when, 44-5-202, 45-8-322
Firearms, See **Weapons**
Fires and fire protection

- firewarden, as, 77-5-104, See **FORESTS AND FORESTRY, Firewardens**
- investigation of fires, 50-63-202

Fireworks, seizure when, 50-37-109
Fish and game wardens, ex officio — appointment as, 87-1-503
Foreign capital depository investigations, 32-8-502

COUNTY SHERIFF (Continued)

Forest development roads, jurisdiction, 61-8-111, 61-8-112
Fugitives, mileage and expenses for return, 7-32-2145
Grazing districts, trespassing livestock
  notice information, 76-16-315
  sale, 76-16-316, 76-16-317
Habeas corpus, service of writ, 46-22-206
Health officials, to assist, 50-2-120
Jails, See **Detention centers**
Jurors
  notice to persons drawn as jurors, service, 3-15-405
  summoning, when, 3-15-701 — 3-15-703, 3-15-801, 25-7-206
  view of place or property conducted by, 46-16-502
Justices' courts
  execution, 25-31-1104; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 23C, 23D, 23F
  service of process, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D; Title 25, chapter 24, M.U.R.J.C.C., Rule 10
Law, practice of — prohibited, 7-4-2210, 37-61-203
Liens, duties
  agisters', 71-3-1203
  hail insurance, 80-2-231
  loggers', 71-3-614, 71-3-615
Litter control, enforcement, 75-10-233
Livestock
  county road emergency areas, running on, 7-14-2129
  deputy, special, 81-6-105
  horse herd districts, horses wrongfully entering, 81-4-326 — 81-4-328
  inspection certificates, exhibiting to sheriff, 81-3-211, 81-3-231
  market consignment permits, exhibiting to sheriff, 81-3-211, 81-3-231
  protective committees, cooperation and assistance, 81-6-103
  rendering or disposal plants, dead or fallen animal records, 81-9-315, 81-9-316
  stolen
    highway patrol officers' authority, 44-1-1004
    sale of vehicles used to transport, 81-5-110, 81-5-111
  transportation permits, exhibiting to sheriff, 81-3-211, 81-3-231
  trespassing
    grazing districts, 76-16-315 — 76-16-317
    notice, 81-4-217
    retention when, 81-4-307
  violations, notification to board of county commissioners, 7-21-3211
Livestock market inspections, 81-8-261
Meat establishments
  meat held in violation, seizure and sale, 81-9-116
  violations, reporting, 81-9-114
Meetings or conventions, attendance and expenses, 7-5-2145
Mentally ill persons, See **Prisoners or mentally ill persons**
Mileage and expenses, See **Fees**
Military courts, execution of processes, 10-1-404
Money received by, failure to pay over, 7-32-2101, 7-32-2130
Motor vehicles
  abandoned, duties, Title 61, chapter 12, part 4
  accidents — notification, reports, and investigation, 61-7-108, 61-7-109, 61-7-111, 61-7-114, 61-8-111
  amateur radio operators' license plates, list to, 61-3-424
  fines and forfeitures, disposition, 61-12-701
  forest development roads, jurisdiction, 61-8-111, 61-8-112

COUNTY SHERIFF (Continued)
Motor vehicles (Continued)

- gross vehicle weight fees
  - impoundment of vehicle when, 61-10-209
  - nonresidents, payment, 61-10-213
- junk vehicles, release for, 61-12-402
- manufacturers, improper licensing or misuse of license plates, 61-4-223
- off-highway vehicles, enforcement of provisions, 23-2-806
- search and rescue or emergency medical personnel, blinker type or revolving red lights, 61-9-227
- seizure of vehicle or rendering vehicle inoperable, 61-5-212
- stolen and recovered, duties, 61-3-106
- transfer of interest, 61-3-201

Nepotism provisions, nonapplicability when, 2-2-302
9-1-1 emergency telephone system advisory council, recommendations for membership, 10-4-102
Notices, 7-32-2121, 7-32-2131
- fees, 7-4-2525, 7-32-2141
- service, 7-32-2121, 7-32-2141, 7-32-2143

Office, See **COUNTY OFFICERS, Offices**
Parole hearings, service of subpoenas, 46-23-205
Peace officers, qualifications for appointment, 7-32-303
Posses, 7-32-234, 7-32-304, 7-32-2112
Predators, bounty inspectors for, Title 81, chapter 7, parts 1 and 2, See **PREDATORS AND PREDATOR CONTROL, Bounty inspectors**
Prisoners or mentally ill persons
- detention center alternatives, 53-21-138
- escape or release from confinement, notification, 44-2-601
- transportation — mileage, expenses, or fee in lieu of mileage, 7-32-2143, 7-32-2144, 53-21-113, 53-21-132

Private investigator or security guard license applications, notification, 37-60-304
Private Security Patrol Officers and Investigators, Board of — representation on, 2-15-1891
Process — execution, service, and return, 7-32-2131
- certificate, issuance, 7-32-2121
- delivery to, 25-3-201
- endorsement, 7-32-2121, 7-32-2131
- execution when, 25-3-202, 25-3-203, 25-3-205
- fees, 3-10-222, 7-4-2525, 7-32-2141 — 7-32-2143
- military courts, 10-1-404
- mining or oil industry wage claims, 39-3-508
- return, duties, 7-32-105, 7-32-2131, 25-3-301
- service by, 7-32-105, 7-32-2121, 15-30-316; Title 25, chapter 20, M.R.Civ.P., Rule 4D; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D; Title 25, chapter 24, M.U.R.J.C.C., Rule 10
  - obstruction, penalty, 25-3-105, 45-7-302
- sheriff a party, 25-3-205, 25-3-206
- small claims courts, 25-35-603, 25-35-604

Process servers or levying officers, registration provisions — nonapplicability, 25-1-1101
Property
- holding, fees for, 7-32-2142
- trial of right of property or damages, fee for, 7-4-2525, 7-32-2141

Proprietary security organization license applications, notification, 37-60-304
Public Safety, Department of, 7-32-101 — 7-32-103, 7-32-105
Replevin, See **Claim and delivery**
Residents to aid, 7-32-2121
Retirement system, Title 19, chapter 7
Rewards for apprehension of criminals, ineligibility, 7-32-2301

COUNTY SHERIFF (Continued)

Riots, prevention and suppression, 7-32-2121
Salary, 7-4-2501 — 7-4-2503; Const., XI, 3, See also **COUNTY OFFICERS**, **Salaries**
Sales finance companies, arrest warrants, 31-1-211
School bus two-way radios, permission for operation, 20-10-108
Search and rescue units, control and supervision, 7-32-235, 7-32-2121, 61-9-227
Securities transactions, exemption, 30-10-105
Security alarm systems, automatic — permission for installation and use, 37-60-408
Security guard, casual employment of officer as — authorization, 37-60-406
Sentences, execution duties, 46-19-101, 46-19-103
Service of papers on, 7-32-2124
Service of process, See **Process**
Sexual or violent offender registration, 46-23-503 — 46-23-505
  DNA testing, biological samples to person or entity designated by, 44-6-103
Small claims courts, 25-35-603, 25-35-604
Snowmobiles
  certificate of ownership, transfer of interest, 23-2-612
  enforcement of provisions, 23-2-641
State lands, payments demanded by — when, 77-2-336, 77-6-112
Subpoenas, service, 7-4-2525, 7-32-2141, 7-32-2143, 26-2-103, 46-23-205
Taxation
  collection, as ex officio county treasurer, 15-16-119, 15-17-911
  distraint, warrant for, 15-1-701, 15-1-704, 15-1-706, 72-16-432
  tax sales — fees, mileage, and costs, 15-16-119, 15-16-401, 15-17-911
Training schools, attendance, 7-4-2208
Trust indentures, posting of notice of foreclosure sale, 71-1-315
Tuberculosis control
  emergency detainment of person when, 50-17-115
  transportation of patients, warrant and fees, 50-17-109, 50-17-114
Undersheriff
  absence from state, 7-4-2208
  appointment, 7-32-2102
  default, 7-32-2127
  deputy sheriff, appointment as and effect of return to deputy's position, 7-32-2102
  firewarden, as, 77-5-104, See **FORESTS AND FORESTRY, Firewardens**
  law, practice of — prohibited, 37-61-203
  longevity payments, 7-4-2507, 7-4-2510
  misconduct, 7-32-2127, 7-32-2129
  overtime, 7-4-2507, 7-4-2509
  powers and duties, 7-32-2102, 7-32-2122
  salary, 7-4-2507, 7-4-2508, See also **COUNTY OFFICERS, Salaries**
Undertakings, fee for taking, 7-4-2525, 7-32-2141
Vacancy in office, 7-32-2101, 7-32-2122
Vehicles
  private, used for official business — liability insurance, 7-32-2126
  sheriff's vehicles, 7-32-2125, 7-32-2143
Water commissioners, authority as, 85-5-108
Weapons
  concealed weapons, permits to carry, 45-8-321 — 45-8-323, 45-8-325, 45-8-326
  firearms, convicted person's application for permit to purchase and possess — copy to, 45-8-314
  switchblade knives, collections to be registered with, 45-8-331
Witnesses
  arrest of disobedient witness, 26-2-106, 26-2-107
  concealed, service of subpoena, 26-2-103
  prisoners as, order executed by sheriff, 46-15-105

COUNTY SHERIFF (Continued)
Witnesses (Continued)

  subpoenas, fee for service, 7-4-2525, 7-32-2141
Work period in lieu of workweek, 7-4-2509
Work release program for criminal offenders, 46-18-701 — 46-18-704
Youth correctional facilities
  capacity, report concerning, 41-5-355
  transportation of prisoners to, 7-32-2144

COUNTY SUPERINTENDENT OF SCHOOLS, 20-1-101
  See also generally **COUNTY OFFICERS; PUBLIC OFFICERS OR EMPLOYEES**
Agents of goods or services, acting as — prohibited, 20-1-201
Appeals, See **Controversy appeals**
Appointment, 7-3-438, 7-4-2203, 20-3-202
Association of County School Superintendents, membership, 7-5-2146
Attendance officer, as — when, 20-3-206, 20-5-104
Attorneys employed by, when, 20-1-204, 20-3-210, 20-4-204
Bond, official, 20-3-201, 20-3-202, See also **SURETY BONDS, County officers and employees**
Commission form of government, selection, 7-3-438
Community college districts, duties, 20-3-205, 20-15-325
Consolidation of office, 20-3-201; Const., XI, 3
Contract for performance of duties when, 20-3-201
Controversy appeals, 20-3-210
  disabilities, children with — appeals pertaining to, disqualification, 20-3-211
  disqualification of county superintendent when, 20-3-211, 20-3-212
  out-of-district attendance agreements, 20-3-210, 20-5-320, 20-5-322
  teachers, 20-3-107, 20-3-210, 20-4-204, 20-4-207
Correspondence study, supervision, 20-7-116
Counties
  abandoned, renumbering of districts, 7-2-2727
  new, fund transfers, 7-2-2253
County high schools
  pupil information reports, 20-4-402
  unification, 20-3-205, 20-6-312, 20-6-313
County interdisciplinary child information teams, 41-3-205, 41-5-215, 52-2-211
Deputies, 20-3-203, 20-3-204
District superintendents
  certificates, registration, 20-3-205
  reports from, 20-4-402
Duties generally, 7-4-3005, 20-3-201, 20-3-205; Const., XI, 3
Election of, 7-3-438, 7-4-2203, 13-12-207, 20-3-201, 20-3-202; Const., XI, 3
Expenses, 7-5-2146, 20-3-203, 20-3-212
Facility siting, education impact statements, 20-1-208, 20-1-209
Home schools, availability of records and notification of student's attendance, 20-5-109
Indian studies, instruction in — requirements, 20-1-501 — 20-1-503; Const., X, 1
Indigent children, federal funds for food services, 20-3-205, 20-10-205
Legal adviser, 20-1-204, 20-1-205, 20-3-210
Levies, 20-3-205
  adult education, report, 20-7-705
  building reserve fund requirements, 20-9-503
  bus depreciation reserve fund requirements, 20-10-147
  debt service fund requirement, 20-9-439, 20-9-506
  general fund requirements, 20-9-141
  nonoperating fund requirements, 20-9-506
  retirement fund requirements, 20-9-501
  transportation fund requirements, 20-10-144, 20-10-146

COUNTY SUPERINTENDENT OF SCHOOLS (Continued)

Meetings, 20-3-105
Municipal superintendent of schools, powers and duties as, 7-3-1348
Nonpublic schools, availability of records, 20-5-109
Oath of office, 20-1-202, 20-3-201, 20-3-202
Oaths administered by, 20-3-205, 20-3-210
Office, 7-4-3005, See also **COUNTY OFFICERS**, **Offices**
  hours, 20-3-204
  space and supplies, 20-3-203
Part-time office, 20-3-201, 20-3-204, 20-3-213
Positions, additional, 20-3-206
Public Education, Board of — policies, duties to carry out, 20-3-205
Qualifications, 7-4-2203, 20-3-201; Const., XI, 3
Records, 20-3-205
Removal from office, 20-1-201, 20-7-608
Reports
  annual financial, 20-3-205, 20-3-209, 20-9-211, 20-9-213
  clerk of district court, from, 20-9-332
  district superintendent or county high school principal, from, 20-4-402
  preservation, 20-3-205
  public education, board of — to, 20-9-344
  school districts and trustees, from, 20-3-106, 20-3-209, 20-3-324, 20-5-324, 20-9-213
  superintendent of public instruction, to, 20-3-106, 20-3-209, 20-5-324
  teachers, from, 20-4-301, 20-4-302
Retirement System, Teachers' — membership, Title 19, chapter 20
Salaries of superintendent or deputies and assistants, 7-4-2503, 7-4-2504, 20-3-201, 20-3-203; Const., XI, 3, See also **COUNTY OFFICERS**, **Salaries**
School districts, elementary
  abandonment, 20-3-205, 20-6-209, 20-6-210
  annexation procedures, 20-6-205
  boundaries, adjustment or review, 20-6-214, 20-6-215
  classification, 20-3-205, 20-6-201
  consolidation procedures, 20-6-203, 20-6-208
  county high school unification, 20-3-205, 20-6-312, 20-6-313
  joint elementary district, dissolution, 20-6-211
  transfer of territory, 20-6-213, 20-6-320
School districts generally
  alteration, 20-3-205
  audit reports, filing, 20-3-205, 20-9-203
  boundary records and reports, 20-3-205, 20-6-103
  cessation, duties, 20-6-413, 20-6-418
  organization, 20-3-205
  out-of-district attendance agreements and tuition and transportation, 20-3-205, 20-5-321, 20-5-322, 20-5-324, 20-9-334
  reciprocal attendance agreements, 20-5-314
  renumbering when, 7-2-2727
School districts, high school
  abandonment, 20-3-205, 20-6-307
  annexation, 20-6-317
  boundary adjustments, 20-6-320, 20-6-322
  classification, 20-3-205, 20-6-301
  consolidation, 20-6-315, 20-6-321
  county high school unification, 20-3-205, 20-6-312, 20-6-313
  joint districts, organization and procedures, 20-6-309, 20-6-321
  transfer of territory, 20-6-213, 20-6-320

COUNTY SUPERINTENDENT OF SCHOOLS (Continued)

School districts, K-12
- attachment of elementary to high school district, 20-6-701
- dissolution procedure, 20-6-704
- transfer of property, 20-6-703
- transfer of territory out of or into, 20-6-320

School elections
- certificate of election for trustees, issuance, 20-3-313, 20-20-416
- emergency or disaster, cancellation, 20-20-108
- ordered by, 20-20-201

School finance
- apportionment of money, 7-6-2801, 17-3-213, 20-3-205, 20-9-212
- audit reports filed with, 20-3-205, 20-9-203
- average number belonging (ANB), 7-2-2253, 20-3-205, 20-6-502 — 20-6-504, 20-6-506, 20-6-507, 20-9-313
- BASE aid
  - apportionment, 20-3-205
  - report of payments, 20-9-347
- BASE funding program, estimations, 20-9-348
- bond information to districts, 20-9-121
- budgets, 20-3-205
  - budget amendments, 20-3-205, 20-9-162, 20-9-164, 20-9-165
  - final budget, 20-9-134, 20-9-142, 20-9-152, 20-9-438
  - general fund
    - additional levy amount, certification, 20-9-353
    - revenues, 20-9-348
  - joint districts, procedures, 20-9-151, 20-9-152
  - transportation budget, 20-10-143, 20-10-144, 20-10-146
- coal gross proceeds anticipated revenue and property tax reimbursements, information from department of revenue, 20-9-141
- county equalization
  - court fine and penalty proceeds for, reports, 20-9-332
  - federal forest reserve money, apportionment, 17-3-213, 20-9-331, 20-9-333
  - out-of-county tuition, deduction for, 20-9-334
- county school money, reports, 20-9-212
- debt service fund budget or levy requirements, 20-9-438, 20-9-439, 20-9-506
- federal forest reserve money, apportionment, 17-3-213, 20-9-331, 20-9-333, 20-10-146
- food services fund, allocation of federal funds, 20-3-205, 20-10-205
- funds, duties, 7-2-2253, 20-1-203, 20-3-205, 20-3-208, 20-9-121
- general fund, duties, 20-3-205, 20-9-141, 20-9-348, 20-9-353
- guaranteed tax base aid, information for, 20-9-369
- isolation applications, procedures, 20-3-205, 20-9-302
- joint districts, annual reports, 20-9-213
- levies, See **Levies**
- money, authority, 20-3-208
- property tax valuation statements to, 20-9-122
- reports, annual, 7-6-2801, 20-3-205, 20-3-209, 20-9-211, 20-9-213
- special education allowable costs, report of payments, 20-9-347
- taxable valuation of district, certification by department of revenue, 20-9-141

Schools generally
- indigent children, federal funds for food services, 20-3-205, 20-10-205
- instructional assistance, 20-7-114
- isolation applications, 20-3-205, 20-9-302
- libraries and library books, 20-3-205, 20-7-204, 20-7-205
- opening or reopening, procedures, 20-3-205, 20-6-502 — 20-6-504, 20-6-506, 20-6-507, 20-9-313

COUNTY SUPERINTENDENT OF SCHOOLS (Continued)
Schools generally (Continued)

- records, reciprocal transfer agreements — copies to, 20-1-213
- supervision, 20-3-205, 20-3-207
- textbooks, recommendations for selection, 20-3-205, 20-7-602
- tuition
  - discontinued district, debt obligation, 20-6-413
  - out-of-district attendance agreements, 20-3-205, 20-5-321, 20-5-324
  - payments, 20-5-324, 20-9-334
- visitations, 20-3-207

School transportation
- agreements for services, 20-10-126
- apportionment of money, 17-3-213, 20-3-205, 20-10-145, 20-10-146
- budget, 20-10-143, 20-10-144, 20-10-146
- bus driver certificates, filing, 20-3-205, 20-10-103
- bus routes, duties, 20-10-112, 20-10-132
- contracts, copies to, 20-3-205, 20-10-124, 20-10-143
- county transportation committee, duties, 20-3-206, 20-10-131
- individual transportation contracts, 20-10-112
- levy requirements, 20-10-144, 20-10-146, 20-10-147
- out-of-district atendance, 20-3-205
- passenger count, 20-10-128
- reimbursements, 20-3-205, 20-10-104, 20-10-145, 20-10-146

School trustees
- additional positions, request and determination, 20-3-352, 20-3-354, 20-6-301
- alternative method of election, petition and order for, 20-3-352
- appointment, 20-3-309, 20-6-203, 20-6-301, 20-6-313
- assistance, 20-3-207
- election certificate, issuance, 20-3-313, 20-20-416
- joint boards, 20-3-206, 20-3-311
- meetings, 20-3-205, 20-3-311
- nominating districts, 20-3-205, 20-3-353, 20-3-354, 20-3-356, 20-6-313
- oaths, administering and filing, 20-3-205, 20-3-307, 20-3-309
- reports from, 20-3-106, 20-3-209, 20-3-324, 20-5-324, 20-9-213
- single-member trustee districts, adoption of plan — notification, 20-3-337
- vacancies, filling, 20-3-309

Solicitors of goods or services, acting as — prohibited, 20-1-201
Staff, 19-20-101, 19-20-302, 20-3-203, 20-3-204
Successor, delivering materials to, 20-1-203, 20-3-205
Superintendent of public instruction, duties, 20-3-105
Teachers
- appeals, 20-3-210, 20-4-204, 20-4-207
- assistance, 20-3-207
- certificates, registration, 20-3-205, 20-4-202
- dismissal prior to contract expiration, recommendation for and appeal from, 20-3-210, 20-4-207
- emergency authorization, registration, 20-3-205, 20-4-202
- pupil's truancy, incorrigibility, or suspension — reports, 20-4-302
- reports, submission, 20-4-301
- tenured, termination of services, 20-4-204

Term of office, 20-3-202; Const., XI, 3
Textbook dealers, duties, 20-3-205, 20-7-605, 20-7-606, 20-7-608
Vacancy in office, 20-3-202
Voting program for youth, participation, 13-22-103

COUNTY SURVEYOR
  See also **COUNTY OFFICERS**, generally
Affidavit for verification of surveys by other persons, 7-4-2803
Appointment, 7-3-437, 7-4-2203
Assistants, 7-4-2802
Bridges, See **Roads and bridges**
Chainmen, employment when, 7-4-2802
City-county consolidated government, qualifications for director of public works, 7-3-1331
Claims, approval, 7-4-2812
Commission form of government, selection, 7-3-437
Consolidation of office, 7-4-2801; Const., XI, 3
Contract for service of qualified person as surveyor when, 7-4-2801
County road improvement districts
  payments, partial — certification, 7-14-2716, 7-14-2720
  survey of proposed road, 7-14-2708
Deputies, 7-4-2801, 7-4-2812
Election of, 7-4-2203; Const., XI, 3
  ballot arrangement, 13-12-207
  commission form of government, 7-3-437
Engineer
  budget estimates for construction costs, 7-6-2311
  civil, employment when, 7-4-2803
Equipment, 7-4-2811
Failure to perform duties, 7-4-2803
Fees, 7-4-2501, 7-4-2821, 77-1-104, See also **COUNTY OFFICERS, Fees**
  other surveyors, 7-4-2803
  surveys, copies and certificates, 7-4-2814
Field notes, 7-4-2813
  filing, 7-14-2606
  recording, 7-14-2614
Function, 7-4-2811
Grades, 7-4-2811, 7-4-2812
Incompetency, 7-4-2803
Markers, employment when, 7-4-2802
Natural Resources and Conservation, Department of — employment by, 85-1-218
Neglect of duty, 7-4-2803
Office space, 7-4-2811
Planning and zoning commission, member, 76-2-102
Plans, specifications, and estimates, 7-4-2811, 7-4-2812
Plat books, 7-4-2813, 7-14-2110
Plats, records, 7-4-2813
Qualifications, 7-4-2801; Const., XI, 3
Records, 7-4-2813
Reports, 7-4-2812
Roads and bridges
  complaints by, 7-14-2138
  construction
    costs, budget estimates, 7-6-2311
    permits, 7-14-2139
  duties, 7-4-2812, 7-4-2814
  encroachments, removal, 7-14-2134, 7-14-2137
  establishment, alteration, and abandonment
    petitions, investigation, 7-14-2603
    survey of road, 7-14-2606, 7-14-2614

COUNTY SURVEYOR (Continued)
Roads and bridges (Continued)

  inspections, 7-14-2125
  obstructions, removal, 7-14-2133
  plat books, 7-4-2813, 7-14-2110
  repairs, 7-14-2201
  water flow over, damage caused by — notification, 7-14-2141
Road supervisor, as, 7-14-2122, See **COUNTY ROADS AND BRIDGES, Supervisor**
Rural special improvement districts, as engineer for, See **RURAL SPECIAL IMPROVEMENT DISTRICTS**
Salary, 7-4-2501, 7-4-2503, 7-4-2504, See also **COUNTY OFFICERS, Salaries**
State lands, survey when, 77-1-104
Surveys, 7-4-2811, 7-4-2812, 7-14-2606, 85-1-218
  land in two counties, 7-4-2815
  person other than surveyor, required when, 7-4-2803
  preparation, 7-4-2814
  records, 7-4-2813, 7-4-2814
Use of other surveyors, 7-4-2803

COUNTY TAX APPEAL BOARD
  See **TAX APPEAL BOARDS**

COUNTY TRANSPORTATION COMMITTEE
  See **SCHOOL TRANSPORTATION**

COUNTY TREASURER
  See also **COUNTY OFFICERS; PUBLIC OFFICERS OR EMPLOYEES**
Abandonment and consolidation of counties
  bond sinking fund money, 7-2-2749
  funds, transfer, 7-2-2727, 7-2-2728, 7-2-2742
  property leases or sales, money from, 7-2-2759
  special funding bond districts, 7-2-2747, 7-2-2748
  special warrant district tax levy proceeds, collection, 7-2-2746
  taxes and other money, collection, 7-2-2743, 7-2-2750
Absence, 81-7-115
Accounts, 7-6-2111, 7-6-2112, 7-6-2115, 7-6-2409, 15-18-114
Actions generally
  against treasurer, 7-6-2103, 7-6-2113
  brought by treasurer, 7-6-2117
Actions when county is a party
  civil
    licensing violations, 7-21-2116, 7-21-2117
    payment of costs, 25-10-703, 26-2-509, 26-2-510
  criminal
    fines, deposit, 46-18-603
    prison, state — when offenses committed in, 53-30-110
    removal from county, costs, 7-6-2428
Affidavits, duties, 7-6-2112, 15-16-305
Aircraft registration account money, distribution, 67-3-205
Appointment, 7-3-436, 7-4-2203
Arts, facilities for — tax levy proceeds, 7-16-2205
Associations of county treasurers, membership in, 7-5-2144
Attachment of property subject to security agreements, amount of debt and interest to be deposited with, 27-18-413, 27-18-414
Boats
  certificates of number, 23-2-502, 23-2-508, 23-2-512
  certificates of ownership, 23-2-508, 23-2-510
  fee in lieu of tax, 23-2-512, 23-2-518

COUNTY TREASURER (Continued)
Boats (Continued)

  fees and disposition, 23-2-508, 23-2-510, 23-2-512, 23-2-518, 61-3-511
  license decal, issuance, 23-2-502, 23-2-515
  lien notice and perfection of security interest, 23-2-508
Bonds
  abandonment and consolidation of counties, 7-2-2747 — 7-2-2749
  county road improvement districts, See **County road improvement districts**
  drainage districts, deposit with, 85-8-503
  duplicate, issuance, 7-7-2104, 7-7-2106
  general obligation, See **General obligation bonds**
  irrigation districts
    bond issues, 85-7-1955, 85-7-2020, 85-7-2026, 85-7-2027, 85-7-2105
    bonds, receipt in lieu of cash payments, 85-7-2166
  itinerant vendors, 7-21-2306, 7-21-2308
  mining operations wages, to guarantee — filed with, 39-3-512
  official
    irrigation district funds or securities, liability for safekeeping, 85-7-2166
    lien on real estate of surety, settlement of purchase price, 2-9-528
    school district endowment fund, liability, 20-9-604
  oil operations wages, to guarantee — filed with, 39-3-512
  refunding general obligation, disposition of sale proceeds, 7-7-2312
  registration, 7-2-2748, 20-9-434, 20-9-442, 20-9-463
  rural special improvement districts, 7-12-2171, 7-12-2174
  school district, 7-31-2101, 20-9-121, 20-9-432, 20-9-434, 20-9-435, 20-9-440 — 20-9-442, 20-9-463
  sinking fund, invested in — custody, 7-7-123
  transient retail merchants, filing and approval, 7-21-2407
Bounty scalps or skins, examination and destruction, 81-7-115
Budget estimates, preparation, 7-6-2311, 7-6-2312
Building permit fees deposited with, 50-61-112
Campground violations, fines — disposition, 50-52-105
Cash verification, 7-6-2204
Cemetery association permanent care and improvement fund trustees, deposits of money or securities, 35-20-304
Cemetery districts
  permanent care and improvement fund trustees, deposits of money or securities, 7-35-2141
  taxes, collection, 7-35-2123
Cigarette tax meter machines, procedure for setting and reports, 16-11-115
Cities and towns
  disincorporation, 7-2-4912, 7-2-4919
  taxation
    assessments, 7-3-4431, 7-6-4422, 7-6-4423
    collection, 7-6-4407, 7-6-4413
    delinquent, 7-6-4422, 7-6-4423
      tax deed, issuance, 7-6-4414
      tax sales, 7-6-4423, 15-17-317, See also **Taxation**, tax sales
City-county consolidated government, duties and powers, 7-3-1306
City courts, fines collected, 46-17-303, 46-17-304
Civic center tax levy revenue, 7-16-2103
Collections manual, 7-6-2141
Commission form of government, selection, 7-3-436
Communicable disease reporting violations, fines collected, 37-2-301
Community college districts
  emergency budgets, duties, 20-15-326
  funds, accounting, 20-9-212
  money, deposit, 20-15-308

COUNTY TREASURER (Continued)
Community college districts (Continued)

  treasurer, as, 20-15-210
Conservation districts, duties, 76-15-508, 76-15-522 — 76-15-526
Conservation practice loan account, deposit requirements, 76-15-524, 76-15-542
Constables, fees, 3-10-702
Contractual obligations owed to county, delinquencies, 15-16-701 — 15-16-703
Counties, new
  commission members' compensation and expenses, 7-2-2243
  funds, transfer, 7-2-2253
County attorney, money received by — receipts and deposit, 7-4-2715, 7-6-2117
County clerk and recorder, 7-4-2611
  accounts, settlement, 7-6-2115
  cash verification by, 7-6-2204
  license blanks and return of unsold licenses, 7-21-2102
  receipts, duplicate — filing, 7-6-2202
County Commissioners, Board of
  certification of orders and warrants, 7-4-2611
  tax deeds, request for issuance, 15-18-211, 15-18-212
County fairs
  commission, 7-21-3410
  district money, 7-21-3435
County market money, 7-21-3307
County officers, fees collected by, 7-4-2511 — 7-4-2514
County Park Commissioners, Board of — duties, 7-16-2328
County parks, tax levy revenue, 7-16-2103
County road improvement districts
  assessment register filed with, 7-14-2738, 7-14-2744
  assessments, 7-14-2744 — 7-14-2746, 7-14-2755, 7-14-2758, 7-14-2761
  bonds
    contractors, delivery to, 7-14-2720
    interest and principal, payment, 7-14-2746, 7-14-2760, 7-14-2761
    outstanding, retirement, 7-14-2763
    redemption, 7-14-2746
    sale, 7-14-2753
    use, notice, 7-14-2755
  claims, payment, 7-14-2719
  payments for, 7-14-2720, 7-14-2733
County sheriff
  ex officio treasurer, as, 15-16-119
  fees and mileage, 7-4-2525, 7-32-2141, 7-32-2143
County superintendent of schools, reports to, 7-6-2801
County water and/or sewer district special assessments
  collection, 7-13-2283
  payment under protest, 7-13-2284
County weed management fines, bonds, and penalties, 7-6-2523, 7-22-2109, 7-22-2117, 7-22-2141, 7-22-2142, 7-22-2145, 7-22-2146, 7-22-2148
Coupons, duplicate — issuance, 7-7-2104, 7-7-2106
Court charges, deposit, 46-18-236
Criminal actions
  bail forfeitures, payment to, 46-9-511
  witnesses' expenses, payment, 46-15-116
Cropland spraying programs, landowner's assessments — collection, 80-7-504, 80-7-505
Cultural facilities, tax levy revenue, 7-16-2103
Death of treasurer, procedures, 7-6-2101
Deputies, 7-6-2102
  boat certificates of ownership, acknowledgment, 23-2-510

COUNTY TREASURER (Continued)
Deputies (Continued)

- salaries, 7-4-2501 — 7-4-2504
- snowmobile certificates of ownership, acknowledgment, 23-2-612

Disabilities, persons with — parking permit application forms, 49-4-303
District courts

- deposits in court, 25-8-103, 25-8-104
- facilities, charge of expenses for, 3-5-404
- motor vehicle taxes or fees, deduction for, 61-3-509
- witnesses' warrants, payment, 3-5-511

Dog control and licensing violations, fines from, 7-23-105
Drainage districts

- bonds, deposit with, 85-8-503
- funds, custodian, 85-8-312
- taxes and assessments, 85-8-350, 85-8-601, 85-8-602, 85-8-613, 85-8-614

Drug violations, forfeiture of property — proceeds of sale, 3-10-601, 44-12-206
Duties generally, 7-4-3002, 7-6-2111; Const., XI, 3
Election of, 7-3-436, 7-4-2203, 13-12-207; Const., XI, 3
Estates and probate

- escheated estates
  - deposit of money with, 72-14-202, 72-14-204, 72-14-401, 72-14-403, 72-15-212
  - fiduciary deposit, 72-14-401 — 72-14-403
  - sale of unsold personal property by, 72-14-207, 72-14-208
  - transfer of money, 7-6-2421
  - transmittal to department of revenue, 72-14-204, 72-14-207, 72-14-403
- estate tax, 7-4-2613, 72-16-909
- fiduciary deposit with, 72-14-401 — 72-14-403
- inheritance tax, See **Taxation**
- public administrator, deposit of money, 72-15-205, 72-15-206, 72-15-212, 72-15-213

Expenses, 7-5-2144
Federal in-lieu payments for taxes, duties, 7-6-104 — 7-6-106
Ferries, license tax — administration, 7-14-2830
Finance administrator, as, 7-3-122
Fire district contracts, money from, 7-33-2107
Fish and game violations, payment of prosecution costs, 87-1-104
Fish, Wildlife, and Parks — department-owned land, payments in lieu of taxes, 87-1-603
Flood Control Act, federal — money from, 17-3-231, 17-3-232, 20-9-331
Forest lands, assessments on, 76-13-111
Forest protection and fire protection

- assessments, payment, 76-13-201, 76-13-210
- violations, fines from, 76-13-114

Forest reserve money, federal, 17-3-211, 17-3-213, 20-9-331, 20-9-333
Funds, See **COUNTY FINANCE**
Gambling revenue

- bingo and keno tax, 23-5-409
- card game tables, live — permit fees, 23-5-306
- video gambling machine gross income tax, 23-5-610, 23-5-612

General obligation bonds

- accounts, maintenance, 7-7-2261, See also **COUNTY FINANCE, Sinking fund**
- cancellation, 7-7-2272, 7-7-2273
- copies, preservation, 7-7-2258
- delivery, 7-7-2259, 7-7-2272, 7-7-2273
- principal and interest, 7-7-2262, 7-7-2264
- purchase of outstanding bonds, 7-7-2270
- redemption, 7-7-2268, 7-7-2269
- refunding, disposition of sale proceeds, 7-7-2312
- registration, 7-7-2257, 7-7-2272

COUNTY TREASURER (Continued)
General obligation bonds (Continued)

- sale proceeds, 7-7-2260, 7-7-2312
- signing, 7-7-2255

Grand jury expenses, payment, 46-11-319
Grazing Act, Taylor — money from, 17-3-222
Grazing districts, trespassing livestock sale proceeds, 76-16-317
Hail insurance
- fund, deposits to, 80-2-206, 80-2-230
- levies, 80-2-224, 80-2-230, 80-2-232, 80-2-244
- liens, foreclosure, 80-2-231
- receipts for payments, issuance, 80-2-206

Health, local boards of
- funds, deposit and disbursement, 50-2-111, 50-2-112
- violation of rules, fines — deposit, 50-2-124

Hospital districts, ex officio treasurer and duties, 7-34-2137
Hucksters, licensing, 7-21-2503, 7-21-2505, 7-21-2506, 49-3-204
Identification cards, agent for issuance, 61-12-503
Inheritance tax, See **Taxation**
Inquest costs, payment by state — when, 7-4-2913
Interlocal cooperation commission funds, management, 7-11-222
Irrigation districts
- accounts, reconcilement with, 85-7-1508
- bond issues, 85-7-1955, 85-7-2020, 85-7-2026, 85-7-2027, 85-7-2105
- bonds, receipt in lieu of cash payments, 85-7-2166
- funds, custodian, 85-7-1618, 85-7-2133, 85-7-2166
- liability, 85-7-2166
- report to secretary, 85-7-1508
- taxes and assessments
  - collection by and assistance when, 85-7-2133, 85-7-2136
  - refunds, 85-7-2105
  - tax deed, issuance, 85-7-2159, 85-7-2163
  - tax sales, 85-7-2152 — 85-7-2158
  - transmittal of funds between counties, 85-7-2135

Itinerant vendors
- bond, 7-21-2306, 7-21-2308
- licenses, 7-21-2303, 7-21-2305, 7-21-2308, 49-3-204

Judgments against county, payment by, 25-13-205, 25-31-1111
Jurors' warrants, payment, 3-15-204
Justices' court fees, fines, penalties, and forfeitures — deposit and distribution, 3-10-601
Lease of property, distribution of revenue, 7-8-2232
Liability, 7-6-212, 7-21-2115, 7-35-2141, 20-9-604, 85-7-2166
Libraries
- joint city-county, funds, 22-1-316
- public library fund, payments from, 22-1-304

License plates, See **Motor vehicles**
Licenses generally, issuance, 7-21-2102, 7-21-2111, See also specific subject
- city regulation, compliance, 7-21-2112
- classes, 7-21-2103
- enforcement, 7-21-2116
- fees, 7-21-2103, 7-21-2105
- lien arising from, 7-21-2104
- violations, 7-21-2113 — 7-21-2117

Liens
- hail insurance, foreclosure, 80-2-231
- tax, cancellation when, 77-2-314

Liquor license tax, disposition of revenue, 16-1-404

COUNTY TREASURER (Continued)

Livestock
- abandoned horses
  - assessment, copies to, 81-4-511
  - foreman of roundup, report by, 81-4-513
  - fund, 81-4-503, 81-4-512, 81-4-514
  - liability, 81-4-515
  - limitation of powers or duties, 81-4-516
  - reclaiming owners, money paid by, 81-4-509, 81-4-512
- fence wire, sale proceeds, 81-4-108
- horse herd districts, proceeds from sale of horses wrongfully entering, 81-4-327
- sheep, license fee, 81-7-303

Manufactured homes, duties, 15-1-116, 15-1-117, 15-24-202, 15-24-203, 15-24-206, 15-24-210
Meat establishments, sale proceeds from meat held in violation, 81-9-116
Metropolitan sanitary and/or storm sewer districts, duties, 7-13-115, 7-13-127
Mining operations wage claims
- bond to guarantee filed with, 39-3-512
- costs of proceedings, deposit with, 39-3-513

Misconduct, 7-6-2103
Mobile homes or housetrailers, duties, 15-24-202, 15-24-203, 15-24-206, 15-24-210, 61-3-207, 61-4-310, 61-4-311
Mosquito control districts, 7-22-2432, 7-22-2434
Motor vehicles
- abandoned, return of sale and transmittal of proceeds, 61-12-407
- buses, 61-3-509
- campers, 61-3-509, 61-3-519, 61-3-524, 61-3-525
- county motor vehicle computer fee, 61-3-511
- county motor vehicle computer system user advisory group, representation on, 61-3-345
- dealers
  - new vehicles, procedures, 61-4-112
  - used vehicles, stickers and documents concerning, 61-4-111
- drivers' licenses
  - fees, disposition, 61-5-121
  - reinstatement fees transmitted to and distribution, 61-2-108
  - sales, appointment for, 61-5-111
- fees, disposition, 7-14-2511, 7-14-2512, 61-3-103, 61-3-332, 61-3-465, 61-3-511, 61-3-512, 61-10-225
- fees in lieu of taxes, collection, 15-15-201, 61-3-101, 61-3-509
- fines and forfeitures, disposition, 61-12-701, 61-12-702
- foreign vehicles, 61-3-701, 61-3-707
- gross vehicle weight fees, 61-10-213, 61-10-225, 61-10-227, 61-10-233
- health care professionals employed by rural health care facilities, 61-3-707
- junk vehicle disposal fee, 61-3-508
- liability insurance, registration receipt — statement on, 61-6-302
- license plates
  - collegiate, 61-3-465, 61-3-467
  - foreign vehicles, 61-3-701
  - issuance, 61-3-331, 61-3-332, 61-3-342
  - special mobile equipment identification plates, 61-3-431, 61-3-433
  - surrendered when, 61-6-302
  - transfer, application for, 61-3-335
- light vehicle tax, 61-3-509
- motorcycle registration fee, 20-25-1007
- motor homes, 61-3-509, 61-3-526
- new vehicle sales tax, 61-3-303, 61-3-502
- off-highway vehicles, 23-2-803, 23-2-804, 23-2-809, 23-2-811, 23-2-812, 23-2-817, 61-3-511

COUNTY TREASURER (Continued)
Motor vehicles (Continued)

- quadricycles, 61-3-509
- registration
  - applications, 61-3-101, 61-3-303, 61-3-311, 61-3-317, 61-3-322, 61-3-526, 61-3-701
  - certificate of ownership, 61-3-103, 61-3-201 — 61-3-203, 61-3-205, 61-3-342
  - certificate of registration, 61-3-201, 61-3-322, 61-3-335, 61-3-701
  - fees, 7-14-2511, 7-14-2512, 20-25-1007, 61-3-303, 61-3-321
  - foreign vehicles, 61-3-701, 61-3-707
  - mail reregistration, 61-3-525, 61-3-526, 61-3-535
  - motorcycles, 20-25-1007
  - organ and tissue donations, procurement awareness and education — voluntary checkoff, 61-3-303
  - penalties, collection, 61-3-201, 61-3-317
  - surrendered when, 61-6-302
  - transfer, 61-3-203
  - window sticker, 61-3-317, 61-3-342, 61-3-707
- security interest — fee for filing, satisfaction, and release, 61-3-103
- single movement permits and fee, 61-4-310, 61-4-311
- size, weight, and load violations — fines and forfeited bonds, disposition, 61-10-148
- state parks recreational vehicle fee, collection and disposition, 61-3-512
- taxes generally, 15-15-201, 61-3-101, 61-3-303, 61-3-509, 61-3-701, 61-3-707
  - appeals, service of application, 15-8-202
- travel trailers, 61-3-509, 61-3-526
- trucks and truck tractors, 61-3-509
- weed control fee, 61-3-510, 80-7-810

Museums, tax levy proceeds for, 7-16-2205
Naturalization fees, deposit, 3-5-515
Neglect of duty, 7-6-212, 7-6-2113, 7-14-2761, 15-16-119
Nontax revenue, deposit in general fund when, 7-6-2207
Office, See **COUNTY OFFICERS**, **Offices**
Oil operations wage claims

- bond to guarantee filed with, 39-3-512
- costs of proceedings, deposit with, 39-3-513

Partition securities, deposit with, 70-29-330
Predator control

- bounty fund, 81-7-203
- predatory animal control fund, 81-7-303
- sheep, license fee requirements, 81-7-303
- tax money, disposition, 81-7-118

Predecessor, 7-6-2101, 7-6-2118
Property, distribution of lease revenue, 7-8-2232
Public fund deposits, 7-6-201, 7-6-207, 7-6-211, 7-6-212, 17-6-104
Receipt of money

- accounting, 7-6-2111
- county attorneys, from, 7-4-2715, 7-6-2117
- duplicate, filing, 7-6-2202
- issuance, 7-6-2116, 15-16-104
- predecessors, from, 7-6-2118
- reporting, 7-6-2112
- retention schedule for receipts, 7-5-2132
- state payments, 17-8-311

Records

- destruction, 7-5-2132, 15-1-104, 20-9-215
- inspection, 7-6-2114, 7-6-2409

Recreational facility tax levy revenue, 7-16-2103
Reports, 7-4-2611, 7-6-2112, 7-6-2113, 7-6-2801

COUNTY TREASURER (Continued)

Road improvement districts, collection of assessments, 7-14-2907, See also **County road improvement districts**
Rodent control money, 7-22-2221
Rural special improvement districts, 7-12-2101
  assessments, 7-12-2160, 7-12-2163
  bonds and warrants, 7-12-2171, 7-12-2174
  taxes, payment under protest, 7-12-2164
Salary
  generally, 7-4-2501 — 7-4-2504
  withheld when, 3-5-512, 3-15-204, 7-4-2514, 7-6-2322
School districts and schools
  apportionment of money, 20-3-205, 20-9-212, 20-10-146
  BASE aid, 20-9-344, 20-9-346, 20-9-347
  BASE funding program, 17-3-222, 20-9-331, 20-9-333
  bonds and bond issues, 7-31-2101, 20-9-121, 20-9-432, 20-9-434, 20-9-435, 20-9-440 — 20-9-442, 20-9-463
  cessation, procedures, 20-6-413
  county equalization
    revenue, 17-3-213, 20-9-212, 20-9-331, 20-9-333
    state advances for, 20-9-346
  county high school unification, duties, 20-6-313
  duties generally, 20-9-212
  funds, See **School funds**
  impact aid deposited with, 20-9-514
  investment of money, 20-9-212, 20-9-213, 20-9-604
  joint districts, duties, 7-2-2727, 20-9-202, 20-9-212
  lease and rental money deposited with, 20-9-509
  notes, tax and revenue anticipation — issuance and sale, 20-9-212
  out-of-district attendance, tuition and transportation receipts, 20-5-324, 20-9-212, 20-9-334
  reports, 20-9-212, 20-9-344
  special education allowable costs, report of payments, 20-9-347
  state land equalization payments, allotment, 77-1-506
  tax money, investment, 20-9-212
  warrants
    K-12 districts, transition after formation, 20-6-703
    payment, 7-6-2801, 20-9-212, 20-9-347
    registration, 20-9-212
    unpaid, interest, 7-6-2604
School funds
  abandonment of counties, transfers, 7-2-2727
  accounting requirements, 7-6-2801, 20-9-212, 20-9-604
  building fund, 20-9-435
  cash balance statements, 20-9-121
  consolidation of districts, 20-6-414
  county high schools, abandonment of counties — transfers, 7-2-2728
  county school funds, 7-6-2801, 20-9-121, 20-9-212
  debt service fund
    maintenance and payments from, 20-9-440
    remaining fund, disposition, 20-9-443
    requirements, statement for, 20-9-438
  duties generally, 20-9-212
  emergency relief, nontransferability, 7-31-2101
  endowment fund, liability, 20-9-604
  federal forest reserve money, allocation, 17-3-213, 20-9-331, 20-9-333, 20-10-146
  federal flood control act money, 17-3-232

COUNTY TREASURER (Continued)
School funds (Continued)

- federal, state, and private money — fund for, 20-3-208
- food services fund, allocation of federal funds, 20-10-205
- general fund, 20-5-324, 20-9-443
- K-12 districts, transition after formation, 20-6-703
- management, 7-6-2801
- new counties, transfers, 7-2-2253
- reports regarding, 7-6-2801, 20-9-212, 20-9-604
- tax money, for, 7-2-2727, 20-9-212
- taylor grazing act money, 17-3-222
- traffic education fund, 20-7-507
- transportation fund, 17-3-213, 20-5-324

School transportation
- bus depreciation reserve fund transfers, 20-10-147
- reimbursement claims, 20-10-145, 20-10-146

Secured transactions
- attachment of property subject to, amount of debt and interest to be deposited with, 27-18-413, 27-18-414
- execution upon, duties, 25-13-505, 25-13-506

Sewage control and disposal fees, deposit with, 50-2-116
Smoke abatement bond sale proceeds, 7-31-114
Snowmobiles
- certificates of ownership, duties, 23-2-611, 23-2-612
- decals, duties, 23-2-616 — 23-2-618, 23-2-621
- fee in lieu of tax, 23-2-616
- fees and disposition, 23-2-611, 23-2-612, 23-2-616, 23-2-617, 61-3-511
- lien notice and perfection of security interest, 23-2-611
- registration, duties, 23-2-616, 23-2-618, 23-2-621, 61-3-511
- transfer of ownership, duties, 23-2-612

Solid waste management districts
- joint districts, administration of funds, 7-13-306
- service charge proceeds, disposition, 7-13-234

Special improvement district taxes and assessments, See **Taxation**; See also **Rural special improvement districts**
State lands
- equalization payments, 77-1-505, 77-1-506
- purchase certificates, canceled — reinstatement, proof concerning tax liens, 77-2-333
- reversion to state, 77-2-314
- weed control assessments and tax levies, collection, 77-6-114

State payments to local government entities, 17-8-311
State revenue, collection — manual and coordination, 7-6-2141
Subdivisions, certification that no delinquent taxes exist, 76-3-207, 76-3-303, 76-3-611
Suspension, 7-6-2103
Taxation
- action to collect, initiation, 15-16-503
- air carriers' tax, receipt and transmittal, 67-1-303
- assessment
  - cities and towns
    - delinquent, 7-6-4422, 7-6-4423
    - unpaid, collection, 7-3-4431
  - county road improvement districts, See **County road improvement districts**
  - cropland spraying programs, collection, 80-7-504, 80-7-505
  - duplicate, 15-16-105
  - forest lands, 76-13-111
  - forest protection and fire protection, 76-13-201, 76-13-210
  - personal property, 15-16-115, 15-16-117, 15-16-119

COUNTY TREASURER (Continued)
Taxation (Continued)
  assessment (Continued)
    property in possession of, 15-8-504
    road improvement districts, 7-14-2907
    rural special improvement districts, 7-12-2160, 7-12-2163
    special improvement districts, 7-12-4181, 7-12-4183 — 7-12-4185, 15-16-102
    state lands, weed control, 77-6-114
  banks and building and loan associations, license tax — transmittal to and distribution of revenue, 15-31-701
  business equipment tax rate reduction reimbursement, duties, 15-1-112
  cancellation of delinquent taxes, 15-16-702 — 15-16-704, 15-17-911
  cemetery districts, collection, 7-35-2123
  coal gross proceeds tax
    calculation, collection, and distribution, 15-23-703, 15-23-706
    redistribution, 15-23-703, 15-23-706
  collection by, 7-6-2503, 7-6-4407, 7-6-4413, 7-12-2163, 7-12-4181, 7-12-4183, 7-13-2528, 7-14-233, 7-14-2501, 15-16-104, 15-16-119, 15-17-317
  delinquencies, duties, 7-6-4413, 7-6-4422, 7-6-4423, 15-16-102, 15-16-119, 15-16-301 — 15-16-303, 15-16-305, 15-16-401, 15-17-122, 15-23-104
    collection by
      department of administration when, 15-16-119
      department of revenue when, 17-4-101, 17-4-103, 17-4-106
    5-year delinquencies, 15-16-701 — 15-16-703
    special improvement districts, 7-12-4183, 7-12-4184
  delinquent list, certification as evidence, 15-8-710
  drainage districts, 85-8-350, 85-8-601, 85-8-602, 85-8-613, 85-8-614
  estate tax
    collection, 72-16-909, 72-16-912
    in-kind payment, 72-16-450
  execution, issuance, 15-16-401, 25-13-404
  exempt status, property changed to taxable status, 15-8-201, 15-16-203
  inheritance tax
    advance payment to, 72-16-439
    certification required when, 7-4-2613
    collection, 15-1-503, 72-16-215, 72-16-434 — 72-16-436, 72-16-439, 72-16-443, 72-16-502
    county attorney to represent in proceedings, 72-16-443
    definitions, 72-16-101
    deposit of collections with state treasurer, 72-16-215, 72-16-439
    determination by court, delivery of order to, 72-16-423, 72-16-425
    in-kind payment, 72-16-450
    public administrator, payment by, 72-16-211
    reappraisal, payment by, 72-16-425
    receipt that taxes have been paid, 72-3-1006, 72-16-434, 72-16-435
    refunds, 72-16-442
    securities, nonresident decedents, 72-16-701
  in-lieu payments
    boats, sailboats, personal watercraft, canoes, motorized rubber rafts and pontoons, 23-2-512, 23-2-518
    buses, 61-3-509
    campers, motor homes, and travel trailers, 61-3-509
    federal, 7-6-104 — 7-6-106
    fish, wildlife, and parks — department-owned land, 87-1-603
    motorcycles, 61-3-509
    off-highway vehicles, 23-2-803
    quadricycles, 61-3-509
    snowmobiles, 23-2-616 — 23-2-618
    state prison ranch in powell county, 53-1-208

COUNTY TREASURER (Continued)
Taxation (Continued)
  in-lieu payments (Continued)
    trailers, pole trailers, and semitrailers, 61-3-509
    trucks and truck tractors, 61-3-509
  irrigation districts, See **Irrigation districts**, taxes and assessments
  levies
    exceeding certified millage, resolution or ordinance forwarded to, 15-10-205
    notification, 15-10-305
  liens
    personal property tax as lien on real property, 15-16-402
    state lands, cancellation upon reversion, 77-2-314
  livestock, 15-24-925, 15-24-926
  manufactured homes, 15-1-116, 15-24-202, 15-24-203, 15-24-206
  metropolitan sanitary and/or storm sewer districts, delivery of resolution for, 7-13-127
  military personnel, affidavit for suspension of taxes, 10-1-606
  mines, metal — gross proceeds tax, collection, 15-23-804
  mines, net proceeds tax and royalty assessments — collection, 15-23-507
  minimum tax payment, notice, 15-16-118
  mobile homes or housetrailers, 15-24-202, 15-24-203, 15-24-206, 61-3-207
  mosquito control district money, 7-22-2432
  motor vehicles, See **Motor vehicles**
  natural disaster, adjustment when property destroyed by, 15-16-611
  notice of taxes and assessments due, 15-16-101, 15-16-118, 15-16-203
  nursery stock, infected — removal costs added to, 80-7-110
  oil and natural gas production tax
    allocation and disposition of revenue, 15-36-324
    refund from county when, 15-36-315
  personal property tax revenue reduction, reimbursements — remittance to and distribution, 15-1-111
  poor fund taxes, collection, 15-16-117
  predator control money, 81-7-118
  property tax record
    certification as evidence, 15-8-710
    tax sales, entry when municipality is purchaser, 15-17-317
  protest payments to, 7-12-2164, 7-12-4185, 15-1-402, 15-8-115, 15-15-201
    refunds, 15-1-402
  real property, division or merger — certification of tax payment, 70-21-213
  records, destruction, 15-1-104
  refunds by, 15-16-605, 15-16-613, 15-17-326
  road taxes, collection, 7-6-4413, 7-14-2501, 15-16-117
  rural special improvement districts
    assessments, 7-12-2160, 7-12-2163
    protest payments, 7-12-2164
  settlement with
    county clerk and recorder, 15-16-302, 15-16-305
    state treasurer, 15-1-504
  special improvement districts
    collection, 7-12-4181, 7-12-4183
    delinquent
      assessments, waiver of penalty and interest, 15-16-102
      collection, 7-12-4183
      withdrawal and cancellation, 7-12-4184
    protest payments, 7-12-4185
  state lands, weed control — collection, 77-6-114
  subdivisions, certification that no delinquent taxes exist, 76-3-207, 76-3-303, 76-3-611
  tax deeds
    county commissioners, board of — request for issuance, 15-18-211, 15-18-212

COUNTY TREASURER (Continued)
Taxation (Continued)
  tax deeds (Continued)
    fees, 7-6-2131, 15-18-211
    form of deed and execution, 15-18-213
    irrigation districts, issuance, 85-7-2159, 85-7-2163
    issuance, 7-6-4414, 15-18-211 — 15-18-214
    notice of claim for a tax title, grantee's — contents, 15-18-413
    quiet title actions, copy of order to show cause, 15-18-411
  tax sales
    assessment irregularities, 15-17-124
    assignment of county interest, 15-17-214, 15-17-317, 15-17-323, 15-18-218
    assignment of purchaser's interest, 15-17-323
    certificate, 15-17-212, 15-18-218
      county as purchaser, 15-17-214
      municipality as purchaser, 15-17-317
    certificate of assignment, 15-17-323
    certificate of redemption, 15-18-218
    city and town delinquent taxes and assessments, inclusion, 7-6-4423
    conduct of, 15-17-211
    county as purchaser, 15-17-214, 15-17-323
    definitions, 15-17-121, 15-17-316
    execution, upon writ of, 15-16-401, 25-13-404
    irrigation districts, 85-7-2152 — 85-7-2158
    lien, cancellation and notice of, 15-18-212
    list of property, 15-17-211, 15-17-214
    municipality as purchaser, 15-17-317
    notice, 15-17-122, 15-17-123
    personal property, on, 15-16-401, 15-17-911
    poor fund taxes, for, 15-16-117
    recording, 15-17-213
    redemption
      proceeds, distribution, 15-18-114
      recording and certificate, 15-18-113, 15-18-218
    refunds, procedures, 15-17-326
    road taxes, for, 15-16-117
    voided sale, effect, 15-17-326
    when, 15-16-119
  television districts, collection, 7-13-2528
  transportation districts, duties, 7-14-233
  vocational-technical education, receipts for, 20-9-212
  water conservation projects, state — cancellation of taxes upon acquisition, 15-6-205
Tax-deed lands, distribution of sale or lease proceeds, 7-8-2306, See also **Taxation**, tax deeds
Timber sale or permit proceeds, distribution, 7-8-2610
Trailer court violations, fines — disposition, 50-52-105
Transient retail merchants
  bond, filing and approval, 7-21-2407
  licenses, 7-21-2404, 7-21-2406, 7-21-2407, 7-21-2409, 49-3-204
Transportation districts, role, 7-14-233
Trust indentures, trustee's sale — deposit of proceeds, 71-1-316
Tuberculosis, treatment and examination of infected persons — payment of costs, 50-17-114
Unclaimed property, surplus proceeds from sale, 70-9-404, 70-9-502, 70-24-430
Underground storage tank installation or closure inspection fees, payments, 75-11-213
Vacancy in office, 7-6-2103
Vendors, itinerant, See **Itinerant vendors**
Veterans, interment allowance — withholding, 10-2-501
Vital statistics, certificate of information and payment of fees to local registrars, 50-15-107
Vocational-technical education, receipts for taxes — remittance, 20-9-212

COUNTY TREASURER (Continued)

Warrants
  cancellation, 7-7-2273
  criminal action costs, payment procedures, 7-6-2428
  duplicate, issuance, 7-7-2104, 7-7-2106
  emergency, payment, 7-6-2345
  expenditures, for, 7-6-2111
  investment procedures, 7-6-2701
  payment, 7-6-2602
  processing, 7-6-2607
  redemption, 7-6-2115, 7-6-2606
  registration, 7-6-2603
  rural special improvement districts, 7-12-2171, 7-12-2174
  school district, See **School districts and schools**
  unpaid, call for payment, 7-6-2605
Water conservancy districts
  assessments, 85-9-603, 85-9-604
  bond issues, 85-9-628, 85-9-629
  financial information to treasurer, 85-9-603
  investment of district funds, 85-9-604, 85-9-629
  revolving fund, custody, 85-9-632
Water quality district funds, administration, 7-13-4525, 7-13-4529
Weed control
  assessments and tax levies, collection, 77-6-114
  fee on motor vehicles, collection and disposition, 61-3-510, 80-7-810
  violations, fines from, 7-22-2117
Witness fees, 46-15-116
Youth center tax levy revenue, 7-16-2103

COUNTY WATER AND/OR SEWER DISTRICTS, Title 7, chapter 13, parts 22 and 23
  See **SEWAGE DISPOSAL AND SEWER SYSTEMS**

COUNTY WELFARE
  See also **COUNTY COMMISSIONERS, BOARD OF**
Administrative authority, 53-2-306
Administrative costs, 53-2-304
Amount of assistance, determination, 53-2-602
Appeals, decisions binding upon county department, 53-2-606
Applications for assistance to, 53-2-613
Assignment of support, property, and income rights to, 53-2-613
Assumption of programs by state, Title 53, chapter 2, part 8
Audits, 53-2-305
Child abuse and neglect
  case records, confidentiality, 41-3-205
  petitions, filing
    abuse and neglect, 41-3-401
    temporary investigative authority and protective services, 41-3-402
Composition, 53-2-301
Confidentiality of public assistance information, 53-3-111
County Board of Public Welfare, Title 53, chapter 2, part 3
County poor fund, 52-1-110; Title 53, chapter 2, part 3, See **COUNTY FINANCE, County poor fund**
Eligibility determination, 53-2-602, 53-2-606
Employees, See **Personnel**
Establishment, 53-2-301
Families achieving independence in Montana (FAIM), See **PUBLIC ASSISTANCE**

COUNTY WELFARE (Continued)

Funding, 53-2-304, 53-2-610, See also **COUNTY FINANCE, County poor fund**; **Public assistance**; **PUBLIC ASSISTANCE, Funding**
Investigations
  amount of assistance based on, 53-2-602
  application for assistance, 53-4-233
  declaration form, use may be required, 53-2-603
  improper award of assistance, 53-2-609
  medicaid, eligibility, 53-6-133
  justice, department of — cooperation in investigations of, 53-2-502, 53-2-503
Justice, Department of — cooperation in investigations of, 53-2-502, 53-2-503
Meat from confiscated game donated by Department of Fish, Wildlife, and Parks when, 87-1-512
Medicaid, Title 53, chapter 6, part 1, See **PUBLIC ASSISTANCE**
Medical assistance, 53-2-610, 53-2-612, 53-2-613
Mentally ill persons, transportation to mental health facility upon commitment — costs, 53-21-113
Personnel
  composition of department, 53-2-301
  dismissal or termination, 53-2-304, 53-2-811
  merit system employees, 53-2-203
  protective services, salaries and expenses — payment, 52-1-110
  salaries and expenses, 53-2-203, 53-2-304, 53-2-811
  supervision, 53-2-203, 53-2-304, 53-2-811, 53-2-812
Poor fund, 52-1-110; Title 53, chapter 2, part 3, See **COUNTY FINANCE, County poor fund**
Protective services employees, salaries and expenses — payment, 52-1-110
Public assistance information, availability and use, 53-2-105, 53-2-211, 53-3-111, See also **PUBLIC ASSISTANCE**
Public Welfare, County Board of — composition of department, 53-2-301
Records and reports, 53-2-103
Reimbursement of state, county share of assistance, 53-2-610, See also **PUBLIC ASSISTANCE, Funding**
Revocation of assistance, 53-2-609
Rulemaking authority
  conformity to state rules, 53-2-306
  declaration method, use in investigations, 53-2-603
  medicaid, 53-6-114
  public assistance, 53-2-505
School food services for indigent pupils, certification of indigency, 20-10-205
State assumption, Title 53, chapter 2, part 8, See **PUBLIC ASSISTANCE, State assumption of local programs**
Supervision, 53-2-201, 53-2-304, 53-2-305, 53-2-811

COURT REPORTERS
  See specific court

COURTS GENERALLY
  See also specific court; **CIVIL PROCEDURE**; **CRIMINAL PROCEDURE**; **JUDGES AND JUSTICES**; **JUDICIAL BRANCH**
Abbreviations used in proceedings, 3-1-315
Adjournment
  absence of judge, 3-1-304, 3-1-305
  criminal proceedings, 46-16-501, 46-16-505
  nonjudicial days, 3-1-303
Bonds, official — for officers, Title 2, chapter 9, parts 5, 7, and 8, See **SURETY BONDS, City officers and employees**; **County officers and employees**; **Official bonds**

COURTS GENERALLY (Continued)

Calendar precedence, See **DISTRICT COURTS; SUPREME COURT**
Charter form of government, charter provisions limited, 7-3-708
Clerk of the court, notarial acts, Title 1, chapter 5, part 6, See **NOTARIES PUBLIC**; See also specific court
Conduct of business, powers, 3-1-111
Counseling by employees, applicability of provisions
    chemical dependency counselors, 37-35-201
    professional counseling, 37-23-201
Court administrator, See **SUPREME COURT**
Courts-martial, 10-1-205, 10-1-403, 10-1-408, See **MILITARY AFFAIRS, Courts**
Courts of justice, 3-1-101
Courts of record, 3-1-102, 3-1-112
Days on which courts may be convened, 3-1-301, See also **Nonjudicial days**
Deaf persons, interpreters for, Title 49, chapter 4, part 5
Debt adjustment, 31-3-203
Decisions
    common law, applicability, 1-1-108, 1-1-109
    presumptions, 26-1-602
    principles of making, Title 1, chapter 3
    unwritten law collected from, 1-1-107
Decrees, See **JUDGMENTS AND DECREES**
Disabilities, persons with — employment preference, Title 39, chapter 30
Electronic records and signatures, applicability of provisions, 2-20-103, 2-20-104
Enumeration, 3-1-101
Facilities, exemption from execution, 25-13-613
Figures used in proceedings, 3-1-315
Financial accounts kept by, requirements, 3-1-120
Gambling provisions, construction, 23-5-111
Health care information, disclosure
    compulsory process or discovery, 50-16-535
    testimony prohibited when, 50-16-605
Immunity from liability, 2-9-112, See also **GOVERNMENTAL LIABILITY**
Judgments, See **JUDGMENTS AND DECREES**
Judicial Nomination Commission, Title 3, chapter 1, part 10
Judicial power vested in, Const., VII, 1
Judicial record, 1-1-202
Judicial Standards Commission, Const., VII, 11; Title 3, chapter 1, part 11
Jurisdiction, See also specific court
    child custody, cooperation with other states, See **CHILD CUSTODY**
    civil, Title 25, chapter 20, M.R.Civ.P., Rule 4B
    implementation, 3-1-113
    presumption that exercise is lawful, 26-1-602
    venue, change — preservation, 25-2-204
Justice to be administered without sale, denial, or delay, Const., II, 16
Masters, See also **Referees**
    appointment and compensation, Title 25, chapter 20, M.R.Civ.P., Rule 53(a)
    child abuse and neglect, show cause hearings, 41-3-403
    findings of fact by, effect, Title 25, chapter 20, M.R.Civ.P., Rule 52(a)
    judgment
        default judgment, reference for, Title 25, chapter 20, M.R.Civ.P., Rule 55(b)
        report is not, Title 25, chapter 20, M.R.Civ.P., Rule 54(a)
    judicial standards commission, hearings, 3-1-1105, 3-1-1106
    powers, Title 25, chapter 20, M.R.Civ.P., Rule 53(c)
    pretrial conference, Title 25, chapter 20, M.R.Civ.P., Rule 16(c)
    proceedings, Title 25, chapter 20, M.R.Civ.P., Rule 53(d)

COURTS GENERALLY (Continued)
Masters (Continued)

reference to, 37-61-307; Title 25, chapter 20, M.R.Civ.P., Rules 16(c), 53(b), 53(c), 53(d)
report of, Title 25, chapter 20, M.R.Civ.P., Rules 53(a), 53(c), 53(e), 54(a)
water masters, duties, 3-7-311, See **WATER COURTS**
Military courts, Title 10, chapter 1, part 4, See **MILITARY AFFAIRS**, **Courts**
Money, expression, 30-12-601, 30-12-602
Nonjudicial days, 3-1-302, 3-1-303
Numbers used in proceedings, 3-1-315
Oaths, Const., III, 3
power to administer, 1-6-101, 3-1-111
Open to every person, Const., II, 16
Orders — obedience, amendment, and control, 3-1-111
Powers, 3-1-111
criminal code, effect, 45-1-104
jurisdiction, implementation, 3-1-113
separation of powers, Const., III, 1
Printing Control Act, State, Title 18, chapter 7, part 3
Proceedings, conduct of, 3-1-111, See also generally **CIVIL PROCEDURE**; **CRIMINAL PROCEDURE**
charge or tax on, unlawful, 3-1-112; Const., II, 16
contempt, See **CONTEMPT**, generally
english language to be used, 3-1-314
"official proceeding" defined, 45-2-101
private sittings permitted when, 3-1-313, 53-21-126, 53-24-302
public sittings required, 3-1-312; Const., II, 24
vacancy in judicial office, effect, 3-1-311
Purchase of goods, Title 18, chapter 4
Records and papers
abbreviations and figures, 3-1-315
authentication, acts of congress relating to, Refer to Annotations to Montana Code Annotated, Vol. 1, Federal materials
criminal history record information, exclusion, 44-5-103
electronic filing and storage, 3-1-114, 3-1-115
english language to be used, 3-1-314
fees for searches or transfers, 25-1-201
judicial notice, Title 26, chapter 10, M.R.Ev., Rule 202
management and preservation, 2-6-203, 22-3-203, 44-5-401
public records, as, Title 2, chapter 6, See **PUBLIC RECORDS**
seal of court required when, 3-1-206
Referees, See also **Masters**
attachment, for proceedings in aid of, 27-18-501, 27-18-503
contempt, statement of facts, 3-1-512
fees, 25-10-201
masters, as, Title 25, chapter 20, M.R.Civ.P., Rule 53(a)
oath, 25-7-701
objection to appointment, 25-7-702, 25-7-703
partition proceedings, See **PARTITION**
paternity proceedings conducted before, 40-6-111
postponement, imposition of costs, 25-10-203
Reporters, See heading for specific court
Rules of Appellate Procedure, Const., VII, 2; Title 25, chapter 21
Rules of Civil Procedure, Const., VII, 2; Title 25, chapter 20
Rules of court
judicial notice, Title 26, chapter 10, M.R.Ev., Rule 202
power to make, 3-1-112; Const., VII, 2
publication, 25-3-502, 25-3-503

COURTS GENERALLY (Continued)

Rules of Evidence, Const., VII, 2; Title 26, chapter 10
Seals of courts, 1-4-202, 3-1-201, See also specific court
  documents requiring, 3-1-206
Security in extraordinary circumstances, 10-3-701 — 10-3-705
Separation of powers, Const., III, 1
Shooting ranges, closure when, 76-9-105
Speedy remedy guaranteed, Const., II, 16
Stenographers, See **Reporters** in specific court headings
Supervisory control, Const., VII, 2
Tactical incidents, 10-3-701 — 10-3-705
Telemedicine certificates, physicians granted — jurisdiction of state, 37-3-349
Torts, See **GOVERNMENTAL LIABILITY; TORTS**
Unclaimed property held by, 70-9-802, See also **PROPERTY, PERSONAL, Unclaimed property**
User surcharge for court information technology, 3-1-317, 3-5-904, 61-8-725
Water Well Contractors, Board of — judicial notice of seal, 37-43-201

COURTS-MARTIAL, 10-1-205, 10-1-403, 10-1-408
  See **MILITARY AFFAIRS, Courts**

COYOTES
  See **PREDATORS AND PREDATOR CONTROL**

CRANES
  See **HOISTING ENGINES**

CREDIT CARDS
  See **CREDIT TRANSACTIONS**

CREDIT LIFE INSURANCE AND CREDIT DISABILITY INSURANCE, MODEL ACT FOR THE REGULATION OF, Title 33, chapter 21
  See **INSURANCE, LIFE, Credit life and credit disability**

CREDIT TRANSACTIONS
  See also **DEBTOR-CREDITOR RELATIONSHIPS**
Auction sales, 30-11-506
Banks and trust companies, Title 30, chapter 4; Title 32, chapter 1
Building and loan associations, Title 32, chapter 2
Consumer loan businesses, Title 32, chapter 5
Consumer reports, effect, 31-3-131
Contracts, plain language in, Title 30, chapter 14, part 11
Credit cards
  consumer reports, nonapplicability, 31-3-102
  credit disability insurance, coverage requirements, 33-21-202
  deceptive practices, 45-6-317
  gambling, use prohibited, 23-5-157
  innkeepers, damage deposits, 70-6-512
  installment sales, See **Retail installment sales**
  insurance administrator provisions, exclusion, 33-17-102
  licensing fees, discounts, 16-11-122, 30-12-203, 30-13-217, 30-16-301, 50-50-205, 80-7-106, 82-15-105
  minors, issuance to — consent and collection of debt, 31-1-115, 41-1-304
  secured transactions, account or exclusion as instrument, 30-9-122
  "slot machine" defined, 23-5-112
  telecommunications charges, aiding the avoidance of — offense of, 45-6-307
Credit unions, Title 32, chapter 3
Deceptive practices, 45-6-317

CREDIT TRANSACTIONS (Continued)

Deferred deposit loans, Title 31, chapter 1, part 7
Development corporations, Title 32, chapter 4
Discriminatory practices, See **DISCRIMINATION, Credit transactions**; **Financial institutions**
Electronic funds transfer, Title 32, chapter 6
Factors, Title 30, chapter 11, part 6
Gambling
  credit gambling prohibited, 23-5-112, 23-5-157
  defined, 23-5-112
  license applicants, unsuitable sources of financing, 23-5-176
Guaranty, Title 28, chapter 11, parts 1 and 2
Insurance
  credit, 33-1-206, See **INSURANCE, CASUALTY**
  credit life and credit disability, 31-1-233; Title 33, chapter 21
  disability insurance, excepted benefits, 33-22-140
  gap insurance and gap amount, 33-1-217
  group life, Title 33, chapter 20, parts 10 — 12
  home owner or motor vehicle, credit history not to affect coverage when, 33-18-210
  involuntary unemployment, 33-1-216
  premium finance company agreements, 33-14-301
Insurers
  policyholders, extension of credit to, 33-18-213
  restrictions regarding, 33-18-501
Interest, 31-1-104
  agreement, rate allowed by, 31-1-107
  annual rate, 31-1-105
  excessive, action to recover, 31-1-108
  legal interest, 31-1-106
  presumption, 31-1-103
  principal, as part, 31-1-109, 72-34-404, 72-34-408, See also **TRUSTS, Principal and income, determination**
  regulated lenders, rate limitation exemption, 31-1-111, 31-1-112
  rule of 78ths, limitation, 31-1-113
  wage brokers, on loans by, 31-1-305
Investigators, private — nonapplicability of licensing provisions, 37-60-105
Letters of credit, Title 30, chapter 5
Loans of money
  complaint, form, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 5
  currency valuation, effect on repayment, 31-1-102
  renewal, effect on agreed interest rate, 31-1-107
  repayment, 31-1-102, 31-1-109, 31-1-113
  what constitutes, 31-1-101
Losses as cost of doing business, 30-14-202
Lottery, state — ticket or chance purchases on credit prohibited, 23-7-302
Milk producers and retailers, prohibitions, 81-23-305
Pawnbrokers and junk dealers, See **PAWNBROKERS AND JUNK DEALERS**
Power of attorney, statutory — authority, 72-31-224, 72-31-225, 72-31-228, 72-31-230, 72-31-233
Principal
  determination, 72-34-404, 72-34-408
  interest as part, 31-1-109
Public officers or employees, code of ethics, 2-2-102, 2-2-104
Retail installment sales, See also **SECURED TRANSACTIONS**
  charge account agreement, 31-1-202, 31-1-235, 31-1-241
    late payment charges for retail sales, nonapplicability, 31-1-501

CREDIT TRANSACTIONS (Continued)
Retail installment sales (Continued)

- citation of Montana retail installment sales act, 31-1-201
- complaints, 31-1-212
- contract, 30-2-612, 31-1-202
  - refinancing, 31-1-243
  - requirements, 31-1-231
  - rescission, buyer's right, 31-1-232
  - sales finance company license denial, suspension, or revocation — effect, 31-1-222
  - violations, 31-1-203, 31-1-212
- definitions, 30-2-612, 31-1-202
- equity, transfer, 31-1-234
- evidence, 31-1-211, 31-1-212, 31-1-231
- fees
  - delinquency, 31-1-235
  - equity, transfer, 31-1-234
  - license, 31-1-221
  - official, 31-1-202, 31-1-231
- finance charge, 31-1-113, 31-1-202
  - limitation, 31-1-241
  - refinance charge, 31-1-243
  - refund, partial, 31-1-231
  - refunds on prepayment, 31-1-242
  - violations, recovery barred when, 31-1-203
- insurance, 31-1-231, 31-1-233, 31-1-243, 33-1-227, 33-1-228
- investigations, 31-1-212
- licenses and licensing for sales finance companies, 31-1-203, 31-1-221, 49-3-204
  - denial, suspension, or revocation, 31-1-222
  - inspections, 31-1-212
  - rules, 31-1-211
- payment
  - deferred, 31-1-243
  - delinquent, 31-1-203, 31-1-235, 31-1-243
  - prepayment, 31-1-113, 31-1-231, 31-1-242
    - refunds on, 31-1-113, 31-1-242, 31-1-243
  - refinancing, 31-1-243
  - rule of 78ths, applicability, 31-1-113
  - statement of, 31-1-236
- powers of department of commerce, 31-1-211
- rulemaking authority, 31-1-211
- rule of 78ths, applicability, 31-1-113
- secured transactions, applicability of laws, 30-9-201, 30-9-203, 30-9-211
- subpoenas, 31-1-211
- violations and penalties, 31-1-203, 31-1-211, 31-1-212
- waiver of statutory provisions void, 31-1-204

Retail sales, late payment charges, 31-1-501, 31-1-502
Secured transactions, Title 30, chapter 9
Telecommunications services, sales price — exclusion of certain charges, 15-53-129
Title insurance for loans secured by interest in property, Title 33, chapter 25
Usury, 31-1-107

- finance operations, exemption, 31-1-112
- insurers, liquidation — defense, 33-2-1345
- penalty for, 31-1-108
- retail installment sales, finance charge — limitation, 31-1-241

Wage brokers, 31-1-303

- amount assigned, restrictions, 31-1-304
- bond, 31-1-301

CREDIT TRANSACTIONS (Continued)
Wage brokers (Continued)

  filing of assignment, 31-1-307
  interest on loan, 31-1-305
  invalid assignment, 31-1-306, 31-1-307
  license, 31-1-301, 31-1-302, 49-3-204
  loan, assignment as, 31-1-308
  spouse, consent for assignment, 31-1-306
  violations and penalties, 31-1-309, 31-1-310
  voided note, instrument, or assignment, 31-1-309, 31-1-310

CREDIT UNIONS
Accounts, See **Shares and accounts**
Actions
  liquidation, enforcement of debts and obligations, 32-3-321
  power to sue and be sued, 32-3-401
Activities, authorized, 32-3-206
Administration of provisions, 32-3-201
Annual meeting, 32-3-301, 32-3-403, 32-3-405, 32-3-408, 32-3-417
Articles of incorporation, 32-3-301 — 32-3-304, 32-3-418
Assets
  corporate credit unions, 32-3-804, 32-3-806, 32-3-807
  examination report, 32-3-203
  general provisions, 32-3-401
  insurance requirements, 32-3-201
  liquidation, distribution, 32-3-321
  loans, limitations, 32-3-603, 32-3-701
  losses, effect, 32-3-509
  power concerning, 32-3-206
  risk assets, 32-3-702, 32-3-704
Audit, 32-3-417, 32-3-808
Audit report in lieu of examination, 32-3-203
Bankruptcy, 32-3-205, See also **Liquidation**
Blanket fidelity bond, purchase by directors, 32-3-412
Board of directors, See **Directors, board of**
Borrowing money, 32-3-401, 32-3-412, 32-3-804
Bylaws, 32-3-301 — 32-3-304, 32-3-310, 32-3-401, 32-3-403, 32-3-408, 32-3-412, 32-3-418, 32-3-604
Capital, See **Shares and accounts**
Charter, See **Incorporation**
Checking account services, 32-3-401
Christmas club accounts, 32-3-503
Citation of Montana Credit Union Act, 32-3-101
Coal severance tax fund loans, Title 17, chapter 6, part 3
Concealed weapons, carrying in, 45-8-328
Consumer loan business, purchase by credit union, 32-5-103
Contracts, authorization for, 32-3-401
Conversion of charter, 32-3-323
Corporate credit unions
  audit, annual, 32-3-808
  conflict of interest, 32-3-803
  contracts and agreements, 32-3-809
  fixed assets, 32-3-806
  membership, 32-3-802
  membership capital accounts, 32-3-804, 32-3-805
  organization and name, 32-3-801
  paid-in capital, 32-3-804, 32-3-810

CREDIT UNIONS (Continued)
Corporate credit unions (Continued)

- purpose, 32-3-802
- reserves, 32-3-805, 32-3-807, 32-3-810
- rights and powers, 32-3-804
- rules governing, 32-3-803, 32-3-804, 32-3-806, 32-3-807
- shares as risk assets when, 32-3-704
- voting representative, 32-3-803

Credit committee
- appointment, 32-3-403, 32-3-404
- compensation, 32-3-406
- conflict of interest, 32-3-407
- corporate credit union, membership in, 32-3-802
- line of credit, approval, 32-3-606
- loans, duties, 32-3-413 — 32-3-415, 32-3-601, 32-3-602, 32-3-604
- loans to members of committee, 32-3-608
- meetings, 32-3-414
- record of, filing, 32-3-404
- removal or suspension of members, 32-3-412, 32-3-418
- vacancies, how filled, 32-3-405

Credit manager, 32-3-412, 32-3-416
- appointment, 32-3-403
- compensation, 32-3-406
- line of credit, approval, 32-3-606
- loans, duties, 32-3-601, 32-3-602, 32-3-604
- loans to, by credit union, 32-3-608

Deferred deposit lender licensing provisions, nonapplicability, 31-1-704
Definitions, 32-3-102, 32-3-304, 32-3-704, 32-3-805, 32-3-810
- bank, 30-4-105, See **BANK DEPOSITS AND COLLECTIONS**

Depository for
- campaign funds, 13-37-205
- credit union funds, 32-3-401, 32-3-412

Deposits, See also **Shares and accounts**; **BANK DEPOSITS AND COLLECTIONS**
- bank or bank holding company, control — limitation, 32-1-371, 32-1-383
- fire department relief association disability and pension fund, investment, 19-18-402
- public funds, See **Public fund deposits**
- rural special improvement district funds, investment in, 7-12-2175
- school district money, investment in, 20-9-213
- secured transactions, 30-9-104, 30-9-105, 30-9-122
- special improvement district funds, investment in, 7-12-4207
- trust funds, 72-34-311
- water conservancy districts, investment in, 85-9-604, 85-9-629

Directors, board of
- age for voting and holding office, establishment, 32-3-310
- authority, 32-3-409
- compensation, 32-3-406
- conflict of interest, 32-3-407
- corporate credit unions, 32-3-802, 32-3-803, 32-3-808
- credit manager, empowered by directors, 32-3-416
- election, 32-3-301, 32-3-403
- examination reports, consideration, 32-3-203
- executive committee, 32-3-410, 32-3-411
- executive officers, election, 32-3-408
- insurance for, 32-3-401, 32-3-610
- liquidation, voluntary — duties, 32-3-321
- loans to, by credit union, 32-3-608
- meetings, 32-3-322, 32-3-411

CREDIT UNIONS (Continued)
Directors, board of (Continued)

  membership, responsibilities, 32-3-308, 32-3-401, 32-3-412
  merger, duties, 32-3-322
  powers and duties generally, 32-3-401, 32-3-412, 32-3-417
  record of, filing, 32-3-404
  reserves, special, 32-3-705
  shares and accounts
    dividends, declaration for payment, 32-3-502
    dormant accounts, procedures, 32-3-508
    thrift accounts, conditions for, 32-3-503
    withdrawal procedures, 32-3-510
  subscribers, selection by, 32-3-301
  supervisory committee, duties as — when, 32-3-403
  suspension of operations, notice — action on, 32-3-205
  suspension or removal, 32-3-418
  term, 32-3-403
  vacancies, how filled, 32-3-405
Discriminatory practices, See **DISCRIMINATION, Credit transactions**; **Financial institutions**
Dissolution, 32-3-321, See also **Liquidation**
Earnings, See **Reserves**; **Shares and accounts**
Economic development projects, acquisition and financing, Title 17, chapter 5, part 15
Electronic funds transfer, Title 32, chapter 6
Employees, See **Officers and employees**
Enforcement of provisions, 32-3-201, 32-3-419
Escrow accounts and escrow businesses, 32-7-103, 32-7-117
Estates, nonprobate transfers, 32-3-501, 72-6-201
Evidence
  examinations, for, 32-3-203
  records, 32-3-204
Examination, 32-3-203, 32-3-417, 32-3-611
  corporate credit unions, 32-3-808
  fees, 32-1-215, 32-3-201
  special examination, 32-1-215
False advertising as, 32-3-103
Family education savings accounts, depository and manager for, Title 15, chapter 62
Federal chartered credit union, 32-3-206, 32-3-323
First-time home buyer savings account administrators, as, Title 15, chapter 63
Fiscal year, 32-3-105
Foreign capital depositories, financial records and privacy provisions, 32-8-502, See also **FOREIGN CAPITAL DEPOSITORIES**
Funds transfers, Title 30, chapter 4A
Home inspection and inspector provisions, exclusion, 30-14-1003
Incorporation
  articles of incorporation, 32-3-301 — 32-3-304, 32-3-418
  certificates of approval or incorporation, 32-3-301
  fees, 32-3-201, 32-3-301
Individual retirement accounts, custodian or trustee for, 32-3-401
Injunction, 32-3-103
Insolvency, 32-3-205, See also **Liquidation**
Insurance
  administrator provisions, exclusion, 33-17-102
  casualty, liability, and fire — requirements, 32-3-201
  directors, officers, agents, employees, and members — for, 32-3-401, 32-3-609, 32-3-610
  group life, See **INSURANCE, LIFE, Group life**; **Groups and group requirements**
  indemnity, 33-1-211, See **SURETYSHIP AND SURETIES**

CREDIT UNIONS (Continued)
Insurance (Continued)

- share accounts, on, 32-3-611, 32-3-804, 32-3-805, 32-3-810
- viatical settlement provider, nonapplicability of provisions, 33-20-1302

Insurers
- premium finance companies, license not required, 33-14-201
- restrictions, 33-18-501

Investment committee, authorization for, 32-3-412
Investments, 32-3-701
- corporate credit unions, by, 32-3-804, 32-3-806
- economic development bonds, 17-5-1525
- health facility authority bonds, 90-7-113
- liquidation, effect, 32-3-321
- losses, 32-3-509, 32-3-703
- risk assets, as — when, 32-3-704
- surplus funds, 32-3-401, 32-3-412

Jury duty, depositor-institution relationship not grounds for challenge of juror, 25-7-223
Line of credit, 32-3-606
Liquidation
- corporate credit unions, 32-3-805, 32-3-810
- involuntary, 32-3-205
- liquidating agent, 32-3-205, 32-3-321, 32-3-611
- reserves, disposition, 32-3-703
- voluntary, procedure, 32-3-321

Loan officers, 32-3-412, 32-3-415, 32-3-416
- compensation, 32-3-406
- loans, duties, 32-3-601, 32-3-602, 32-3-604
- loans to, by credit union, 32-3-608

Loans
- alternative loan programs, 32-3-607
- application, 32-3-414, 32-3-415, 32-3-602, 32-3-606
- approval, 32-3-414 — 32-3-416
- authorization to make, 32-3-401
- coal severance tax fund, Title 17, chapter 6, part 3
- corporate credit unions, by, 32-3-804
- energy improvement loans, interest and tax credit, 15-32-107
- homesteads subject to execution for certain judgments, acknowledgment required, 70-32-221
- installments, 31-1-202, 32-3-605
- insurance for members, 32-3-609
- interest
  - rate, 32-3-412
    - limitation exemption, 31-1-111, 31-1-112
  - refunds, 32-3-401, 32-3-412
- lien for, 32-3-507
- limitations, 32-3-305, 32-3-412, 32-3-415, 32-3-416, 32-3-603
- line of credit, 32-3-606
- liquidation, effect, 32-3-321
- losses, 32-3-509
- motor vehicle dealer and wholesaler licensing provisions, effect of selling repossessed collateral, 61-4-108
- officials of credit union, to, 32-3-608
- purpose, 32-3-601
- reserves, determination, 32-3-702
- risk assets, as — when, 32-3-704
- security, 32-3-601, 32-3-602, 32-3-604
- supervision, 32-3-413
- terms, 32-3-601, 32-3-608

CREDIT UNIONS (Continued)

Losses, 32-3-509, 32-3-703, 32-3-805, 32-3-810
Medical care savings account administrators, as, Title 15, chapter 61
Membership, 32-3-304
  application, 32-3-412
  corporate credit unions, 32-3-802, 32-3-808
  denial, appeal of, 32-3-412
  directors, board of — election, 32-3-403
  failure to meet obligations, charges for, 32-3-401
  fees, entrance and membership, 32-3-304, 32-3-401, 32-3-505, 32-3-506
  insurance for members, 32-3-401, 32-3-609
  leaving field of membership, effect, 32-3-308
  liability of members, 32-3-309
  limited-income persons, 32-3-307
  liquidation, voluntary — action in, 32-3-321
  meetings of members, 32-3-310, 32-3-321, 32-3-322, 32-3-417 — 32-3-419
  merger, action in, 32-3-322
  other credit unions, 32-3-306
  societies, partnerships, and corporations, 32-3-305
  supervisory committee, election, 32-3-403
  voting requirements, 32-3-310
Membership officer, appointment and duties, 32-3-412
Merger, 32-3-322, 32-3-805
Minors
  accounts, 32-3-504, 32-3-506
  transfers to, custodian, 72-26-502, 72-26-603
Mortgage foreclosures, one-action limitation — nonapplicability, 71-1-222
Name, 32-3-103, 32-3-301, 32-3-801
Obligations, authority for, 32-3-401
Officers and employees
  compensation, 32-3-406, 32-3-412
  conflict of interest, 32-3-407
  corporate credit union, membership in, 32-3-802
  examination responsibilities, 32-3-203
  executive officers, 32-3-408
  general manager, 32-3-408, 32-3-412
  insurance for, 32-3-401, 32-3-610
  loans to, by credit union, 32-3-608
  record of, filing, 32-3-404
  suspension or removal, 32-3-418
Office facilities, 32-3-104, 32-3-301
Organization procedure, 32-3-301, 32-3-302, 32-3-403, 32-3-801
Pension funds, custodian or trustee for, 32-3-401
Perpetual existence, 32-3-301
Power of attorney, statutory — authority, 72-31-228
Powers and duties, 32-3-206, 32-3-301, 32-3-401, 32-3-402
Profit sharing plans, custodian or trustee for, 32-3-401
Property, 32-3-322, 32-3-401, 32-3-412
Proxy prohibited, 32-3-310
Public fund deposits
  cities and towns, 7-6-201, 7-6-203, 7-6-206 — 7-6-208, 7-6-211
  counties, 7-6-201, 7-6-203, 7-6-206 — 7-6-208, 7-6-211
  fiscal agent for, 32-3-401
  state, 17-6-101 — 17-6-105
Purposes, 32-3-102, 32-3-301, 32-3-802
Records, 32-3-204, 32-3-321, 32-3-409, 32-3-417

CREDIT UNIONS (Continued)

Reports to Department of Commerce, 32-3-202, 32-3-611
Reserves, 32-3-502, 32-3-509, 32-3-702 — 32-3-705, 32-3-805, 32-3-807, 32-3-810
Rules governing, 32-3-201, 32-3-204, 32-3-401, 32-3-412, 32-3-803, 32-3-804, 32-3-806, 32-3-807
Schools, instruction pertaining to credit unions, 32-3-106
Seal, 32-3-401
Secured transactions, 30-9-122, See **SECURED TRANSACTIONS**
Securities, registration and federal covered securities — exemption, 30-10-104
Services provided, generally, 32-3-401
Shareholders, See **Membership**
Shares and accounts, 32-3-401, 32-3-501
  amount of shares, 32-3-301
  capital, shares as, 32-3-501
  corporate credit unions
    membership capital accounts, 32-3-804, 32-3-805
    paid-in capital, 32-3-804, 32-3-810
  dividends, 32-3-401, 32-3-412, 32-3-502, 32-3-504, 32-3-506 — 32-3-508
  dormant accounts, 32-3-508
  funeral plans, prearranged — money deposited as trust fund, 37-19-828, 37-19-829
  insurance
    for members, 32-3-609
    on accounts, 32-3-611, 32-3-804, 32-3-805, 32-3-810
  joint accounts, 32-3-505, 32-3-507
  lien on, 32-3-507
  limitation on number of shares per member, 32-3-412
  loans to officials, limitations, 32-3-608
  minors' accounts, 32-3-504
  reduction in shares, 32-3-509
  subscription to shares, 32-3-304, 32-3-501
  tax exemption, 32-3-902
  thrift accounts, 32-3-503, 32-3-505
  transfer of shares, 32-3-501, 32-3-902
  trust accounts, 32-3-506, 32-3-507
  verification of accounts, 32-3-417
  withdrawals, procedures, 32-3-510
Short title, 32-3-101
State funds, investment, 17-6-211
Subpoenas, 32-3-203
Supervision, 32-3-201
Supervisory committee
  appointment, 32-3-403, 32-3-404
  compensation, 32-3-406
  conflict of interest, 32-3-407
  corporate credit unions, 32-3-802, 32-3-808
  directors, board of — responsible for duties when, 32-3-403
  examination reports, consideration, 32-3-203
  loans to members of committee, 32-3-608
  powers and duties generally, 32-3-417
  record of, filing, 32-3-404
  special meeting, 32-3-419
  subscribers, selection by, 32-3-301
  suspension or removal of committee members or officials, 32-3-412, 32-3-418
  vacancies, how filled, 32-3-405
Surplus funds, 32-3-401, 32-3-412
Suspension of operations, 32-3-205, 32-3-611

CREDIT UNIONS (Continued)

Taxation, 32-3-901
  participation in government programs, effect, 32-3-903
  stock transfers, 32-3-902
Telemarketers' registration and bonding requirements, exemption, 30-14-1405
Thrift accounts, 32-3-321, 32-3-401, 32-3-503, 32-3-505
Trust accounts, 32-3-506, 32-3-507
Unclaimed property, 32-3-508; Title 70, chapter 9, part 8, See **PROPERTY, PERSONAL, Unclaimed property**
Unlawful practices, 32-3-103, 32-3-205, 32-3-419
Vacation club accounts, 32-3-503
Wire transfers, Title 30, chapter 4A

CREMATORY FACILITIES
  See **MORTICIANS, FUNERAL DIRECTORS, AND CREMATORY FACILITIES**

CRIME CONTROL
Board of, 2-15-2006
  children's services, multiagency, 52-2-201 — 52-2-203
  commercial vehicle inspectors, training and employment standards, 44-4-301
  corrections officers, training and employment standards, 44-4-301
  county coroner education, rules for standards and procedures, 7-4-2905
  detention centers, duties, 7-32-2233, 44-4-301, 44-4-302
  drug abuse resistance education program (D.A.R.E.), duties, 44-2-701 — 44-2-705
  fish, wildlife, and parks — department of, technical assistance and support services, 23-1-106, 23-2-410, 23-2-506, 23-2-641, 23-2-806, 87-1-502
  functions generally, 44-4-301, 44-4-302
  juvenile detention officers, training requirements, 44-4-303
  law enforcement reserve officers, training standards, 7-32-214
  motor carrier services division officers, certification standards, 44-4-301
  peace officers, education and certification — duties, 7-32-303, 44-4-301
  personnel, 2-15-2006, 44-2-704
  police officers, employment standards, 7-32-4112
  prisoners, money received by — petition for garnishment, 46-18-237
  probation and parole officers, training standards, 44-4-301, 46-23-1003
  public safety communications officers, certification and employment standards, 7-31-201 — 7-31-203, 44-4-301, 44-4-302
  state prevention programs, interagency coordinating council for — administrator as member of, 2-15-225
  youth detention services, duties, See **YOUTH COURT**
Division of, Title 53, chapter 9, part 1

CRIME LABORATORY, 44-3-214, 44-3-301 — 44-3-303

CRIME PREVENTION AND PRIVACY COMPACT, NATIONAL, 44-5-601, 44-5-602

CRIMES
  See also specific subject heading
Abduction, See **Kidnapping**
Accessories and accomplices, See **Aiding and abetting**; **CRIMINAL PROCEDURE, Accomplices**
Accountability
  corporations, 45-2-311, 45-2-312
  exists when, 45-2-301, 45-2-302
  offender's accountability, policy of state, 46-18-101
  separate conviction of person accountable, 45-2-303
  testimony of person accountable, weight, 26-1-303, 46-16-213
"Action" defined, 27-1-102, 27-1-103

CRIMES (Continued)

Aggravated offenses
  assault, 45-5-202
  burglary, 45-6-204
  kidnapping, 45-5-303
  nonsupport, 45-5-621
  parent-child contact, interference with, 45-5-632
  prostitution, promotion of, 45-5-603
Aiding and abetting, See also **CRIMINAL PROCEDURE, Accomplices**
  accountability, See **Accountability**
  animals, causing to fight, 45-8-210
  compounding a felony, 45-7-305
  conspiracy, 45-4-102, 87-1-109
  criminal charge, filing when offense committed in another county, 46-3-113
  obstructing justice, 45-7-303
Alcoholism, no criminal charges, 53-24-102, 53-24-106, 53-24-107
Animals
  cruelty to, 45-8-211
  fighting, offense of causing to fight, 45-8-210
  injuring or killing, 45-6-101, 45-8-211
Applicability of criminal provisions, 45-1-103, 45-1-104
Armed men, bringing into the state, 45-8-106; Const., II, 33
  street gang activity, pattern of, 45-8-405
Arrest, See also **ARREST**
  peace officer, failure to aid, 45-7-304
  resisting arrest, 45-7-301
Arson, 45-6-103
  county detention center work program, inmate ineligibility, 7-32-2227
  highway patrol officers, jurisdiction, 44-1-1001
  home arrest, ineligibility, 46-18-1001, 46-18-1004
  homicide, deliberate — commission when, 45-5-102
  hotel or motel outbuildings, liability, 70-6-505
  investigation, 37-60-101, 50-3-102, 50-63-203, See also **FIRES AND FIRE PROTECTION, Investigation of fires**
  minors charged as adults in district court, 41-5-206, 41-5-341, 41-5-2502, 41-5-2503, 41-5-2510, 46-18-201
  negligent arson, 45-6-102, 46-18-261
  protection of victim, order for, 40-15-102
  recovery of suppression and investigation costs, 46-18-261
  release of offender, written notice to department of justice, 53-1-104
  setting or leaving a fire causing damage, 50-63-102
  street gang activity, pattern of, 45-8-405
  violent offenders
    DNA testing, 44-6-101 — 44-6-103, 44-6-106 — 44-6-108, 44-6-110
    registration, 46-18-201, 46-18-255, 46-23-501 — 46-23-511
Assault, 45-5-201, See also **ASSAULT AND BATTERY**
  aggravated assault, 45-5-202
    adoption, termination of parental rights when, 42-2-608
    child abuse and neglect, preservation or reunification services not required, 41-3-403
    death penalty, 46-18-220, 46-18-303
    home arrest, ineligibility, 46-18-1001, 46-18-1004
    homicide, deliberate — commission when, 45-5-102
    minors charged as adults in district court, 41-5-206, 41-5-341, 41-5-2502, 41-5-2503, 41-5-2510, 46-18-201
    ritual abuse of minor, 45-5-627, 46-18-111, 46-18-219
    sentencing, 46-18-201, 46-18-205, 46-18-219, 46-18-220, 46-18-231, 46-18-303

CRIMES (Continued)
Assault (Continued)
    aggravated assault (Continued)
        violent offenders
            DNA testing, 44-6-101 — 44-6-103, 44-6-106 — 44-6-108, 44-6-110
            registration, 46-18-201, 46-18-255, 46-23-501 — 46-23-511
    bodily fluid, with a, 45-5-214
    character of victim, evidence, Title 26, chapter 10, M.R.Ev., Rule 404
    county detention center work program, inmate ineligibility, 7-32-2227
    force, justifiable use, 45-3-103
    highway patrol officers, jurisdiction, 44-1-1001
    minor, on a, 45-5-212
        protection of victim, order for, 40-15-102
        ritual abuse of minor, 45-5-627, 46-18-111, 46-18-219
        violent offenders, registration, 46-18-201, 46-18-225, 46-23-501 — 46-23-511
    negligent vehicular assault, 45-5-205, 61-5-205, 61-11-203
        home arrest, ineligibility, 46-18-1001, 46-18-1004
    partner or family member assault, 45-5-206, See **ASSAULT AND BATTERY**
    peace officer or judicial officer, on, 45-5-210
        minors charged as adults in district court, 41-5-206, 41-5-341, 41-5-2502, 41-5-2503, 41-5-2510
        violent offenders, registration, 46-18-201, 46-18-255, 46-23-501 — 46-23-511
    prisoners, on, 45-5-204
    protection of victim, order for, 40-15-102
    ritual abuse of minor, 45-5-627, 46-18-111, 46-18-219
    sentencing, 41-5-2503, 41-5-2510, 46-18-201
    sexual assault, See **Sexual offenses**
    sports official, upon, 45-5-211
    weapon, with a, 45-5-213
        homicide, deliberate — commission when, 45-5-102
        minors charged as adults in distruct court, 41-5-206, 41-5-341, 41-5-2502, 41-5-2503, 41-5-2510, 46-18-201
        protection of victim, order for, 40-15-102
        ritual abuse of minor, 45-5-627, 46-18-111, 46-18-219
        sentencing, 46-18-231
        street gang activity, pattern of, 45-8-405
        violent offenders, registration, 46-18-201, 46-18-225, 46-23-501 — 46-23-511
Attainder prohibited, Const., II, 30
Attempt, 45-2-302, 45-4-103
    "crime of violence" defined, 45-8-302
    election laws, 13-35-104
    fish and wildlife violations, 87-1-109
    home arrest, ineligibility, 46-18-1001, 46-18-1004
    jurisdiction of state, 46-2-101
    lesser included offense, conviction of, 46-16-607
    minors charged as adults in district court when, 41-5-206, 41-5-341, 46-18-201
    sexual assault, to commit, 45-5-502
    sexual intercourse without consent, to commit, 45-5-503
    theft, in the course of committing, 45-5-401
Bail-jumping, 45-7-308, See **BAIL**
Battery, See **Assault**; **ASSAULT AND BATTERY**
Bestiality, 45-1-205, 45-5-505, 45-5-620, See also **Sexual offenses**
Bigamy, 45-5-611
    marrying a bigamist, 45-5-612
Blackmail, See **Intimidation**
Bombs, See **Explosions and explosives**
Brands, altering or obscuring or illegal branding, 45-6-327

CRIMES (Continued)

Breach of the peace, See also **Disorderly conduct**; **Disturbing the peace**; **Riot**
    arrest exemptions not applicable, 13-1-115, 46-6-102; Const., IV, 6; V, 8
    contempt, as, 3-1-501, 3-10-401, 3-11-303, 45-7-309
    county sheriff, powers, 7-32-2121
    lessor's right to take possession of goods, 30-2A-525
    nuisance may not be abated by, 27-30-204, 27-30-302
    police, chief of — powers, 7-32-4105
    secured party, repossession may not be by, 30-9-503, 30-9-602, 30-9-603, 30-9-609
Breaking and entering, See **Burglary**
Bribery, 1-1-207, 45-7-101
    agricultural commodity inspectors, samplers, and weighers, 80-4-703
    compensation for past official behavior, 45-7-103
    contests, officials or participants in, 45-8-214
    counselors, obtaining or renewal of licenses by, 37-23-311
    elections, 13-35-214, 13-35-215, 13-35-220
    gifts to public servants by constituents, 45-7-104
    health care information, obtaining by, 50-16-551
    hearing aid dispensers, license revocation or suspension when, 37-16-411
    reclamation and development grants program, public officers on, 90-2-1121
    renewable resource grant and loan projects, public officers on, 85-1-622
    social workers, obtaining or renewal of licenses by, 37-22-411
    trade secrets, improper means to acquire, Title 30, chapter 14, part 4
Burglary, 45-6-204, See also **Robbery**; **Theft**
    aggravated burglary, 45-6-204
        home arrest, ineligibility, 46-18-1001, 46-18-1004
    county detention center work program, inmate ineligibility, 7-32-2227
    "crime of violence" defined, 45-8-302
    "enter or remain unlawfully" defined, 45-6-201
    highway patrol officers, jurisdiction, 44-1-1001
    homicide, deliberate — commission when, 45-5-102
    insurance against loss or damage by, 33-1-206, See generally **INSURANCE, CASUALTY**
    minors charged as adults in district court, 41-5-206, 41-5-341, 41-5-2502, 41-5-2503, 41-5-2510, 46-18-201
    owner's immunity from damage caused by use of property unlawfully taken, 27-1-709
    possession of burglary tools, 45-6-205
    street gang activity, pattern of, 45-8-405
Capacity, See **Accountability**; **Consent of victim**
Capital punishment, See **DEATH PENALTY**
Capitol, desecration of, 45-6-104
Cemetery, desecration of, 45-6-104
Chain distributor schemes, 45-6-319
Checks, bad — issuing, 45-6-316
Children
    endangering the welfare of, 45-5-622
    unlawful transactions with, 45-5-623
Citation of Criminal Code of 1973, 45-1-101
Civil disorder
    definitions, 45-8-108
    prohibited activities and exceptions, 45-8-109
    purpose of provisions, 45-8-107
    tactical incident assistance, 10-3-701 — 10-3-705
Classification of offenses, 45-1-201
Common scheme, 15-61-205, 45-2-101, 45-6-101, 45-6-301, 45-6-313, 45-6-316, 45-6-317, 45-6-325, 45-7-210, 46-3-112, 46-11-404

CRIMES (Continued)

Communications
  charges, aiding avoidance, 45-6-307
  defamation, criminal, 45-8-212
  party line or public pay telephone, failure to yield, 45-8-114
  privacy, violation of, 45-8-213, 69-6-104
  telephone system, automated — unlawful when, 45-8-216
  theft of services, 45-6-305 — 45-6-307
  unauthorized communication with person subject to official detention, 45-7-307
Computer-related crimes
  definitions, 45-2-101, 45-6-310
  time limitation on prosecution, 45-1-205
  unlawful use, 45-6-311
  value of property, 45-2-101
Concealment
  compounding a felony by, 45-7-305
  obstructing justice by, 45-7-303
Conduct, 45-2-101
  accountability for, See **Accountability**
  causal relationship between conduct and result, 45-2-201
  compulsion, 45-2-212
  corporations, accountability, 45-2-312
  entrapment, 45-2-213
  force, justifiable use of, 45-3-102 — 45-3-104
  intoxicated condition, responsibility for, 45-2-203
  jurisdiction of state, 46-2-101
  "knowingly", "negligently", and "purposely" defined, 45-2-101
  offense when, 45-1-104
Consent of victim, effect, 1-3-206, 45-2-211, 46-18-304
Conspiracy, 45-4-102
  civil disorder, prohibited activities, 45-8-107 — 45-8-109
  fish and wildlife violations, 87-1-109
  foreign capital depository charter, denial when, 32-8-202
  hearsay exceptions, statement of coconspirator, Title 26, chapter 10, M.R.Ev., Rule 801
  jurisdiction of state, 46-2-101
  multiple offenses, charge when one of, 46-11-410
Construction of criminal provisions, 45-1-102
Contempt, criminal, 45-7-309, See **CONTEMPT**
Correctional institution, 45-2-101
  escape, justifiable use of force to prevent, 45-3-106
"Corruptly" defined, 1-1-204
Counterfeiting, See **Forgery and counterfeiting**
Creditors, defrauding, 45-6-315
Crimestoppers acts
  fish, wildlife, and parks, Title 87, chapter 5, part 6
  livestock, Title 81, chapter 6, part 3
Criminal contempt, 45-7-309, See **CONTEMPT**
Criminal defamation, 45-8-212, See also **DEFAMATION**
  animal and research facilities, intent to commit when, 81-30-103
  "defamatory matter" defined, 45-2-101
  jury to decide questions of law and fact, 46-16-103; Const., II, 7
  political criminal libel, 13-35-234
  "slander" defined, 27-1-803
Criminal endangerment, 45-5-207
  assault on peace officer or judicial officer, endangerment not included, 45-5-210
  protection of victim, order for, 40-15-102

CRIMES (Continued)

Criminal incitement, 45-8-105
Criminal mischief, 45-6-101
    fish and game wardens, enforcement, 87-1-504, 87-1-505
    highway patrol officers, jurisdiction, 44-1-1001
    insurance against loss or damage by, 33-1-206, See generally **INSURANCE, CASUALTY**; **SURETYSHIP AND SURETIES**, **Surety insurance**
    irrigation district property, interference or tampering with, 85-7-1924
    street gang activity, pattern of, 45-8-405
Criminal trespass, See also **TRESPASS**
    "crime of violence" defined, 45-8-302
    "enter or remain unlawfully" defined, 45-6-201
    fish and game wardens, enforcement, 87-1-504, 87-1-505
    force, justifiable use of — when, 45-3-104
    mentally ill persons, detention center alternatives, 53-21-138
    military property, 10-1-612
    posting of land, requirements, 45-6-201, 77-1-806
    professional land surveyor, exception, 70-16-111
    property, to, 45-6-203
    vehicles, to, 45-6-202
Custodial interference, 45-5-304
Death penalty, See **DEATH PENALTY**
Deception, 45-2-101
    arson, purpose of, 45-6-103
    communications, obtaining with intent to defraud, 45-6-306, 45-6-307
    theft by, 45-6-101
Deceptive business practices, 45-6-318
    real estate broker and salesperson provisions, applicability, 37-51-104
Deceptive practices, 45-6-317
    "deception" defined, 45-2-101
    insurance against loss or damage by, 33-1-206, See generally **INSURANCE, CASUALTY**
    lottery, state — winning of prizes, 23-7-110
    obstructing justice by, 45-7-303
    real estate broker and salesperson provisions, applicability, 37-51-104
    theft, as, 45-6-301, 45-6-305, 45-6-306
Defamation, criminal, 45-8-212, See **Criminal defamation**; See also **DEFAMATION**
Defenses, See also **CRIMINAL PROCEDURE**
    attempt, 45-4-103
    bribery, person sought to be influenced unqualified — no defense, 45-7-101
    compulsion, 45-2-212, 46-15-322, 46-15-323
    concealed weapon, having permit to carry not a defense, 45-8-322, 45-8-327, 45-8-328
    consent, 45-2-211
    conspiracy, coconspirator's status — no defense, 45-4-102
    corporations, responsibility of — due diligence, 45-2-311
    defamation, criminal, 45-8-212
    drugs, dangerous — criminal distribution on or near school property, 45-9-109
    entrapment, 45-2-213, 46-15-322, 46-15-323
    false swearing, oath administered irregularly or declarant incompetent —no defense, 45-7-202
    force, justifiable use of, 45-3-115, 46-15-322, 46-15-323
    homicide, mitigated deliberate — affirmative defense, 45-5-103
    incest, consent when, 45-5-507
    intoxication, responsibility, 45-2-203
    medicaid fraud, 45-6-313
    mistake of fact or law, 45-2-103
    motor vehicles, unauthorized use — reasonable belief of owner's consent, 45-6-308

CRIMES (Continued)
Defenses (Continued)

- nonsupport, 45-5-621
- obstructing a peace officer, officer acting illegally — no defense, 45-7-302
- perjury, defense exclusions, 45-7-201
- reasonable belief conduct does not constitute an offense, affirmative defense, 45-2-103
- resisting arrest, unlawful arrest — no defense, 45-7-301
- sexual offenses, defense when criminality depends on age of victim, 45-5-511
- telephone, failure to yield party line, 45-8-114
- theft, offender's interest in property — no defense when, 45-6-303
- threats and other improper influence — person sought to be influenced unqualified, no defense, 45-7-102

Definitions, 1-1-204, 45-2-101

- adulterated, 45-6-318
- animal, 45-8-210
- an offender, 45-7-303
- bodily fluid, 45-5-214
- bribe, 1-1-207
- capitol, 45-6-104
- chain distributor scheme, 45-6-319
- civil disorder provisions, 45-8-108
- computer use, 45-6-310
- concealed weapon, 45-8-315
- conviction, 45-5-220, 45-5-621
- criminal incitement and imminent, 45-8-105
- criminal street gang and pattern of criminal street gang activity, 45-8-402, 45-8-405
- deface, 45-5-221
- defamatory matter, 45-8-212
- destructive device, 45-8-332
- enter or remain unlawfully, 45-6-201
- explosive, 45-8-332
- family member, 45-5-206
- flag, 45-8-215
- food stamp or coupon, 45-6-312
- force, 45-5-501
- force likely to cause death or serious bodily harm, 45-3-101
- forcible felony, 45-3-101
- in the course of committing a theft, 45-5-401
- in the course of committing sexual assault, 45-5-502
- in the course of committing sexual intercourse without consent, 45-5-503
- judicial officer and peace officer, 45-5-210
- land, 45-6-201
- machine gun provisions, 45-8-302
- mislabeled, 45-6-318
- obscenity provisions, 45-8-203, 45-8-205, 45-8-206
- official detention, 45-7-306
- partners, 45-5-206
- "police dog" and "law enforcement officer", 45-8-209
- public nuisance, 45-8-111
- publish, 45-6-307
- school building and weapon, 45-8-361
- security interest, 45-6-315
- sexual conduct, 45-5-620
- sexual or violent offender DNA testing provisions, 44-6-101
- sexual or violent offender registration provisions, 46-23-502
- simulated, 45-5-620
- supervision, 45-8-314

CRIMES (Continued)
Definitions (Continued)

- switchblade knife, 45-8-331
- tattoo, 45-5-623
- visual medium, 45-5-620
- without consent, 45-5-501

Destructive devices, See **Explosions and explosives**; **Weapons**

Deviate sexual conduct, See **Sexual offenses**

Discrimination
- malicious intimidation or harassment, 45-5-221
- offenses, sentence enhancement, 45-5-222

Disorderly conduct, 45-8-101, See also **Breach of the peace**; **Riot**
- boats, noise violations, 23-1-122, 23-2-526, 87-1-506
- city-county consolidated government, commission members expelled for, 7-3-1220
- city or town council, powers, 7-32-4302, 7-32-4304
- county market master, duty, 7-21-3322
- failure of disorderly persons to disperse, 45-8-102
- mayors, powers, 7-4-4303
- mentally ill persons, detention center alternatives, 53-21-138

Disturbing the peace, See also **Breach of the peace**; **Riot**
- city or town council, powers, 7-32-4302
- civil disorder, prohibited activities, 45-8-107 — 45-8-109
- disorderly conduct, 45-8-101
  - failure of disorderly persons to disperse, 45-8-102
- mentally ill persons, detention center alternatives, 53-21-138

Drugs and controlled substances, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**

Duress
- consent of victim under duress ineffective, 45-2-211
- homicide, mitigated deliberate, 45-5-103
- sentencing, effect on, 46-18-222, 46-18-304

Effective date of criminal provisions, 45-1-103

Elements of offense
- causal relationship, 45-2-201
- establishment, substitutes for negligence and knowledge, 45-2-102
- intoxication not to be, 53-24-106
- "knowingly" and "purposely" defined, 45-2-101
- mental state as, 45-2-103
- voluntary act, 45-2-202

Employer misconduct, 45-7-501

Endangering the welfare of children, 40-4-212, 40-4-219, 45-5-622

Endangerment
- criminal, 45-5-207, 45-5-210
- negligent, 40-15-102, 45-5-208, 45-5-210

Escape, 45-7-306, See also **Fugitives**
- aiding offender, 45-7-303
- charge for violation, venue, 46-3-110
- community corrections facility or program, from, 53-30-326
- correctional facilities, private — from, 53-30-606, 53-30-609
- county detention center work program
  - failure to appear, 7-32-2226
  - inmate ineligibility, 7-32-2227
- detainers, interstate agreement — from, 46-31-204
- diseased prisoner, removal is not escape, 50-2-121
- force to prevent, justifiable, 7-32-2248, 45-3-106
- home arrest, ineligibility, 46-18-1001, 46-18-1004
- homicide, deliberate — commission when, 45-5-102

CRIMES (Continued)
Escape (Continued)

- minors charged as adults in district court, 41-5-206, 41-5-341, 41-5-2502, 41-5-2503, 41-5-2510
- notification when, 44-2-601
- state prison, extended confinement — from, 53-30-142

Evidence, See also **EVIDENCE**
- bad checks, issuing — prima facie evidence of knowledge, 45-6-316
- communications, privacy in — violation, prima facie evidence, 45-8-213
- concealed weapon permit applicants, presumption of completion of firearms courses, 45-8-321
- defamation, criminal — proof required, 45-8-212
- destructive device or explosive, possession prima facie evidence of unlawful purpose, 45-8-337
- deviate sexual conduct, HIV-related or STD testing or treatment — inadmissibility, 45-5-505
- endangering the welfare of children, admissible evidence, 45-5-622
- explosives, possession as presumption of intent, 45-8-337
- homicide
  - criminal death, of, 45-5-111
  - presumption death occurred in state when, 46-2-101
- machine guns, possession or use — presumption of offensive or aggressive purpose, 45-8-305
- machine, obscuring identity of — possession or transfer of machine as presumption of knowledge of obscuring, 45-6-326
- mental state, inference, 45-2-103
  - homicide, deliberate, 45-5-112
- nuisance, public — action to abate, 45-8-112
- obscenity, admissible evidence, 45-8-201
- property, personal — failure to return rented or leased, prima facie evidence of offense, 45-6-309
- prostitution, promotion of, 45-5-604
- protective order, inference of knowledge, 45-5-626
- sexual offenses, generally, 45-5-511
- silencers, unregistered possession prima facie evidence of unlawful purpose, 45-8-337
- stalking, credible evidence, 45-5-220
- support order, of person's legal obligation to pay and payment records of amount paid and arrearages, 45-5-621
- tampering with or fabricating, 45-7-207

Ex-offenders, See **OFFENDERS, FORMER**
Explosions and explosives, See also **Weapons**; **EXPLOSIONS AND EXPLOSIVES**
- arson, 45-6-102, 45-6-103
- burglary, use in, 45-6-204
- definitions, 45-8-332
- false alarm or report of explosion, 45-5-203, 45-8-101
- minors
  - charged as adults in district court, 41-5-206, 41-5-341, 41-5-2502, 41-5-2503, 41-5-2510, 46-18-201
  - sale or gift to, 45-5-623
- possession, 41-5-206, 41-5-2502, 41-5-2503, 41-5-2510, 45-8-334, 45-8-335, 45-8-337, 46-18-201
  - street gang activity, pattern of, 45-8-405
- reckless or malicious use, 45-8-333

Extortion, See **Intimidation**
Extradition, Title 46, chapter 30
False alarms
- agencies of public safety, to, 45-7-204
- disorderly conduct, 45-8-101
- utilities, underground facilities — request for emergency locate or excavation, 69-4-508

CRIMES (Continued)

False claims to public agencies, 45-7-210
False imprisonment, 45-5-301
    insurance coverage for victims, discrimination prohibited, 33-18-216
False reports
    criminal contempt, 45-7-309
    disorderly conduct, 45-8-101
    law enforcement authorities, to, 45-7-205
False swearing, 13-35-207, 45-7-202, 46-8-111, See also **Perjury**
Falsification, unsworn, 2-16-612, 13-35-207, 45-7-203
Family, offenses against, Title 45, chapter 5, part 6
Felony, 45-2-101
    arrest exemptions not applicable, 13-1-115, 46-6-102; Const., IV, 6; V, 8
    attainder prohibited, Const., II, 30
    classification of offenses, 45-1-201
    compounding a felony, 45-7-305
    district court, jurisdiction, 3-5-302; Const., VII, 4
    extradition, 46-30-201, See **EXTRADITION**
    forcible felony, 45-2-101
        "crime of violence" defined, 45-8-302
        force, justifiable use of, 45-3-101 — 45-3-105
        homicide, deliberate, 45-5-102
    justice's court, jurisdiction, Const., VII, 5
    penalty when none is specified, 46-18-213
    time limitations on prosecution, 45-1-205
Firearms, See **Weapons**
Flags, desecration, 45-8-215
Food stamps, unauthorized acquisition or transfer, 45-6-312
Force, justifiable use of
    aggressor, by, 45-3-105
    arrests, necessary and reasonable force, 46-6-104
    character evidence, Title 26, chapter 10, M.R.Ev., Rule 405
    death sentence, execution as, 45-3-109
    defense, as, 45-3-115, 46-15-322, 46-15-323
    defense of
        occupied structure, 45-3-103
        person or property, 1-1-224, 45-3-102, 45-8-107 — 45-8-109, 49-1-103
    definitions, 45-3-101
    escape, to prevent, 7-32-2248, 45-3-106
    firearms, discharging or firing in cities and towns, 45-8-343
    forcible felony, 45-2-101, 45-3-101 — 45-3-105
    parent, guardian, or teacher — by, 20-4-302, 45-3-107
    resisting arrest, force not justified, 45-3-108
    search warrant, service, 46-5-228
Forgery and counterfeiting, 45-6-325
    banks — actions arising from payment of forged checks, orders, or notes — statute of limitations, 27-2-213
    cigarette tax insignia, 16-11-134, 16-11-146
    commerce, department of — counterfeiting seal of enforcement officer, 30-12-503
    cosmetics labels, 50-31-501
    credit cards, 45-6-317
    credit unions, 32-3-412
    dentists — diplomas, certificates, or transcripts, 37-4-326
    do not resuscitate identification, 50-10-106

CRIMES (Continued)
Forgery and counterfeiting (Continued)

- drugs
  - dangerous drugs
    - labels, 45-9-105, 45-9-106
    - prescriptions to obtain, 45-9-104, 45-9-106
  - labels generally, 50-31-501
- elections, endorsement of ballot or returns of election, 13-35-207
- engineers or land surveyors, forged evidence in obtaining certificate of registration, 37-67-332
- food labels, 50-31-501
- gambling documents, 23-5-155
- insurance against loss or damage by, 33-1-206, See **INSURANCE, CASUALTY**; **SURETYSHIP AND SURETIES**, **Surety insurance**
- insurance producers, insurance applications, 33-17-1001
- insurers, grounds for rehabilitation, 33-2-1331
- landscape architects, forged evidence in obtaining license, 37-66-104
- letters of credit, 30-5-128 — 30-5-130, 30-5-133
- living will declarations or revocations, 50-9-206
- lottery, state — tickets or chances, audit for security against, 23-7-411
- meat inspection stamps, marks, or certificates, 81-9-234
- Montana quality label, 81-8-705
- motor vehicles
  - certificates of ownership or assignments thereof, 61-3-603
  - financial responsibility, evidence of proof, 61-6-151
  - wrecking facilities, certificate of title, 75-10-514
- negotiable instruments
  - endorsement, 30-3-420
  - holder in due course, 30-3-302
  - signatures, 30-3-406
- optometrists, certificates of registration, 37-10-301
- physicians, forged evidence for license applications, 37-3-325
- predators, bounty certificates, 81-7-121
- public servant, unsworn falsification to, 45-7-203
- state land surface leases, forgery of bid — forfeiture of deposit, 77-6-203
- street gang activity, pattern of, 45-8-405
- trademarks and service marks, 30-13-333, 30-13-335
- uniform commercial code, “genuine” defined, 30-1-201
- wills, self-proved, 72-3-309

Fraud, See **Forgery and counterfeiting**; **Theft**; **FRAUD**
Fugitives, See also **Escape**
- detention center inmates, costs of holding — responsibility, 7-32-2242
- extradition, 46-30-201, 46-30-227, 46-30-401, See **EXTRADITION**
- harboring or aiding an offender, 45-7-303
- parolees, when, 46-23-1026
- probationers, when, 46-23-1005, 46-23-1014
- return, mileage and expenses, 7-32-2145

Gang activity, See **Street gang activity**
Grand larceny, See **Theft**
Harassment
- malicious intimidation or harassment, 45-5-221
- prisoners, mistreating, 45-5-204
- privacy in communications, violation by, 45-8-213
- stalking, offense of, 45-5-220

Hazard, creating, 45-8-113

CRIMES (Continued)

Homicide
  abortion, causing death of
    premature infant born alive, 50-20-108
    viable infant, 50-20-112
  adoption, termination of parental rights when, 42-2-608
  character of victim, evidence, Title 26, chapter 10, M.R.Ev., Rule 404
  concealed weapon, permit to carry — ineligibility, 45-8-321
  confession, 45-5-111
  corpus delicti, 45-5-111
  county detention center work program, inmate ineligibility, 7-32-2227
  deliberate homicide, 45-5-102
    child abuse and neglect, preservation or reunification services not required, 41-3-403
    death penalty, 45-5-102, 46-18-220, 46-18-303
    child parenting plan, effect of parent's conviction, 40-4-212, 40-4-219
    estates and probate, effect on, 72-2-813
    highway patrol officers, jurisdiction, 44-1-1001
    home arrest, ineligibility, 46-18-1001, 46-18-1004
    mental state, 45-2-103
      inference, 45-5-112
    minors charged as adults in district court, 41-5-206, 41-5-341, 41-5-2502, 41-5-2503, 41-5-2510, 46-18-201
    motor vehicle violations, conviction points, 61-11-203
    sentencing, 41-5-2503, 41-5-2510, 45-5-102, 46-18-201, 46-18-205, 46-18-219, 46-18-220, 46-18-303
    street gang activity, pattern of, 45-8-405
    violent offenders
      DNA testing, 44-6-101 — 44-6-103, 44-6-106 — 44-6-108, 44-6-110
      registration, 46-18-201, 46-18-255, 46-23-501 — 46-23-511
    voluntary act, 45-2-202
  evidence of criminal death, 45-5-111
  inquest, See **COUNTY CORONER**
  jurisdiction of state, 46-2-101
  life-sustaining procedure, do not resuscitate protocol — death resulting from not to be, 50-10-104
  life-sustaining treatment, declaration to withhold or withdraw — death resulting from not to be, 50-9-205
  mitigated deliberate homicide, 45-5-103
    child abuse and neglect, preservation or reunification services not required, 41-3-403
    child parenting plan, effect of parent's conviction, 40-4-212, 40-4-219
    drivers' license suspension or revocation, 61-5-405, 61-11-203
    estates and probate, effect on, 72-2-813
    home arrest, ineligibility, 46-18-1001, 46-18-1004
    minors charged as adults in district court, 41-5-206, 41-5-341, 41-5-2502, 41-5-2503, 41-5-2510, 46-18-201
    motor vehicle violations, conviction points, 61-11-203
    sentencing, 41-5-2503, 41-5-2510, 46-18-201, 46-18-205, 46-18-219, 46-18-231
    violent offenders
      DNA testing, 44-6-101 — 44-6-103, 44-6-106 — 44-6-108, 44-6-110
      registration, 46-18-201, 46-18-255, 46-23-501 — 46-23-511
  negligent homicide, 45-5-104
    drivers' license suspension or revocation, 61-5-205, 61-5-405, 61-11-203
    home arrest, ineligibility, 46-18-1001, 46-18-1004
    minors charged as adults in district court, 41-5-206, 41-5-341, 41-5-2502, 41-5-2503, 41-5-2510, 46-18-201
    motor vehicle violations, 61-5-205, 61-11-203

CRIMES (Continued)
Homicide (Continued)

- occurrence within state, presumption, 46-2-101
- suicide, aiding or soliciting, 45-5-105
- time limitation on prosecution, 45-1-205

Hostages
- communications to and from person holding, 69-6-104
- rescuers, death by direct action of offender, 46-18-303
- tactical incident assistance, 10-3-701 — 10-3-705
- taking, 45-5-303

Illegal articles, 45-2-101
- transferring to persons subject to official detention, 45-7-307

Impersonation of a public servant, 45-7-209, See also **INTIMIDATION**
Incapacity
- consent ineffective, 45-2-211
- conspiracy, coconspirator's status — no defense, 45-4-102
- "mentally incapacitated" defined, 45-2-101
- sexual intercourse without consent, inability to consent, 45-5-501

Incest, See **Sexual offenses**
Inchoate offenses, 45-4-101 — 45-4-103
- fish and wildlife violations, 87-1-109

Incitement, criminal, 45-8-105
Incompetent persons
- consent ineffective, 45-2-211
- custodial interference, 45-5-304

Indecent exposure, See **Sexual offenses**
Indemnification for, 28-11-302, 28-11-303
Informants
- identity, Title 26, chapter 10, M.R.Ev., Rule 502
- tampering with, 45-7-206
  - street gang activity, pattern of, 45-8-405

Intent, See **Mental state**
Intimidation, 45-5-203, See also **INTIMIDATION**
- "crime of violence" defined, 46-18-104
- crime victims and witnesses, protection, 40-15-102, 46-24-202
- explosives, use for, 45-8-333
- housing accommodations, discriminatory practices, 49-2-305, 49-2-602
- malicious intimidation or harassment, 45-5-221
- obstructing justice by, 45-7-303
- privacy in communications, violation by, 45-8-213
- stalking, offense of, 45-5-220
- street gang activity, pattern of, 45-8-405

Intoxicating substance, 45-2-101
- concealed weapon
  - carrying while under the influence of, 45-8-327
  - permit to carry, ineligibility, 45-8-321
- endangering the welfare of children, 45-5-622
- possession, attempt to purchase, or interference with a sentence or court order, 45-5-624
- unlawful transactions with children, 45-5-623

Intoxication
- consent ineffective, 45-2-211
- responsibility for conduct, 45-2-203

Investigative stop, when, 46-5-401
Investigators, private, Title 37, chapter 60
Juries and jurors, 45-2-101, See **JURIES AND JURORS**
Justifiable use of force, See **Force, justifiable use of**

CRIMES (Continued)

Kidnapping, 45-5-302, 46-18-219
  aggravated kidnapping, 45-5-303
    death penalty, 45-5-303, 46-18-220, 46-18-303
    home arrest, ineligibility, 46-18-1001, 46-18-1004
    minors charged as adults in district court, 41-5-206, 41-5-341, 41-5-2502, 41-5-2503, 41-5-2510, 46-18-201
    sentencing, 46-18-201, 46-18-205, 46-18-219, 46-18-220, 46-18-231, 46-18-303
    street gang activity, pattern of, 45-8-405
    violent offenders
      DNA testing, 44-6-101 — 44-6-103, 44-6-106 — 44-6-108, 44-6-110
      registration, 46-18-201, 46-18-255, 46-23-501 — 46-23-511
  county detention center work program, inmate ineligibility, 7-32-2227
  custodial interference, offense of, 45-5-304
  electors, of, 13-35-218
  highway patrol officers, jurisdiction, 44-1-1001
  home arrest, ineligibility, 46-18-1001, 46-18-1004
  homicide, deliberate — commission when, 45-5-102
  hostages, See **Hostages**
  justice's court, jurisdiction — exclusion, 3-10-301
  parenting interference, offense of, 45-5-634
  protection of victim, order for, 40-15-102
  sentencing, 46-18-231
  street gang activity, pattern of, 45-8-405
  unlawful restraint, 45-5-301, 45-8-321, 46-5-224
  violent offenders
    DNA testing, 44-6-101 — 44-6-103, 44-6-106 — 44-6-108, 44-6-110
    registration, 46-18-201, 46-18-255, 46-23-501 — 46-23-511
Knowingly, 1-1-204, 45-2-101, See also **Mental state**
  element of offense, 45-2-103, 45-2-104, 45-2-201
  substitute for knowledge, 45-2-102
Law creating offense, repeal — effect, 1-2-205
Liability
  absolute, 45-2-103, 45-2-104, 61-8-401, 61-8-406, 75-10-212, 75-10-233, 77-1-806
  attempt, not liable when, 45-4-103
  general principles, Title 45, chapter 2
Libel as criminal defamation, 45-8-212, See **Criminal defamation**
Limitations on prosecution, See **STATUTES OF LIMITATION**
Machine, obscuring the identity of, 45-6-326, 61-3-604
"Malice" and "maliciously" defined, 1-1-204
Malicious intimidation or harassment, 45-5-221
Manslaughter, See **Homicide**
Medicaid fraud, 45-2-101, 45-6-313
Mental disease or defect of victim
  consent ineffective, 45-2-211
  "mentally defective" and "mentally incapacitated" defined, 45-2-101
  sexual intercourse without consent, inability to consent, 45-5-501
Mental state, See also **CRIMINAL PROCEDURE, Mental disease or defect of defendant**
  absolute liability, 45-2-104
  hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
  homicide, deliberate — inference, 45-5-112
  intoxicated condition, 45-2-203, 46-18-222
  mental disease or defect affecting, 46-14-102
  requirements of criminal act and mental state, 45-2-103
  terms denoting, 1-1-204

CRIMES (Continued)

Mischief, criminal, See **Criminal mischief**
Misconduct, employer, 45-7-501
Misconduct, official, 45-7-401, See **PUBLIC OFFICERS OR EMPLOYEES**
Misdemeanor, 45-2-101
    arrest, time of making, 46-6-105
    classification of offenses, 45-1-201
    district court, jurisdiction, 3-5-302
    justice's court, jurisdiction, 3-5-302, 3-10-303
    penalty when none is specified, 13-35-103, 46-18-212
    time limitations on prosecution, 45-1-205
Motor vehicles, unauthorized use, 45-6-308, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Violations**
Murder, See **Homicide**
Negligence
    definitions, 1-1-204, 45-2-101
    element of offense, 45-2-103, 45-2-104, 45-2-201
    substitute for, 45-2-102
Negligent endangerment, 45-5-208
    assault on peace officer or judicial officer, endangerment not included, 45-5-210
    protection of victim, order for, 40-15-102
Negligent vehicular assault, 45-5-205, 61-5-205, 61-11-203
    home arrest, ineligibility, 46-18-1001, 46-18-1004
Nonsupport, 45-5-621
    aggravated nonsupport, 45-5-621
    endangering the welfare of children, 45-5-622
Nuisance
    public nuisance, 45-8-111
        action to abate, 45-8-112
        boats, noise violations, 23-1-122, 23-2-526, 87-1-506
    specific relief to enforce, 27-1-401
Obscene material, display or dissemination to minors, 45-8-206
        definitions, 45-8-205, 45-8-206
        notice of violation, 45-8-207
        penalties, 45-8-208
Obscenity, 45-8-201
    breastfeeding in public not considered, 50-19-501
    children, use in, 45-1-205, 45-5-620, 45-5-625
    local government authority, 7-31-4104, 7-32-4302, 45-8-201
    motion picture theater employees, liability, 45-8-203
    telephone communication, obscene language, 45-8-213
    voter information pamphlets, advocacy improper in, 13-27-408, 13-27-409
Obstructing a peace officer or other public servant, 45-7-302
    inmates' financial account information, failure to disclose, 53-1-108
    irrigation district property, interference or tampering with, 85-7-1924
Obstructing justice, 45-7-303
Offenders, See **CORRECTIONAL FACILITIES; OFFENDERS, FORMER**
Offense, 45-2-101, 46-1-202
    classification, 45-1-201
    committed when, 45-1-205
    elements of, See **Elements of offense**
Official misconduct, 45-7-401, See **PUBLIC OFFICERS OR EMPLOYEES**
Omission, crimes of
    act, defined as, 45-2-101, 45-2-202
    jurisdiction of state, 46-2-101
    presumption of truth, 26-1-601

CRIMES (Continued)

Parent-child contact, interference with, 45-5-631
  aggravated interference with parent-child contact, 45-5-632
  defenses, 45-5-633
Parenting interference, 45-5-634
Partner or family member assault, See **Assault**
Peace officers, 45-2-101
  failure to aid, 45-7-304
Penalties, See specific offense in this heading; See also **SENTENCING AND SENTENCES**
Perjury, 45-7-201, See also **False swearing**
  assigned counsel, false financial statement to obtain, 46-8-111
  bank financial report, falsification, 32-1-233
  dissolution of marriage, preliminary declaration of disclosure — effect, 40-4-252
  election contests, testimony, 13-36-208
  facility siting requirements or rules not being enforced, false statements in resident's affidavit, 75-20-404
  inheritance tax, 72-16-206
  insurance
    examinations, investigations, or hearings, 33-1-315
    premium finance company licensees, 33-14-201
  investigative subpoenas, on, 46-4-304
  legislature, witnesses before, 5-5-105
  limited partnerships, execution of certificates, 35-12-604
  municipal commission-manager government, testimony before commission, 7-3-4365
  motor vehicle ownership or operation, false affidavits or statements, 61-5-205, 61-5-405
  paternity proceedings, testimony, 40-6-111
  pleas, admissibility, Title 26, chapter 10, M.R.Ev., Rule 410
  predatory animal bounty claims, false certificates or affidavits, 81-7-113
  revenue, department of — false testimony to, 15-1-302, 72-16-206
  special fuels use tax, returns, 15-70-325
  state tax appeal board, false testimony to, 15-2-201
  unemployment insurance rights and benefits, evidence or testimony, 39-51-3101
  utilities
    hearings, testimony of witnesses, 69-3-329
    reports and records, false oaths, 69-3-205
  witnesses
    number sufficient to prove a fact, 26-1-301
    self-incrimination, 13-36-208, 39-51-3101, 40-5-175, 40-6-111, 69-3-329
Person, offenses against, Title 45, chapter 5
Police dog, harming, 45-8-209
Pornography, See **Obscene material**; **Obscenity**
Prisoners
  communication with, unauthorized, 45-7-307
  escape, See **Escape**
  mistreating, 45-5-204
  possession of deadly weapon, 45-8-318
  smuggling articles to, 45-7-307
Property, specific provisions
  civil disorder, prohibited activities and exceptions, 45-8-107 — 45-8-109
  defense of, justifiable use of force, 45-3-103, 45-3-104
  definitions, 45-2-101
  malicious intimidation or harassment, 45-5-221
  offenses against, Title 45, chapter 6
  personal property, rented or leased — failure to return, 45-6-309
  posting, illegal — state or federal land, 45-8-115
Prosecution, See **CRIMINAL PROCEDURE**

CRIMES (Continued)

- **Prostitution**, 45-5-601
  - aggravated promotion of prostitution, 45-5-603
    - child parenting plan, effect of parent's conviction, 40-4-212, 40-4-219
    - sexual offender DNA testing, 44-6-101 — 44-6-103, 44-6-106 — 44-6-108, 44-6-110
    - street gang activity, pattern of, 45-8-405
    - violent offenders, registration, 46-18-201, 46-18-255, 46-23-501 — 46-23-511
  - endangering the welfare of children, 45-5-622
  - "house of prostitution" and "inmate" defined, 45-2-101
  - promoting prostitution, 45-5-602
    - evidence, admissible, 45-5-604
  - sexual exploitation, 41-3-102
  - sexually transmitted diseases, certificate or statement of freedom from — nonissuance, 50-18-111
- **Protection, order of — violation, offense of**, 40-15-204, 45-5-626
- **Public administration**, offenses against, Title 45, chapter 7, See also **INTIMIDATION**
- **Public memorial**, desecration of, 45-6-104
- **Public order**, offenses against, Title 45, chapter 8
- **Purposely**, element of offense, 45-2-103, 45-2-104, 45-2-201, See also **Mental state**
- **Purposes of criminal provisions**, 45-1-102
- **Rape**, See **Sexual offenses**, sexual intercourse without consent
- **Responsibility, criminal**, See **Accountability**
- **Restraint, unlawful**, 45-5-301, 45-8-321, 46-5-224, See also **Kidnapping**
  - insurance coverage for victims, discrimination prohibited, 33-18-216
  - protection of victim, order for, 40-15-102
- **Rewards for apprehension of criminals**, 2-15-201, 7-21-3212, 7-32-2301, 81-6-311, 87-5-603, 87-5-605
- **Riot**, 45-8-103, See also **Breach of the peace**; **RIOT**
  - civil disorder, prohibited activities, 45-8-107 — 45-8-109
  - correctional facilities, private — at, 53-30-606, 53-30-609
  - disorderly conduct, 45-8-101
    - failure of disorderly persons to disperse, 45-8-102
  - force, justifiable use of, 7-32-2248, 45-3-103
  - incitement to, 45-8-104
  - street gangs, See **Street gang activity**
  - tactical incident assistance, 10-3-701 — 10-3-705
- **Robbery**, 45-5-401, 46-18-219, See also **Burglary**; **Theft**
  - county detention center work program, inmate ineligibility, 7-32-2227
  - "crime of violence" defined, 45-8-302
  - home arrest, ineligibility, 46-18-1001, 46-18-1004
  - homicide, deliberate — commission when, 45-5-102
  - insurance against loss or damage by, 33-1-206, 33-1-211, See generally **INSURANCE, CASUALTY**; **SURETYSHIP AND SURETIES, Surety insurance**
  - investigation, Title 37, chapter 60
  - minors charged as adults in district court, 41-5-206, 41-5-341, 41-5-2502, 41-5-2503, 41-5-2510, 46-18-201
  - owner's immunity from damage caused by use of property unlawfully taken, 27-1-709
  - sentencing, 46-18-201, 46-18-205, 46-18-231
  - street gang activity, pattern of, 45-8-405
  - violent offenders
    - DNA testing, 44-6-101 — 44-6-103, 44-6-106 — 44-6-108, 44-6-110
    - registration, 46-18-201, 46-18-255, 46-23-501 — 46-23-511
- **Rout or sabotage**, See **Riot**
- **Search and seizure**, See **SEARCH AND SEIZURE**
- **Sedition**, See **Riot**
- **Self defense**, See **Force, justifiable use of**

CRIMES (Continued)

Sentencing, See specific offense; **SENTENCING AND SENTENCES**
Sexual offenses
- age of victim, defense when criminality depends on, 45-5-511
- bestiality, 45-1-205, 45-5-505, 45-5-620
- concealed weapon, permit to carry — ineligibility, 45-8-321
- consent, resistance of victim not required to show, 45-5-511
- "crime of violence" defined, 46-18-104
- crime victims compensation benefit claims when victim a minor, 53-9-125
- definitions, 45-2-101
- deviate sexual conduct, 45-5-505
  - child parenting plan, effect of parent's conviction, 40-4-212, 40-4-219
  - "deviate sexual relations" defined, 45-2-101
  - elderly persons and persons with developmental disabilities, sexual abuse, Title 52, chapter 3, part 8
  - presentence investigation and report, 46-18-111
  - sentencing, 46-18-201, 46-18-205, 46-18-303
  - sexual abuse, 41-3-102
  - sexually transmitted disease testing of convicted person, 46-18-256
  - time limitation for prosecution, 45-1-205
- evidence in general, 45-5-511
  - videotaped testimony, 46-15-402, 46-15-403, 46-16-216
- incest, 40-1-401, 45-5-507
  - adoption, termination of parental rights when, 42-2-608
  - child parenting plan, effect of parent's conviction, 40-4-212, 40-4-219
  - county detention center work program, inmate ineligibility, 7-32-2227
  - elderly persons and persons with developmental disabilities, sexual abuse, Title 52, chapter 3, part 8
  - invalidity of marriage, ground for, 40-1-402
  - medical evidence, payment, 46-15-411
  - presentence investigation and report, 46-18-111
  - protection of victim, order for, 40-15-102
  - sentencing, 45-5-512, 46-18-201, 46-18-202, 46-18-205, 46-18-303
  - sexual abuse, 41-3-102
  - sexually transmitted disease testing of convicted person, 46-18-256
  - sexual offenders
    - chemical treatment, 45-5-512
    - DNA testing, 44-6-101 — 44-6-103, 44-6-106 — 44-6-108, 44-6-110
    - registration, 46-18-201, 46-18-255, 46-23-501 — 46-23-511
  - time limitation for prosecution, 45-1-205
  - victim's identification, nondisclosure, 44-5-311
- indecent exposure, 45-5-504
  - breastfeeding in public not considered, 50-19-501
  - elderly persons and persons with developmental disabilities, sexual abuse, Title 52, chapter 3, part 8
  - obscenity, 45-8-201
  - presentence investigation and report, 46-18-111
  - sentencing, 46-18-201, 46-18-202, 46-18-205
  - sexual abuse, 41-3-102
  - sexual offenders
    - DNA testing, 44-6-101 — 44-6-103, 44-6-106 — 44-6-108, 44-6-110
    - registration, 46-18-201, 46-18-255, 46-23-501 — 46-23-511
  - time limitation for prosecution, 45-1-205
  - victim's identification, nondisclosure, 44-5-311
- sexual abuse of children, 45-5-620, 45-5-625, 46-18-219
  - abuse and neglect, preservation or reunification services not required, 41-3-403

CRIMES (Continued)
Sexual offenses (Continued)
- sexual abuse of children (Continued)
    - adoption, termination of parental rights when, 42-2-608
    - child parenting plan, effect of parent's conviction, 40-4-212, 40-4-219
    - home arrest, ineligibility, 46-18-1001, 46-18-1004
    - presentence investigation and report, 46-18-111
    - sentencing, 46-18-202
    - sexual exploitation, 41-3-102
    - sexually transmitted disease testing of convicted person, 46-18-256
    - sexual offenders
        - DNA testing, 44-6-101 — 44-6-103, 44-6-106 — 44-6-108, 44-6-110
        - registration, 46-18-201, 46-18-255, 46-23-501 — 46-23-511
    - time limitation for prosecution, 45-1-205
    - tort actions, statute of limitations, 27-2-216
- sexual assault, 45-5-502
    - adoption, termination of parental rights when, 42-2-608
    - advocate privilege, 26-1-812
    - child parenting plan, effect of parent's conviction, 40-4-212, 40-4-219
    - elderly persons and persons with developmental disabilities, sexual abuse, Title 52, chapter 3, part 8
    - insurance coverage for victims, discrimination prohibited, 33-18-216
    - medical evidence, payment, 46-15-411
    - presentence investigation and report, 46-18-111
    - protection of victim, order of, 3-10-301, 27-19-201, 40-15-102
    - sentencing, 45-5-512, 46-18-201, 46-18-202, 46-18-205, 46-18-222, 46-18-231, 46-18-303
    - sexual abuse, 41-3-102
    - sexually transmitted disease testing of convicted person, 46-18-256
    - sexual offenders
        - chemical treatment, 45-5-512
        - DNA testing, 44-6-101 — 44-6-103, 44-6-106 — 44-6-108, 44-6-110
        - registration, 46-18-201, 46-18-255, 46-23-501 — 46-23-511
    - time limitation for prosecution, 45-1-205
    - victim's identification, nondisclosure, 44-5-311
- sexual intercourse without consent, 45-5-503
    - adoption, termination of parental rights when, 42-2-608
    - aggravating circumstances, 46-18-303
    - child parenting plan, effect of parent's conviction, 40-4-212, 40-4-219
    - county detention center work program, inmate ineligibility, 7-32-2227
    - death penalty, 45-5-503
    - elderly persons and persons with developmental disabilities, sexual abuse, Title 52, chapter 3, part 8
    - home arrest, ineligibility, 46-18-1001, 46-18-1004
    - insurance coverage for victims, discrimination prohibited, 33-18-216
    - medical evidence, payment, 46-15-411
    - minors charged as adults in district court, 41-5-206, 41-5-341, 41-5-2502, 41-5-2503, 41-5-2510, 46-18-201
    - presentence investigation and report, 46-18-111
    - protection of victim, order for, 40-15-102
    - ritual abuse of minor, 42-2-608, 45-1-205, 45-5-627, 46-18-111, 46-18-219
    - sentencing, 41-5-2503, 41-5-2510, 45-5-512, 46-18-201, 46-18-202, 46-18-205, 46-18-219, 46-18-231, 46-18-303
    - sexual abuse, 41-3-102
    - "sexual intercourse" defined, 45-2-101
    - sexually transmitted disease testing of convicted person, 46-18-256
    - sexual offenders
        - chemical treatment, 45-5-512
        - DNA testing, 44-6-101 — 44-6-103, 44-6-106 — 44-6-108, 44-6-110

CRIMES (Continued)
Sexual offenses (Continued)
  sexual intercourse without consent (Continued)
    sexual offenders (Continued)
      registration, 46-18-201, 46-18-255, 46-23-501 — 46-23-511
    street gang activity, pattern of, 45-8-405
    time limitation for prosecution, 45-1-205
    victim's identification, nondisclosure, 44-5-311
    "without consent" defined, 45-5-501
  surreptitious visual observation or recordation, 45-5-223
Sexual or violent offenders
  chemical treatment, 45-5-512, 46-18-101, 46-18-201
  DNA testing
    biological samples, collection, 44-6-101, 44-6-103, 46-18-202, 46-23-215
    definitions, 44-6-101
    identification index, 44-6-101 — 44-6-103, 44-6-106, 44-6-107
    records, 44-6-101, 44-6-102
      confidentiality, 44-6-108
      expungement, 44-6-107
      release, 44-6-106
    rulemaking authority, 44-6-110
  registration
    address, notification and change, 46-23-503, 46-23-505
    citation of sexual or violent offender registration act, 46-23-501
    definitions, 46-23-502
    duration, 46-23-506
    duty to register, 46-23-503, 46-23-504, 46-23-506
    employment prohibitions and restrictions, 46-18-255
    evaluations and designations, 46-23-504, 46-23-508, 46-23-509
    evaluators, 46-23-502, 46-23-509
    fees, 46-23-504
    information, dissemination, 46-23-508
      immunity from suit for release, 46-23-511
      real estate brokers or salespersons, responsibility, 37-51-105
    penalty for failure to register, to verify registration, or keep registration current, 46-23-506, 46-23-507
    plea agreements, 46-23-512
    release of offender from place of confinement, duties, 46-23-503
    reversal of conviction, records expunged, 46-23-510
    sexually violent predators, 46-23-502, 46-23-506, 46-23-509
    waiver prohibited, 46-18-201
Slander as criminal defamation, 45-8-212, See **Criminal defamation**
Solicitation, 45-2-101, 45-4-101
  fish and wildlife violations, 87-1-109
  jurisdiction of state, 46-2-101
  prostitution, 45-5-602
  telephone system, automated — by, 45-8-216
Sports and sporting events
  assault upon sports official, 45-5-211
  bribery, 45-8-214
Stalking, 45-5-220
  advocate privilege, 26-1-812
  bail, appearance prior to release on, 46-9-302
  insurance coverage for victims, discrimination prohibited, 33-18-216
  protection of victim, order of, 3-10-301, 40-15-102, 40-15-204, 45-5-220
  release of defendant, conditions, 46-9-108
  restraining orders, 27-19-201, 40-4-121
State of mind, See **Mental state**

CRIMES (Continued)

Statutes of limitation, See **STATUTES OF LIMITATION**
Stolen property, See **Theft**
Street gang activity
  citation of Montana street terrorism enforcement and prevention act, 45-8-401
  definitions, 45-8-402, 45-8-405
  exceptions to provisions, 45-8-407
  felony, gang-related — additional sentence, 45-8-404
  firearms, supplying to gang, 45-8-406
  gang membership, use of threat or use of violence to coerce — offenses of, 45-8-403, 45-8-405
  local regulations, adoption, 45-8-408
  minors charged as adults in district court, 41-5-206, 45-8-403, 41-5-2502, 41-5-2503, 41-5-2510, 46-18-201
  pattern of criminal street gang activity, 45-8-402, 45-8-405
Subversion, See **Riot**
Suicide, aiding or soliciting, 45-5-105
Surreptitious visual observation or recordation, 45-5-223
Tactical incident assistance, 10-3-701 — 10-3-705
Tamper, 45-2-101
  aircraft, with — creating a hazard, 45-8-113
  communication services, obtaining with intent to defraud, 45-6-306
  evidence, tampering with or fabricating, 45-7-207
  property, 45-6-101
  public records or information, with, 2-16-612, 13-35-207, 45-7-208
  witnesses and informants, with, 45-7-206
    street gang activity, pattern of, 45-8-405
Tattooing of minor, 45-5-623
Terrorism, See **Riot**
Theft, 45-1-205, 45-6-301, See also **Burglary**; **Robbery**
  checks, bad — issuing, 45-6-316
  communications services, 45-6-305 — 45-6-307
  computers, unlawful use, 45-6-311
  creditors, defrauding, 45-6-315
  deceptive practices, 45-6-317
  fiduciary obligation, theft involving breach of, 45-1-205
  food stamps, unauthorized acquisition or transfer, 45-6-312
  foreign capital depositories, 32-1-473, 32-8-202
  highway patrol officers, jurisdiction, 44-1-1001
  insurance against loss or damage by, 33-1-206, See generally **INSURANCE, CASUALTY**
  insurance fraud, 33-1-1211, 33-1-1302
  labor or services or use of property, 45-6-305
  lost or mislaid property, 45-6-302
  medical care savings accounts — false claims, receipts, statements, or billing, 15-61-205
  offender's interest in property, no defense, 45-6-303
  owner's immunity from damage caused by use of property unlawfully taken, 27-1-709
  photographs of items allegedly taken or converted, admissibility procedure, 26-1-608
  shoplifting, criminal offense of theft, 27-1-718, 46-6-506
  stolen property, obtaining control of, 45-2-101, 45-6-301
    disposal, theft by, 45-6-314
  street gang activity, pattern of, 45-8-405
  trade secrets, improper means to acquire, Title 30, chapter 14, part 4
Threats, 45-2-101
  bail conditions, violation, 46-9-505
  compulsion, 45-2-212
  contracts, menace — consent obtained through, 28-2-403
  "crime of violence" defined, 46-18-104

CRIMES (Continued)
Threats (Continued)

- deceptive practices, 45-6-317
- disorderly conduct, 45-8-101
- escape, use of, 45-7-306
- force, justifiable use of, 45-3-102 — 45-3-104
- "forcible detainer" defined, 70-27-103
- "forcible entry" defined, 70-27-102
- forcible felony, 45-2-101, 45-3-101
- housing accommodations, discriminatory practices, 49-2-305, 49-2-602
- intimidation, 45-5-203
- kidnapping, offenses of, 45-5-302, 45-5-303
- litigation on abolished causes of action, 27-1-604
- motor vehicle manufacturers, by, 61-4-404
- official or political matters, threats and other improper influence, 45-7-102, See also **INTIMIDATION**
- oil and gas violations, of, 82-11-147
- prisoners, mistreating, 45-5-204
- privacy in communications, violation by, 45-8-213
- professional counselor-client communications, 37-23-301
- riot, 45-8-103
- ritual abuse of minor, 45-5-627
- robbery, offense of, 45-5-401
- sexual offenses, lack of consent, 45-5-511
- social worker-client communications, 37-22-401
- stalking, offense of, 45-5-220
- street gang membership, use of threat or use of violence to coerce — offenses of, 45-8-403, 45-8-405
- theft by, 45-6-301, 45-6-305

Time limitations, See **STATUTES OF LIMITATION**
Tobacco possession or consumption by minors, 45-5-637
Treason, Const., II, 30
- arrest exemptions not applicable, 13-1-115, 46-6-102
- evidence in trial, 26-1-301, 46-16-202; Const., II, 30
- extradition, 46-30-201, See **EXTRADITION**

Tree-spiking as criminal endangerment, 45-5-207
Trespass, criminal, See **Criminal trespass**
Victims, See also **CRIME VICTIMS AND WITNESSES**
- accountability, 45-2-302
- consent, 1-3-206, 45-2-211, 46-18-304
- mental disease or defect, See **Mental disease or defect of victim**

Violent offenders, See **Sexual or violent offenders**
Voluntary act, 45-2-202
Weapons, 45-2-101, See also **WEAPONS**
- armed men, bringing into the state, 45-8-106; Const., II, 33
  - street gang activity, pattern of, 45-8-405
- assault, offenses of, 45-5-201, 45-5-210, 45-5-213
- civil disorder, prohibited activities, 45-8-107 — 45-8-109
- concealed weapons, 45-8-315
  - carrying unlawful when, 45-8-316, 45-8-327, 45-8-328; Const., II, 12
    - exceptions, 45-8-317
  - local government powers, 7-1-111, 45-8-351
  - permit to carry, 45-8-321
    - advisory council, 45-8-329
    - appeal from denial or revocation, 45-8-324
    - application, 45-8-321, 45-8-322
    - county of residence, change — notice, 45-8-325

CRIMES (Continued)
Weapons (Continued)
- concealed weapons (Continued)
  - permit to carry (Continued)
    - defense, not as, 45-8-322, 45-8-327, 45-8-328
    - federal handgun purchase background check and waiting period, exemption for permittee, 45-8-330
    - fees, 45-8-322
    - liability, 45-8-326
    - other states, from — recognition, 45-8-329
    - renewal, 45-8-322 — 45-8-324, 45-8-326
    - revocation, 45-8-323, 45-8-324, 45-8-326
  - prisoners, possession of deadly weapon, 45-8-318
    - street gang activity, pattern of, 45-8-405
  - prohibited place, carrying in, 45-8-328
  - street gang activity, pattern of, 45-8-405
  - under the influence, carrying while, 45-8-327
- "crime of violence" defined, 45-8-302, 46-18-104
- destructive device, 45-8-332, See also **Explosions and explosives**
  - possession, 45-8-334, 45-8-337
    - street gang activity, pattern of, 45-8-405
- escape, use of weapon, 45-7-306
- firearms
  - armor-piercing bullets, use during offense, 46-18-224
  - convicted person, unlawful possession — offense of, 45-8-313
    - lifetime supervision, 45-8-314
    - street gang activity, pattern of, 45-8-405
  - discharging or firing within cities and towns, 45-8-343
  - disorderly conduct, 45-8-101
  - force, justifiable use of, 45-8-343; Title 45, chapter 3
  - identity of firearm, obscuring, 45-6-326
  - individual licensure for lawful possession, establishment, 45-8-360
  - local government regulation, 7-1-111, 45-8-351
  - minors under age 14, use of firearm by, 45-8-344
    - liability of parent or guardian, 45-8-345
  - partner or family member assault, offense of, 45-5-206
  - rifles and shotguns, purchase — applicable laws, 45-8-341, 45-8-342
  - sawed-off firearm, possession, 45-8-340
    - street gang activity, pattern of, 45-8-405
  - silencers, possession or use, 45-8-336, 45-8-337, 87-3-123
  - trains, carrying on, 45-8-339
- machine guns
  - crime, possession or use in connection with a, 45-8-303
  - definitions, 45-8-302
  - exceptions to provisions, 45-8-307
  - offensive or aggressive purpose
    - possession or use for, 45-8-304
    - presumption of, 45-8-305
  - uniformity of laws, 45-8-301
- partner or family member assault, offense of, 45-5-206
- prisoners
  - possession of deadly weapon, 45-8-318
  - smuggling to, 45-7-307
- school buildings, possession or allowing possession in, 45-8-361
- sentencing, 46-18-202, 46-18-221, 46-18-222, 46-18-224
- stop and frisk, officer may take possession, 46-5-402
- street gang, supplying to, 45-8-406
- switchblade knives unlawful, 45-8-331

CRIMES (Continued)

"Willfully" defined, 1-1-204
Witnesses, 45-2-101, See **CRIME VICTIMS AND WITNESSES; WITNESSES**
Worship, place of — desecration, 45-6-104

CRIMESTOPPERS ACTS
Fish, wildlife, and parks, Title 87, chapter 5, part 6, See **FISH AND WILDLIFE**
Livestock, Title 81, chapter 6, part 3, See **LIVESTOCK**

CRIME VICTIMS AND WITNESSES
Advocate program, funding, 46-18-236
Attorney general, duties, 41-5-1416, 46-24-103, 46-24-211
Compensation of victims
  amount of benefits, 53-9-128, 53-9-130
  appeal, 53-9-130, 53-9-131
  applications for, 53-9-104, 53-9-121, 53-9-123
  attorneys' fees, 53-9-104, 53-9-106, 53-9-132
  award of compensation, 53-9-127
    limitations, 53-9-125
    reconsideration and review, 53-9-130
    tentative award, 53-9-126, 53-9-127
  bankruptcy, exemption, 31-2-106
  citation of the crime victims compensation act of Montana, 53-9-101
  claim for benefits, 53-9-104, 53-9-125
  collateral sources, 53-9-103, 53-9-125, 53-9-132
  compensation benefits, 53-9-128
  definitions, 53-9-103
  denial of benefits, 53-9-124, 53-9-125
  enforcement of orders of division of crime control, 53-9-124
  entitlement to benefits, limitation, 53-9-108
  evidence for, 53-9-104, 53-9-122 — 53-9-124, 53-9-127
  execution, attachment, garnishment, or assignment — exemption, 53-9-129
  fraud, 53-9-111, 53-9-130
  funding
    county restitution fund, 46-18-250
    crime victims compensation and assistance account, 44-13-103, 46-18-236, 46-18-248, 46-18-250, 46-18-251, 53-1-107, 53-9-104, 53-9-109, 53-30-132
    escrow fund, 53-9-104
    federal funding, 53-9-110
    limitation of benefit entitlements when, 53-9-108
  hearings, 53-9-122
  interview or story of offender, proceeds from, 53-9-104
  legislative purpose and intent, 53-9-102
  medical records or reports, 50-16-530, 53-9-107, 53-9-123
  partner or family member assault victims, 40-15-103, 40-15-110, 46-6-602
  physical examination of victim, 53-9-123
  powers and duties of division of crime control, 53-9-104
  privilege, improper assertion, 53-9-124
  probation or parole of offender, effect, 53-9-133
  records, inspection and disclosure, 53-9-107
  reduction of benefits, 53-9-108, 53-9-125
  rehabilitation of victims with disabilities, 53-9-105
  statutes of limitation, 53-9-125, 53-9-132
  subrogation of division of crime control, 53-9-132
Confidentiality of information about victim, when, 44-5-311
Creditors, notification to — assistance, 46-24-205

CRIME VICTIMS AND WITNESSES (Continued)

Damages
  cause of action not created for, 46-24-105
  civil action by victim to recover, 46-18-249
  victim or dependent, to, 53-9-104, 53-9-132
Death penalty, witnesses to — designation by victim's family, 46-19-103
Definitions, 46-18-243, 46-24-205, 53-9-103
Employers, notification to — assistance, 46-24-205
Evidence in criminal cases, items held for — petition for destruction, disposal, or use
  copy to victim, 46-5-307
  hearing, 46-5-308, 46-24-206
Information provided to
  appeal or postconviction remedies pursued by defendant, 46-24-211
  confidential criminal justice information, when, 44-5-303
  confinement of prisoner, concerning, 46-24-212
  criminally convicted youth, sentence review hearings, 41-5-2510, 46-24-211
  escape or release of offender from confinement, notification when, 44-2-601, 46-24-212
  general requirements, 46-24-201 — 46-24-203, 46-24-213
  juvenile felony offenses, 41-5-215, 41-5-1416
  scheduling changes, 46-24-204
  sexual or violent offenders, concerning, 46-23-508
Juvenile felony offenses, services and assistance, 41-5-1416, See also **Restitution by offender**, minor offenders
Midwives, direct-entry — information indicating client is victim of crime, 37-27-310
Notice of rights and services, 46-24-103, 46-24-201
Offenses, specific — consultation with or information to victim or victim's family, 46-24-104, 46-24-203
Parolees, conditional discharge when, 46-23-1021
Parole hearing, consideration of victim's statement, 46-23-202, 46-24-212
"Pecuniary loss" defined, 46-18-243
Policy of state, 46-18-101
Presentence investigation
  conference with victim, 46-18-112, 46-18-242
  report, disclosure to victim, 46-18-113, 46-24-203
Pretrial proceedings, victim's presence allowed when, 46-11-701
Probationers, conditional discharge when, 46-23-1011
Property of victim, return, 46-18-244, 46-24-206
Protective services, 46-24-202
Purpose of provisions, 46-24-101, 53-9-102
Release of defendant, conditions to include avoiding contact with alleged victim, 46-9-108
Restitution by offender, 46-18-201, 46-18-241
  allocation of money collected, 46-18-237, 46-18-251
  arraignment, defendant to be advised of, 46-12-210
  arson-caused fires, suppression and investigation costs, 46-18-261
  bail, forfeited — payment as, 46-9-512
  boats, for illegal operation in diver safety zones, 23-2-507
  civil action by victim or entity, 46-18-249, 46-18-261
  community corrections facilities and programs, offenders placed in, 53-30-303
  community service work as, 46-18-250
  counseling costs, victim's, 45-5-503, 45-5-507
  crime victims compensation and assistance account, subrogation, 46-18-248
  criminal mischief, 45-6-101
  default, 46-18-245, 46-18-247, 46-18-261
  defenses, 46-18-244
  definitions, 46-18-243
  failure to pay, effect on deferred or suspended sentence, 46-18-203

CRIME VICTIMS AND WITNESSES (Continued)
Restitution by offender (Continued)

- garnishment for, 46-18-237
- hearings on, 46-9-512, 46-18-237, 46-18-244, 46-18-246, 46-18-247, 46-18-261, 87-1-111
- home arrestees, condition, 46-18-1003
- investigation and report on victim's loss, 46-18-242, 46-18-261
- location of victim unknown, effect, 46-18-250
- minor offenders, 41-5-103
  - approval for and criteria, 41-5-1304
  - order for, 41-5-102, 41-5-103, 41-5-1512
- multiple victims, 46-18-248
- nonsupport, order for, 45-5-621
- nonviolent felony offenders, by, 46-18-225
- parole
  - order of, cited in, 46-23-215
  - violations, effect, 46-23-1025
- partner or family member assault victims, 40-15-103, 45-5-206, 46-6-602, 46-23-1005
- payment requirements, 46-18-241, 46-18-261
  - probationer, conditional discharge, 46-23-1011
  - supervision, 46-18-245
  - type and time of, 46-18-244
  - waiver or modification, 46-18-246, 46-18-261, 46-23-1011
- pretrial diversion agreements, conditions, 46-16-130
- ritual abuse of minor, 45-5-627
- setoff, 46-18-249
- state prison or women's prison inmates, 53-1-107

Sentencing hearing, evidence at, 46-18-115, 46-18-302, 46-24-203
Sexually transmitted disease testing of convicted person, 46-18-256
Sexual or violent offender registration
- information concerning offender, notification of dissemination and approval for identity of victim, 46-23-508
- petition for relief from duty to register, victim's statement and presence at hearing, 46-23-506

Social workers, communications indicating client is victim of crime, 37-22-401
Training in victim assistance, 46-24-102
Victims' assistance coordinating and planning program, 53-9-104, 53-9-109
Voter registration lists or mailing labels, addresses of victims removed from — when, 13-2-115, 13-2-122, 46-6-602
Youth court
- dispositional hearing, statements, 41-5-1511
- records and proceedings, confidentiality provisions, 53-9-104, 53-9-107
- restitution, 41-5-102, 41-5-103, 41-5-1304, 41-5-1512

CRIMINAL JUSTICE AGENCIES
Burial site records, availability, 22-3-807
Commerce, Department of — designation as, when, 37-1-413
Crime Control, Board of, 2-15-2006
- technical assistance and supportive services provided by, 44-4-301

Criminal justice information, Title 44, chapter 5
DNA identification index and testing, compatibility of systems, 44-6-102
Fish, Wildlife, and Parks — Department of, as, 23-1-106, 23-2-410, 23-2-506, 23-2-641, 23-2-806, 87-1-502
Foreign capital depositories, financial records — transfer, 32-8-515
Gambling
- tax report information, disclosure to, 23-5-116
- violations, conviction records — availability when, 23-5-161

Insurance, Department of — as, 33-1-311

CRIMINAL JUSTICE AGENCIES (Continued)

Insurance investigations, disclosure of information not required when, 33-1-409
Justice, Department of — as, 16-11-141, 23-5-113, 53-2-501
Professional and occupational licensing and regulatory boards, designation, 37-1-307
Securities commissioner, office of — as, 30-10-304

CRIMINAL JUSTICE INFORMATION
Challenges or contested cases, 44-5-105, 44-5-215
Citation of Montana Criminal Justice Information Act of 1979, 44-5-101
Collection, processing, and preservation, 44-5-201, 44-5-212, 44-5-503
Compliance, court order to enforce, 44-5-111
Confidential information, 44-5-102, 44-5-103
  applicability of laws, 44-5-104
  burial site records, 22-3-807
  charge, records and data, 46-18-204
  county coroner inquiries and inquests, 46-4-112
  crime control, division of — records, 53-9-107
  dissemination when, 44-5-303, 46-4-112
  fetal, infant, and child mortality review teams — information for, 44-5-303, 50-19-402
  financial accounts of inmates, copies of records, 53-1-108
  fire investigation records, when, 50-3-102
  gambling license applicants, licensees, and other persons — information concerning, 23-5-115, 23-5-116
  insurance fraud investigations, documents relative to, 33-1-1203
  insurers
    examination reports, 33-1-409
    holding company systems, examination and investigation information, 33-2-1116
  pen registers or trap and trace devices, information obtained from, 46-4-403
  school district trustees or superintendent of public instruction, access to — when, 20-4-113
  sexual or violent offenders
    DNA records, 44-6-108
    information concerning, 46-23-508
  statistical use, 44-5-304
  victim of crime, information concerning, 44-5-311
Criminal history record information, 44-5-103
  accuracy, procedures to ensure, 44-5-213
  audits of systems, 44-5-105
  challenge and correction, 44-5-215
  dissemination, 44-5-302, 44-5-305
  inspection or transfer of records, 44-5-214
  noncriminal justice purposes, exchange for, 44-5-601, 44-5-602
  personnel, employment requirements, 44-5-405
  statistical use, 44-5-304
Criminal intelligence information, 44-5-103, 44-5-403, 44-5-404, 44-5-503
Criminal intelligence information section, 44-5-501, 44-5-502, 44-5-511
  advisory council, 44-5-501, 44-5-502, 44-5-504, 44-5-511, 44-5-515
  duties, 44-5-503
  participating agencies, 44-5-506, 44-5-511
  privacy of individual, 44-5-503, 44-5-504, 44-5-515
  standards and procedures, 44-5-504
  supervisor and personnel, 44-5-505
Criminal investigative information, 44-5-103
Definitions, 44-5-103, 44-5-502
Dissemination, 44-5-301 — 44-5-305
  burial site records, 22-3-807
  challenges to be included, 44-5-215

CRIMINAL JUSTICE INFORMATION (Continued)
Dissemination (Continued)

  county coroner inquiries and inquests, 46-4-112
  criminal intelligence information section, 44-5-503
  fire investigation records, when, 50-3-102
  insurance fraud investigations, documents relative to, 33-1-1203
  record of, 44-5-515
  sexual or violent offenders
    DNA records, 44-6-108
    names and addresses, 46-23-508
  victim of crime, information concerning, 44-5-311
Fingerprints and photographs, 44-5-102, 44-5-103, 44-5-202, 44-5-213, 44-5-214, 44-5-302
  youth court, 41-5-1206
Medicaid fraud control unit, investigations, 53-6-157, 53-6-159
National Crime Prevention and Privacy Compact, 44-5-601, 44-5-602
Public criminal justice information, 44-5-103
  dissemination, 44-5-301
Purpose of provisions, 44-5-102
Records, 44-5-211
  hearsay exception, exclusion, Title 26, chapter 10, M.R.Ev., Rule 803
Rules, 44-5-105, 44-5-213
Statistical information, 44-5-103, 44-5-304
Systems and systems security, 44-5-103, 44-5-401 — 44-5-405
Violation of provisions, 44-5-112, 44-5-304

CRIMINALLY CONVICTED YOUTH ACT, 41-5-2501 — 41-5-2503, 41-5-2510
  See **YOUTH COURT**

CRIMINAL PROCEDURE
  See also generally **COURTS GENERALLY**; **CRIMES**
Accomplices, See also **CRIMES**, **Aiding and abetting**
  charge, filing when offense committed in another county, 46-3-113
  sentencing, 46-18-222, 46-18-304
  testimony of accomplice, 26-1-303, 46-11-405, 46-16-213
Accountability, See **CRIMES**
Accused, rights of, Const., II, 24, See **Rights of defendant**
Acquittal
  discharge of defendant upon, 46-16-605, 46-18-102
  double jeopardy provisions, effect, 46-11-503, 46-11-504
  insufficiency of evidence, 46-16-403
  new trial, upon motion for, 46-16-702
  pardons and parole, board of — statistical data to, 46-23-106
"Action" defined, 27-1-102, 27-1-103
Adjournment, See also **Continuance**; **COURTS GENERALLY**
  admonishment of jury, 46-16-501
  jury's absence, during, 46-16-505
Admissions, See **Confessions or admissions**
Answer
  extradition, upon arrest for, 46-30-301
  notice to appear to answer, 46-1-202
  plea, entry, 46-1-202
  preliminary examination, holding defendant to answer after, 46-10-106, 46-10-203, 46-10-204, 46-11-601
  summons, See **Summons**
  time allowed, 46-12-203
Appeals, See **APPELLATE PROCEDURE**
Appearance of defendant
  arraignment, at, 46-12-104, 46-12-201, 46-16-121

CRIMINAL PROCEDURE (Continued)
Appearance of defendant (Continued)

- arrest, upon, 46-6-214, 46-6-411, 46-7-101, 46-11-201
- bail to secure, 46-9-301, 46-9-401
- close pursuit, upon arrest, 46-6-411
- death penalty, when pronounced, 46-19-103
- depositions, 46-15-202; Const., II, 23
- extradition, upon arrest, 46-30-217
- felony offenses, 46-16-121 — 46-16-123
- initial, 46-7-101, 46-16-121
  - counsel, right to — informing defendant of, 46-7-102, 46-8-101, See **Counsel**
  - court's duties, 46-7-102
  - fingerprinting and photographing of accused, 44-5-202
  - judge pro tempore or special master, authority, 3-5-113
  - release or detention of defendant, 46-9-109
- jury, instructions to, 46-16-410
- misdemeanor offenses, 46-16-120, 46-16-122, 46-16-123
- notice to appear, 46-1-202, 46-6-212, 46-6-310; Title 26, chapter 10, M.R.Ev., Rule 101
- omnibus hearing, 46-13-110
- postconviction hearing, 46-21-201
- preliminary examination, 46-10-202, 46-16-121
- release of defendant, to answer charge, 46-9-105
- restitution, default hearing, 46-18-247
- review of judgment and sentence, hearing, 46-18-904
- rights, defendant informed of, 46-7-102, 46-12-210, 46-18-203
- sentencing hearings, 46-18-115, 46-18-203
- summons, 46-1-202, 46-6-212, 46-6-213
- trial, 46-16-120 — 46-16-122
- view of place or property, 46-16-502

Appear and defend, right of accused, Const., II, 24
Appellant defender system, 2-15-1020, 3-5-901, 46-8-210 — 46-8-213
Applicability of laws, 45-1-103
- civil remedies not limited, 27-1-103

Arraignment, 46-1-202, 46-12-201
- advice to defendant, 46-12-210
- amendment of information, 46-11-205
- answer, time to, 46-12-203, See also **Answer**
- appearance of defendant, 46-12-104, 46-12-201, 46-16-121
- discovery, notice of, 46-15-323
- joint defendants, 46-12-105
- judge pro tempore or special master, authority, 3-5-113
- place, 46-12-102
- plea, See **Plea**
- record of proceedings, 46-12-205
- substitution of judge, effect, 3-1-804

Arrest, See **ARREST**
Autopsies, See **FORENSIC SCIENCE**
Bail or bonds, See **BAIL**
Burial sites or materials subject to, when, 22-3-805
Calendar precedence, 46-16-101, See **DISTRICT COURTS**, **Calendar**, precedence; **SUPREME COURT**, **Calendar precedence**
Capital punishment, See **DEATH PENALTY**
Charge, 46-1-202, 46-11-401
- amendment, 46-11-205
- answer, See **Answer**
- arraignment, at, 46-12-201, See also **Arraignment**
- character an element, Title 26, chapter 10, M.R.Ev., Rules 404, 405

CRIMINAL PROCEDURE (Continued)
Charge (Continued)

complaint, See **Complaint**
defect, 46-11-401
deferred prosecution, 44-5-103, 46-16-130
dismissal, See **Dismissal of charges**
failure to state offense, nonwaivable defect, 46-13-101
filing, 46-3-110 — 46-3-115, 46-6-211
indictment, See **Grand jury**
information, See **Information**
initial appearance, defendant to be informed of charge, 46-7-102
joinder for trial, 46-13-110, 46-13-210, 46-13-211
joinder of, See **Joinder of charges**
plea, See **Plea**
sealing of record, 46-11-701
City courts, See **Justices' and city courts, proceedings in**
Clemency, Const., VI, 12; Title 46, chapter 23, part 3
Codefendants, See **Joinder of defendants**
Collateral estoppel, 46-21-101, See also **Error**; **Former prosecutions**; **Relief from judgment or sentence**
Commencement of prosecution, 45-1-205, 46-11-101; Const., II, 20
attorney general, notice to, 46-1-301
complaint, See **Complaint**
former prosecutions, See **Former prosecutions**
indictment, See **Grand jury**
information, See **Information**
witnesses, security for appearance, 46-11-601; Const., II, 23
Commitment, See also generally **CORRECTIONAL FACILITIES**
another state, to, 46-19-301 — 46-19-305, 46-19-401, 46-19-402
close pursuit, upon hearing, 46-6-411
defect, habeas corpus unavailable when harmless, 46-22-102
detainers, See **Detainers, interstate agreement**
execution of sentence, 46-19-101
fine, for execution of sentence, 46-19-102
habeas corpus, Title 46, chapter 22
interstate corrections compact
purposes, effectuation, 46-19-402
text, 46-19-401
mental disease or defect of defendant, See **Mental disease or defect of defendant**
place of imprisonment, when none specified, 46-18-211
postconviction hearing, effect, 46-21-201
presentence investigation report to accompany, 46-18-113
sentencing procedure, See **SENTENCING AND SENTENCES**
stay pending appeal, 46-20-204; Title 25, chapter 21, M.R.App.P., Rule 7
western interstate corrections compact
governor, power of, 46-19-303
hearings requested by other state, 46-19-305
inmate, commitment or transfer, 46-19-304
purposes, effectuation, 46-19-302
text, 46-19-301
Complaint, See also **Charge**
affidavits filed with, 46-6-201, 46-11-110
amendment, 46-11-111
arrest, basis for, 46-6-201
attorney general, notice to, 46-1-301
commencement of prosecution by, 45-1-205, 46-11-101, 46-11-102; Const., II, 20
criminal history record information, 44-5-103

CRIMINAL PROCEDURE (Continued)
Complaint (Continued)

- dismissal, 46-10-203, 46-13-401
- extradition
  - arrest without warrant, 46-30-301
  - filing with application, 46-30-401
- filing, 3-6-103, 3-11-102, 46-11-110
- indictment, nonconcurrence of jurors, 46-11-331, 46-11-332
- joinder for trial, 46-13-110, 46-13-210, 46-13-211
- municipal court, filed in, 3-6-103
- signing, 46-11-401

Confessions or admissions
- hearings on admissibility to be out of hearing of jury, Title 26, chapter 10, M.R.Ev., Rule 104
- homicide, to, 45-5-111
- prisoners, obtaining illegally, 45-5-204
- severance of defendants, 46-13-211
- suppression, 46-13-301, 46-20-103; Title 25, chapter 21, M.R.App.P., Rule 1
- treason, to, 46-16-202; Const., II, 30
- use of, 46-16-215

Confrontation, Const., II, 24, See **WITNESSES**
Consolidation of charges or defendants, 46-11-404, See **Joinder of charges**; **Joinder of defendants**
Construction of provisions, 46-1-103
Contempt of court, See **CONTEMPT**
Continuance
- absence of defendant from trial, 46-16-122
- arraignment, of, 46-12-201
- evidence, for examination, 46-15-329
- jury selection, for, 3-15-501
- motion for, 46-13-202
- sentencing hearing, 46-18-115

Conviction, 45-2-101, 46-1-202, See also **Judgment**; **Verdict**; **SENTENCING AND SENTENCES**
- appeal, See **APPELLATE PROCEDURE**
- bail bond returned following, 46-9-121
- civil disabilities, 46-18-801; Const., II, 28; II, 30; XII, 3
- consumer reports, inclusion of information in, 31-3-112, 31-3-126
- death sentence, automatic review, 46-18-307
- double jeopardy provisions, effect, 46-11-503, 46-11-504; Const., II, 25
- effect, 46-18-801
- estate and property of convicted persons, rights of relatives and heirs not impaired, Const., II, 30
- false charge as slander, 27-1-803
- final, when, 46-21-102
- fingerprints and photographs, return upon lack of, 44-5-202
- habeas corpus, See **HABEAS CORPUS, WRIT OF**
- joinder of charges, effect, 46-11-404
- least offense when included offenses, 46-16-606, 46-16-607
- mental disease or defect of defendant, See **Mental disease or defect of defendant**
- multiple offenses, same transaction establishing, 46-11-410
- pardons and parole, board of — dispositions and statistical data forwarded to, 46-23-106
- persistent felony offender status, notice to cite previous convictions, 46-13-108
- postconviction hearing, See **Postconviction hearing**
- sexually transmitted disease testing of convicted person, 46-18-256
- sexual or violent offenders
  - registration, 46-18-201, 46-18-255, 46-23-501 — 46-23-511
  - reversal of conviction, expungement of records, 44-6-107, 46-23-510

CRIMINAL PROCEDURE (Continued)
Conviction (Continued)

- user surcharge, imposition, 3-1-317
- witness, credibility attacked — inadmissibility, Title 26, chapter 10, M.R.Ev., Rule 609

Coram nobis, 46-21-101
Coroner, See **COUNTY CORONER**
Costs, See **Fees and costs**
Counsel

- absence of defendant from trial, 46-16-122
- appellate defender system, 2-15-1020, 46-8-210 — 46-8-213
- arraignment, 46-12-201
- assigned, 46-8-101
  - costs, 3-5-901, 46-8-113 — 46-8-115, 46-8-201, 46-18-101, 46-18-201, 46-21-201, 53-9-104, 61-8-731
  - duration of appointment, 46-8-103
  - eligibility for, 46-8-111
  - investigative subpoenas, 46-4-304
  - nonpayment by defendant, 46-8-115
  - postconviction assignment, 46-8-104, 46-21-201
  - right to, 46-7-102, 46-12-210
- bail
  - application for increase or reduction, notice, 46-9-311
  - may not furnish, 37-61-419, 46-9-402
  - setting, 46-9-206
- compelling testimony or production of evidence, immunity, 46-15-331
- contempt, 46-15-329
- death penalty, arguments for or against, 46-18-302
- deferred prosecution, 46-16-130
- deposition of witnesses, 46-11-601, 46-15-201, 46-15-202; Const., II, 23
- discovery, 46-15-323, 46-15-324, 46-15-328 — 46-15-330
- electronic audio-video communication, use, 46-7-101, 46-9-206, 46-10-202, 46-12-201
- jurors, examination of, 46-16-114
- mental disease or defect of defendant
  - issue raised by counsel, 46-14-202, 46-14-221
  - mandatory hearing on release from commitment, notice served on, 46-14-301
  - professional person to perform examination, 46-14-302
  - resumption of proceedings, application, 46-14-222
- misdemeanor offenses, appearance of or for defendant, 46-16-120
- omnibus hearing, 46-13-110
- plea, 46-12-204, 46-12-211, 46-18-204
- postconviction hearing, ineffectiveness or incompetence of counsel — effect, 46-21-105
- preliminary examination, 46-10-202, 46-10-204
- presentence investigation reports, 46-18-113
- pretrial diversion, 46-16-130
- prisoners
  - attorney may see, 37-61-418
  - parole hearings, 46-23-202
- public defender as, 2-15-1020, 46-8-202, 53-9-104
- right to, 46-8-101
  - extradition proceedings, 46-30-217
  - informing of right, 46-7-102, 46-8-101, 46-12-210, 46-30-217
  - investigative subpoenas, 46-4-304
  - postconviction hearing, 46-21-201
  - sentencing hearings, 46-18-203, 46-18-223
  - waiver, 46-8-102, 46-16-130
- special counsel, employment when, 7-4-2705
- subpoenas, request for and inspection of evidence, 46-15-101, 46-15-106

CRIMINAL PROCEDURE (Continued)
Counsel (Continued)

  trial, order of, 46-16-401
  verdict, motion to strike, 46-18-204
  videotaped testimony, presence at, 46-15-402, 46-16-216
  view of place or property, presence at, 46-16-502
  work product, 46-1-202, 46-15-324
County coroner, See **COUNTY CORONER**
Court charge and disposition, 25-30-102, 46-17-402, 46-18-236, 46-18-251
Crime victims and witnesses — treatment, protection, and services, See **CRIME VICTIMS AND WITNESSES**
Criminal justice information, Title 44, chapter 5
Deaf persons, interpreters for, Title 49, chapter 4, part 5, See also **Interpreters**
Death penalty, See **DEATH PENALTY**
Defect in proceedings, See **Error**
Defenses, See also **CRIMES**
  disclosure, 46-15-322, 46-15-323, 46-15-329
  failure to raise, 46-15-325
  mental disease or defect of defendant, 46-14-204, 46-15-322, 46-15-323
  notice of certain defenses, 46-13-110, 46-15-323
  omnibus hearing, 46-13-110
  restitution order, loss compensated by, 46-18-244
  time to raise, 46-13-101
  waiver, 46-13-101
Deferred prosecution, 44-5-103, 46-16-130
Definitions, 45-2-101, 46-1-202
  action, 27-1-102, 27-1-103
  mental disease or defect, 46-14-101
  pen register or trap and trace device, 46-4-401
Depositions, Const., II, 23, See also **Discovery**; **CIVIL PROCEDURE**
  grand jury, use, 46-11-314
  material witness, of, 46-11-601
  postconviction hearings, 46-21-201
  procedure for taking, 46-15-202
  use, 46-15-204
  when taken, 46-11-601, 46-15-201
  "witness" defined, 26-1-101, See **WITNESSES**
Detainers, interstate agreement, See also **EXTRADITION**
  coordinator, 46-31-203
  enforcement, 46-31-201
  escape from custody, 46-31-204
  giving over of inmate required, 46-31-202
  jurisdiction of district court, 46-31-102
  text, 46-31-101
Detention of defendant, 3-5-113, 46-9-105 — 46-9-107, 46-9-109
Discharge of defendant, See **Release of defendant**
Discovery, See also **Evidence**
  compelling testimony or production of evidence, immunity, 46-15-331
  continuing duty to disclose, 46-15-327
  defendant, by, 46-15-323
  excision or protective orders, 46-15-328
  failure to call witness or raise defense, effect, 46-15-325
  investigation not to be impeded, 46-15-330
  make available for examination and reproduction, 46-1-202
  materials not subject to, 46-15-324
  mental disease or defect of defendant, examination report, 46-14-204
  motions, 46-11-317, 46-13-110

CRIMINAL PROCEDURE (Continued)
Discovery (Continued)

- noncompliance, sanctions, 46-15-329
- omnibus hearing, 46-13-110
- postconviction hearing, 46-21-201
- privileged information, 46-15-332, See also **EVIDENCE, Privileges**
- prosecution, by, 46-15-322
- use of materials, 46-15-326

Dismissal of charges
- appeal by state, grounds for, 46-20-103; Title 25, chapter 21, M.R.App.P., Rule 1
- crime victim, consultation with, 46-24-104
- defect in charge, effect, 46-11-401
- deferred imposition of sentence, after, 46-18-204
- deferred prosecution, 46-16-130
- indictment, disclosure provisions upon motion to dismiss, 46-11-317
- informant, failure to disclose identity, Title 26, chapter 10, M.R.Ev., Rule 502
- insufficiency of evidence, 46-16-403
- mental disease or defect of defendant, when, 46-14-221, 46-14-222
- motion on, 46-13-110, 46-13-204, 46-13-401
- omnibus hearing, 46-13-110
- order, 46-13-401, 46-13-402, 46-18-204
- plea agreement, 46-12-211
- preliminary examination, 46-10-203
- transfer of trial in lieu of, 46-13-204

Diversion programs, 44-5-103, 46-16-130
DNA testing, 44-6-101 — 44-6-103, 44-6-106 — 44-6-108, 44-6-110, 46-18-202, 46-23-215
Docketing, See **DISTRICT COURTS, Calendar**, precedence; **SUPREME COURT, Calendar precedence**
Double jeopardy, Const., II, 25, See **Former prosecutions**
Drug users, report to county attorney, 46-9-203
Due process guaranteed, Const., II, 17
Error
- appeal, notice on, 46-20-104, 46-20-701; Title 25, chapter 21, M.R.App.P., Rules 1, 2
- arrest warrant, defect, 46-6-204
- charge, defect, 46-11-401
  - failure to state offense, nonwaivable, 46-13-101
- death sentence, review in appeal, 46-18-310
- double jeopardy provisions, effect, 46-11-503
- harmless error, 46-12-213; Title 25, chapter 21, M.R.App.P., Rules 1, 2
- jurisdiction, lack of — nonwaivable, 46-13-101
- jurors, instructions to, 46-16-410
- mistrial, 46-15-329, 50-16-102
- postconviction hearing, 46-21-101, See **Postconviction hearing**
- technical defects, 46-22-102

Evidence, See also **EVIDENCE**; **WITNESSES**
- accomplices, testimony of, 26-1-303, 46-11-405, 46-16-213
- acquittal, insufficient evidence to warrant conviction, 46-11-503
- additional, disclosure, 46-15-327
- bail forfeiture used as restitution, inadmissibility, 46-9-512
- burden of persuasion, 26-1-403
- character evidence, 46-15-322, 46-15-323; Title 26, chapter 10, M.R.Ev., Rules 404, 405
- codefendant, testimony of, 26-1-303, 46-11-405, 46-16-213
- confessions
  - admissibility, hearings out of hearing of jury, Title 26, chapter 10, M.R.Ev., Rule 104
  - entered into evidence when, 46-16-215
  - homicide, to, 45-5-111
  - suppress, motion to, 46-13-301

CRIMINAL PROCEDURE (Continued)
Evidence (Continued)
  confessions (Continued)
    treason, to, 46-16-202; Const., II, 30
  crime victim, property returned to, 46-24-206
  death penalty
    review by supreme court, 46-18-310
    sentencing hearing, 46-18-302
  depositions, See **Depositions**
  discovery, See **Discovery**
  DNA, forensic typing, 44-6-101
  exclusion, 46-15-329
  exclusionary rule, 46-13-301, 46-13-302
  execution, immunity when obtained in proceedings in aid of, 25-14-106
  expert testimony, 46-11-315, 46-11-319, 46-15-116
  extradition, evidence of transportation for, 46-30-226
  grand jury, before, 46-11-308, 46-11-314 — 46-11-316, 46-11-319; Title 26, chapter 10, M.R.Ev., Rule 101
    indictment, sufficiency for, 46-11-331
  guilty intent, presumption, 26-1-602
  guilty plea or withdrawal, admissibility, Title 26, chapter 10, M.R.Ev., Rule 410
  habeas corpus, hearing, 46-22-305
  hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rules 803, 804
  informant
    discovery, 46-15-322, 46-15-324
    effect when identity undisclosed, Title 26, chapter 10, M.R.Ev., Rule 502
  information, supporting, 46-11-201
  initial appearance, admissibility of statements made at, 46-7-102
  innocence, presumption, 26-1-602, 46-16-204
  insufficient to go to jury, 46-16-403
  judgment, review — consideration, 46-18-904
  judicial notice, effect, Title 26, chapter 10, M.R.Ev., Rule 201
  jury
    admonition to, presumption, 46-16-501
    deliberations, 46-16-503 — 46-16-503
    improper selection or drawing, burden of proof on movant, 46-16-112
    view of place or property, 46-16-502
  lesser included offense instruction to jury, 46-16-607
  mental disease or defect of defendant
    admissibility to prove lack of required mental state, 46-14-102, 46-14-217
    commitment, evidence for release, 46-14-301, 46-14-302
      revocation of conditional release, 46-14-304
    predisposition investigation, 46-14-301
    privileged information, 46-14-217
    psychiatric or psychological testimony, 46-14-213, 46-14-221, 46-14-302
    sentencing, consideration in, 46-14-311
  new trial, hearing on motion for, 46-16-702
  nolo contendere, admissibility, Title 26, chapter 10, M.R.Ev., Rule 410
  obstruction of investigation or prosecution, admissibility of evidence on compromise, Title 26, chapter 10, M.R.Ev., Rule 408
  order of presenting, 46-16-401
  pen registers or trap and trace devices, procedural irregularity — effect, 46-4-405
  postconviction hearing, 46-21-104, 46-21-201
    petition, newly discovered evidence, 46-21-102
  preliminary examination, 46-10-202, 46-10-204
  pretrial diversion agreements, stipulations, 46-16-130
  pretrial proceedings and records, closure and sealing when, 46-11-701
  probation and parole, interstate supervision — hearings, 46-23-1105

CRIMINAL PROCEDURE (Continued)
Evidence (Continued)

- production compelled, 46-15-331
- reasonable doubt, 26-1-403, 46-16-606, 46-16-607
- release or detention of defendant, determination upon weight of evidence, 46-9-109
- rules of evidence
  - applicability, 46-16-201, 46-16-216, 46-18-302; Title 26, chapter 10, M.R.Ev., Rule 101
  - judges pro tempore or special masters, proceedings before, 3-5-113
  - other crimes, wrongs, or acts — notice, 46-13-109
  - persistent felony offender status, notice, 46-13-108
- sentence
  - deferred or suspended, revocation hearing, 46-18-203
  - presumption of correctness, 46-18-904
- sexual offenses, 45-5-511
  - medical evidence, payment, 46-15-411
  - videotaped testimony, 46-15-402, 46-15-403, 46-16-216
- subpoenas for production of, 46-15-106, See **Subpoenas**; See also **SUBPOENAS**
- suppression, 46-11-701, 46-13-110, 46-13-302
  - appeal
    - by state, 46-20-103; Title 25, chapter 21, M.R.App.P., Rule 1
    - errors noted on, 46-20-701
  - confessions or admissions, 46-13-301
  - obstructing justice by, 45-7-303
  - presumption created by, 26-1-602
- suppress, motion to, 46-13-110, 46-13-301, 46-13-302
  - not proper when, 46-10-202
- testing of evidence, costs, 46-4-306
- transcript of proceedings, 3-5-612
- treason, on trial for, 46-16-202
- videotaped testimony, 46-15-402, 46-15-403, 46-16-216
- witnesses, See also **WITNESSES, Criminal proceedings, in**
  - accomplices, testimony of, 26-1-303, 46-11-405, 46-16-213
  - detention to secure testimony, Const., II, 23
  - exclusion from proceedings, 3-1-313
  - material witness, recognizance by or deposition of, 46-11-601
  - state's witness, 46-11-405
  - subpoena, certificate on, 46-15-112, 46-15-113
- writing to refresh memory, noncompliance with order to produce, Title 26, chapter 10, M.R.Ev., Rule 612

Execution of judgment, See **Judgment**
Executive clemency, Const., VI, 12; Title 46, chapter 23, part 3
Extradition, Title 46, chapter 30
Fees and costs

- appeals, See **APPELLATE PROCEDURE, Costs**
- assigned counsel, 3-5-901, 46-8-113 — 46-8-115, 46-8-201, 46-18-101, 46-18-201, 46-21-201, 53-9-104
- county charges, 7-6-2427, 7-6-2428
- deaf persons, interpreters for, 49-4-509
- defendant, payment by, See **SENTENCING AND SENTENCES, Costs**
- depositions, 46-15-202
- district court expenses, See **DISTRICT COURTS, Reimbursement program**
- extradition, 46-30-403, 46-30-411
- fines and forfeitures, application to, 46-18-603
- grand jury, 46-11-313, 46-11-315, 46-11-319
- jurors, 3-5-901, 3-5-903, 3-15-203, 46-18-232
- lien for, 46-18-601
- medical evidence of victim of sexual offense, 46-15-411

CRIMINAL PROCEDURE (Continued)
Fees and costs (Continued)

- mental disease or defect of defendant
  - commitment when unfit to stand trial, 3-5-901, 46-14-221
  - examination to determine fitness or mental condition, 3-5-901, 46-14-202
- municipal courts, 46-8-201, 46-17-402
- public defender, 46-8-202
- state prison, offenses committed in — trial for, 53-30-110
- stay, Title 25, chapter 30, part 2, U.M.C.R.App., Rule 7
- transcript of proceedings, 3-5-604, 3-5-901
- user surcharge, 3-1-317
- witnesses, See **WITNESSES**, **Fees**

Felony offenses, specific provisions, 46-16-121 — 46-16-123
Findings of fact and conclusions of law

- death sentence, required, 46-18-306
- inconsistencies, 46-11-410
- postconviction hearing, 46-21-202
- pretrial motion, final determination, 46-13-104

Fines, See **SENTENCING AND SENTENCES**
Fish and wildlife code, not to supersede, 87-1-110
Foreign-trade zones, jurisdiction, 30-15-103
Former prosecutions, bar to prosecution, 46-11-503; Const., II, 25

- dismissal of action, effect, 46-16-403
- exceptions, 46-11-505
- foreign jurisdiction, when a bar, 46-11-504
- impeachment, convicted party subject to prosecution by law, Const., V, 13
- multiple defendants, when jury unable to agree on verdict, 46-16-603
- omnibus hearing, 46-13-110

Genetic testing required when, 33-18-902
Grand jury, 3-15-102, 3-15-103, 46-11-310; Const., II, 20, See also **Juries and jurors**

- advice and assistance to, 46-11-315
- alternate jurors, 46-11-301, 46-11-302
- challenges to, 46-11-302
- charge by judge, 46-11-311
- closed hearing, 46-11-307
- composition, 3-15-602, 46-11-301
- county treasurer's books and records, inspection, 7-6-2114
- depositions, 46-11-314
- developmental disabilities — disclosure of reports of abuse, neglect, or exploitation of persons with, 52-3-813
- discharge of jurors, 46-11-302
- discharge of jury, 46-11-318
- drawing, 3-15-601, 3-15-602, 3-15-604, 46-11-301; Const., II, 20
- elder abuse, neglect, or exploitation reports — disclosure to, 52-3-813
- evidence, 46-11-308, 46-11-314 — 46-11-316, 46-11-319, 46-11-331
  - rules of evidence inapplicable, Title 26, chapter 10, M.R.Ev., Rule 101
- excuse of juror, 46-11-302
- expenses, 46-11-313, 46-11-315, 46-11-319
- fees, 3-15-201
- foreign capital depositories, financial records — obtaining, 32-8-509
- foreman, 46-11-303
  - indictment, duties, 46-11-303, 46-11-331, 46-11-332, 46-11-401
  - subpoena of witnesses, 46-11-313
- impaneling, 3-15-603
- indictment, 46-11-331, See also **Charge**
  - challenges to jurors, peremptory — number, 46-16-116
  - commencement of prosecution by, 45-1-205, 46-11-101, 46-11-102; Const., II, 20

CRIMINAL PROCEDURE (Continued)
Grand jury (Continued)
  indictment (Continued)
    concurrence of jurors, 46-11-302, 46-11-303, 46-11-331; Const., II, 20
    consumer report, inclusion of information in, 31-3-112, 31-3-126
    criminal history record information, 44-5-103
    dismissal, 46-11-302, 46-11-317, 46-13-401
    drawn by county attorney, 7-4-2712
    extradition demand, to accompany, 46-30-211, 46-30-401
    false charge as slander, 27-1-803
    filing, 45-1-205, 46-11-307, 46-11-332, 46-11-601
    fingerprinting and photographing of accused when, 44-5-202
    inquiry into validity, juror as witness, Title 26, chapter 10, M.R.Ev., Rule 606
    joinder for trial, 46-13-110, 46-13-210, 46-13-211
    judicial officer, disqualification when pending against, 3-1-1109
    living trust violations, return — statute of limitations, 30-10-913
    midwives, direct-entry — violations, 37-27-325
    nuisance, remedy for, 27-30-202
    preliminary examination waived by, 46-10-105
    presentation, 46-11-332
    record, 46-11-302
    repeal of law creating offense, effect, 1-2-205
    signing by foreman, 46-11-303, 46-11-401
    state's witnesses, 46-11-401, 46-11-405
    surplusage, motion to strike, 46-11-401
    treason, evidence, 46-16-202
  interpreters, 46-11-308, 46-11-315, 46-11-317, 46-11-319, 49-4-503
  multijudge district, drawing and summoning in, 3-15-604
  oath, 3-15-103, 46-11-302, 46-11-303
  pen register or trap and trace device proceedings, applicability, 46-4-403
  records, 46-11-302, 46-11-303, 46-11-316
  secrecy of proceedings, 46-11-307, 46-11-317
    investigative subpoenas, applicability of laws, 46-4-304
  special prosecutor, 46-11-304, 46-11-315, 46-11-319
  stenographer, 46-11-308, 46-11-316, 46-11-317
  subpoena of witnesses, 46-11-313
  summoning, 3-15-601, 3-15-602, 3-15-604, 46-11-301; Const., II, 20
  trial jury, service on grand jury grounds for challenge, 46-16-115
  who may be present, 46-11-308
  witnesses, 46-1-202, 46-11-304, 46-11-308, 46-11-313 — 46-11-316, 46-15-112, 46-15-113, 46-15-116, 46-15-120
Guilt
  bail, effect on, 46-9-102
  close pursuit, hearing upon does not determine, 46-6-411
  establishment, 26-1-403
  extradition proceedings, inquiry by governor prohibited, 46-30-225
  plea, See **Plea**
Habeas corpus, writ of, Title 46, chapter 22
Hearings
  appearance, initial, See **Appearance of defendant**, initial
  charge, place of filing — establishment, 46-3-111
  jury, improper selection or drawing, 46-16-112
  mental disease or defect of defendant
    disposition of defendant, 46-14-301
    fitness to proceed, 46-14-221, 46-14-222
    release or discharge from commitment, 46-14-301, 46-14-302
  new trial, motion for, 46-16-702
  omnibus, See **Omnibus hearing**

CRIMINAL PROCEDURE (Continued)
Hearings (Continued)

  persistent felony offender status, notice on, 46-13-108
  preliminary, See **Preliminary examination**
  pretrial motions, 46-13-104, 46-13-301, 46-13-302
  suppression of evidence, motions for, 46-13-301, 46-13-302
Human skeletal remains subject to, when, 22-3-805
Impeachment of public officers, criminal prosecution not barred, 5-5-403; Const., V, 13
Imprisonment, See **Commitment**
Included offenses, 46-1-202, 46-11-410, See also **Joinder of charges**
Indictment, See **Grand jury**; See also **Charge**
Indigent persons
  appeals, See **APPELLATE PROCEDURE, In forma pauperis**
  appellant defender system, 2-15-1020, 3-5-901, 46-8-210 — 46-8-213
  counsel, assigned, See **Counsel**
  determination of indigence, 46-8-111
  mental disease or defect, examination costs, 46-14-202
  public defender, 46-8-202
  user surcharge, waiver, 3-1-317
  witnesses, subpoena and compensation, 46-15-115
Inferior courts, trial in, See **Justices' and city courts, proceedings in**; **Municipal courts, proceedings in**
In forma pauperis, See **Indigent persons**
Information, See also **Charge**
  affidavit, 46-11-201, 46-11-205
  amendment, 46-11-205
  challenges to jurors, peremptory — number, 46-16-116
  commencement of prosecution by, 45-1-205, 46-11-101, 46-11-102; Const., II, 20
  criminal history record information, 44-5-103
  dismissal, 46-13-401
  drawn by county attorney, 7-4-2712
  extradition demand, to accompany, 46-30-211, 46-30-401
  filing, 41-5-206, 45-1-205, 46-11-203, 46-11-601
  fingerprinting and photographing of accused when, 44-5-202
  indictment, nonconcurrence of jurors, 46-11-331, 46-11-332
  joinder for trial, 46-13-210, 46-13-211
  judicial officer, disqualification when pending against, 3-1-1109
  leave to file, 46-11-201
  living trust violations, return — statute of limitations, 30-10-913
  midwives, direct-entry — violations, 37-27-325
  nuisance, remedy for, 27-30-202
  preliminary examination waived by, 46-10-105, 46-11-101
  repeal of law creating offense, effect, 1-2-205
  rules of evidence, applicability, Title 26, chapter 10, M.R.Ev., Rule 101
  signing, 46-11-401
  state's witnesses, 46-11-401, 46-11-405
  surplusage, motion to strike, 46-11-401
  treason, evidence, 46-16-202
  youth court cases transferred to district court, 41-5-206
Initial appearance, See **Appearance of defendant**
Innocence presumed, 26-1-602, 46-16-204
  acquittal, See **Acquittal**
  extradition proceedings, inquiry by governor prohibited, 46-30-225
  plea, See **Plea**, not guilty
Inquests, See **COUNTY CORONER**
Insanity of defendant, See **Mental disease or defect of defendant**

CRIMINAL PROCEDURE (Continued)

Interpreters
  deaf persons, for, Title 49, chapter 4, part 5
  fees, 26-2-504, 49-4-509
  grand jury, for, 46-11-315, 46-11-317, 46-11-319
Interstate Agreement on Detainers, Title 46, chapter 31
Interstate Corrections Compact, Title 46, chapter 19, part 4
Interstate Corrections Compact, Western, Title 46, chapter 19, part 3
Investigative subpoenas, See **Subpoenas**
Irregularity, effect, 46-1-103, See **Error**
Issues
  law and fact, who decides, 46-16-103
  not guilty plea, effect, 46-16-104
Joinder for trial together — indictments, informations, complaints, or defendants, 46-13-110, 46-13-210, 46-13-211
Joinder of charges, 46-11-404
  omnibus hearing, 46-13-110
  prejudice by, 46-13-211
  same transaction, commission in, 46-1-202, 46-11-410
  verdict, 46-11-404, 46-16-603
Joinder of defendants, 46-11-404, 46-13-210, 46-13-211
  appeal by codefendant, 46-20-105
  arraignment, 46-12-105
  discharge of codefendant, 46-11-405
  omnibus hearing, 46-13-110
  prejudice by, 46-13-211
  state's witness, turning, 46-11-405
  verdict, 46-16-603
Judge or justice, substitute, 3-1-804, 3-1-805
Judges pro tempore or special masters, proceedings before, 3-5-113
Judgment, 46-1-202, 46-18-116, See also **SENTENCING AND SENTENCES**
  appeal, 46-9-107, 46-12-204, 46-20-103, 46-20-104, See also **APPELLATE PROCEDURE**
    notice, time for filing, Title 25, chapter 21, M.R.App.P., Rule 5
  assigned counsel, nonpayment of costs by defendant, 46-8-115
  commitment, See **Commitment**
  death penalty, See **DEATH PENALTY**
  execution, 46-19-101 — 46-19-103
  extradition demand, to accompany, 46-30-211, 46-30-401
  fines or costs, for, 46-17-303, 46-18-601, 46-18-603, 46-19-102
  habeas corpus, effect, 46-22-306
  hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
  invalid judgment, effect on sentence, 46-18-402
  justices' and city courts, 46-17-302, 46-17-303
  lien, as, 46-18-601
  mental disease or defect, judgment must state when found not guilty, 46-14-214
  plea, inclusion, 46-12-211, 46-18-116
  postconviction hearing, 46-21-104, 46-21-201
  rendition, 46-18-102
  restitution as, 46-18-247
  review, 46-18-904
  sentence
    judgment includes, 46-1-202, 46-18-115, 46-18-116, 46-18-223
    mandatory, statement included in, 46-18-223
    reasons, statement included, 46-18-223
  sexually transmitted disease testing of convicted person, 46-18-256

CRIMINAL PROCEDURE (Continued)
Judgment (Continued)
- sexual or violent offenders
  - DNA testing requirement, 44-6-103
  - registration, 46-23-504
- stay of execution, appeal, Title 25, chapter 30, part 2, U.M.C.R.App., Rule 7
  - no stay when judgment in favor of defendant, 46-20-205; Title 25, chapter 21, M.R.App.P., Rule 7
- verdict, inclusion, 46-18-116
- writing, to be in, 46-18-601

Juries and jurors, See also **JURIES AND JURORS**
- alternate jurors, 46-16-118
- challenges
  - for cause, 46-16-115
  - grand jury, to, 46-11-302
  - peremptory, 46-16-116, 46-16-118
  - time for, 46-16-117
- communication with, 46-16-501 — 46-16-503
- deliberations, 46-16-118, 46-16-503 — 46-16-505, 46-16-604
- discharge of panel, 46-16-112, 46-16-604
- examination of jurors, 46-11-503, 46-16-114
- exclusion from court proceedings
  - confessions, hearings on admissibility, 46-13-301; Title 26, chapter 10, M.R.Ev., Rule 104
  - death penalty, sentencing hearing, 46-18-301
  - instructions to jury, settlement on, 46-16-410
  - sentencing hearings, 46-18-223, 46-18-301
  - sexual intercourse without consent, hearings on admissibility of evidence, 45-5-511
- excuses from jury duty, 46-16-111, 46-16-115
- false statements of juror, 46-11-503
- fees, 3-5-901, 3-5-903, 3-15-203, 46-18-232
- foreman, verdict signed by, 46-16-603
- formation of jury, 46-13-203, 46-16-111, 46-17-202
- grand jury, See **Grand jury**
- impaneling, 3-15-509, 3-15-705, 46-11-503
- improper selection or drawing, 46-16-112
- instructions to jury, 46-16-118, 46-16-401, 46-16-410, 46-16-504, 46-16-607, See also **CIVIL PROCEDURE, Jury instructions**
- issues of law and fact decided by, 46-16-103
- justice's and city courts, 3-15-705, 46-17-201, 46-17-202, 46-17-311
- municipal court, 46-17-202, 46-17-311, 46-17-403
- number of jurors, 46-16-110, 46-16-116, 46-17-201, 46-17-311
- poll of jury, 46-16-604
- qualifications of jurors, 46-16-111
- right to trial by jury, 46-12-210, 46-16-110, 46-17-201; Const., II, 24; II, 26
- sentencing exceptions, exclusion from hearing, 46-18-223
- separation of jury or order to remain sequestered, 46-16-501
- verdict, See **Verdict**
- view of place or property, 46-16-502
- waiver of jury trial, 46-16-103, 46-16-110, 46-17-201

Jurisdiction
- city courts, 3-11-102, 3-11-103, 46-2-203
- district court, 3-5-302, 46-2-201; Const., VII, 4
- double jeopardy provisions, effect, 46-11-503 — 46-11-505; Const., II, 25
- extradition proceedings not a waiver of jurisdiction, 46-30-102
- federal lands, Title 2, chapter 1, part 2
- indian lands, 2-1-301 — 2-1-303, 2-1-306, 2-1-307
- justices' courts, 3-5-302, 3-10-303, 46-2-202; Const., VII, 5

CRIMINAL PROCEDURE (Continued)
Jurisdiction (Continued)

- lack of jurisdiction
  - dismissal, motion for, 46-13-204
  - double jeopardy provisions, effect, 46-11-505
  - nonwaivable defect, 46-13-101
  - sentence, effect on, 46-21-101
- municipal courts, 3-6-103, 46-2-204
- state, 46-2-101

Justices' and city courts, proceedings in
- appeal, 46-9-107, 46-17-304, 46-17-311, 46-21-101
- appearance and arraignments, time for, Title 25, chapter 24, M.U.R.J.C.C., Rule 15
- assigned counsel, 46-8-201
- city attorney to prosecute in city court, 3-11-301
- complaints charging commission of felony, filing, 3-11-102
- costs, 46-8-201, 46-18-235, 46-18-603
- court charge upon defendant's conviction, 46-17-303, 46-18-236, 46-18-251
- discharge of defendant, 46-17-302
- docket, 46-17-102
- drug users, report to county attorney, 46-9-203
- fines, 46-17-302 — 46-17-304, 46-18-235, 46-18-603
- impaneling, 3-15-705
- judgment, 46-9-107, 46-17-302, 46-17-303
- juries and jurors, 3-15-705, 46-17-201, 46-17-202, 46-17-311; Title 25, chapter 24, M.U.R.J.C.C., Rule 19
- jurisdiction, 3-5-302, 3-10-303, 3-11-102, 3-11-103, 46-2-202, 46-2-203; Const., VII, 5
- parties to action, 3-11-302
- plea of guilty or nolo contendere, 46-17-203
- postconviction hearing, petition, 46-21-101
- preliminary examination before, 3-10-303, 46-10-105; Const., VII, 5, See also **Preliminary examination**
- record, 46-17-102
- special master, city judge as, 3-5-122
- trial de novo, 46-17-203, 46-17-311

Juveniles as offenders, See **Minors**; **YOUTH COURT**
Lesser included offenses, 3-5-302, 46-11-410, 46-16-702, 46-20-703, See also **Joinder of charges**
Limitation of actions, See **STATUTES OF LIMITATION**
Lower courts, proceedings in, See **Justices' and city courts, proceedings in**; **Municipal courts, proceedings in**
Medical examiner, state, See **FORENSIC SCIENCE**
Mental disease or defect of defendant, 46-14-101, See also **CRIMES, Mental state**
- admissibility to prove mental state, 46-14-102, 46-14-217
- death penalty
  - mitigating circumstance, 46-18-304
  - suspension for lack of fitness, 46-19-201, 46-19-202
- defense, as, 46-14-204, 46-15-322, 46-15-323
- discharge or release of defendant
  - commitment, from, 46-14-301 — 46-14-304, 46-14-313, 53-21-184
  - custody, from, 46-14-222
- escape or release from confinement, notification of, 44-2-601
- examination for release from commitment, 46-14-302
- examination to determine fitness or mental condition, 46-14-202, 46-14-311
  - access to defendant for, 46-14-205
  - admissibility of defendant's statements, 46-14-217
  - expenses, 3-5-901, 46-14-202
  - prosecution, right to, 46-14-204

CRIMINAL PROCEDURE (Continued)
Mental disease or defect of defendant (Continued)
- examination to determine fitness or mental condition (Continued)
    - report, 46-14-204, 46-14-206, 46-14-221, 46-14-311, 46-15-323
    - testimony upon trial, 46-14-213, 46-14-221
- fitness to proceed, 46-14-103, 46-14-202, 46-14-221, 46-14-222
- not guilty due to lack of mental state, 46-14-214, 46-14-301
    - commitment upon finding of, 46-14-301, 46-14-302, 46-14-304
- resumption of proceedings, 46-14-222
- sentencing, consideration in, 46-14-311 — 46-14-313

Mental disease or defect of victim, See **CRIMES**
Merger of civil and criminal remedies, right not merged, 27-1-103, 45-1-104
Minors, See also **YOUTH COURT**
- charged as adults when, 41-5-206
- death penalty
    - exception when, 45-5-102, 45-5-503
    - mitigating circumstance, 46-18-304
- parole, probation, and clemency provisions — exclusion, 46-23-102
- posttrial motions, availability, 41-5-1421
- sentences, See **SENTENCING AND SENTENCES**

Misdemeanor offenses, specific provisions, 46-16-120, 46-16-122, 46-16-123, 46-17-201
Mistake, See **Error**
Mistrial, 46-15-329, 50-16-102; Title 26, chapter 10, M.R.Ev., Rule 612
Motions and orders
- appeal of, 46-20-101, See **APPELLATE PROCEDURE**
- arrest warrant, written order, 46-1-202, See **ARREST, Warrants**
- assigned counsel, nonpayment of costs by defendant, 46-8-115
- dismissal of action
    - motion for, 46-16-403; Title 26, chapter 10, M.R.Ev., Rule 502
    - order for, 46-13-401, 46-13-402
- dismissal of charge, order for, 46-18-204
- failure to call witness or raise defense, to allow comment on at trial, 46-15-325
- guilty or nolo contendere plea, withdrawal or to strike guilty verdict — motion for, 46-18-204
- judge pro tempore or special master, orders by — effect, 3-5-113
- mental disease or defect of defendant
    - fitness to proceed, treatment plan to assist — order for compliance, 46-14-221
    - resumption of proceedings if fitness regained, for, 46-14-222
- new trial, motion for, 46-16-702
- postconviction hearing, deadline for filing amended petition, 46-21-105
- pretrial motions, See **Pretrial motions**
- review, 46-20-101
- search warrant, written order, 46-1-202, See **SEARCH AND SEIZURE, Warrants**
- summons, written order, 46-1-202, See **Summons**
- verdict, poll of jury, 46-16-604
- witnesses, expert — for additional fees, 46-15-116

Multiple offenses, 46-1-202, 46-11-410, See also **Joinder of charges**
Municipal courts, proceedings in
- appeals, See **MUNICIPAL COURTS, Appeals to district court**
- assigned counsel, 46-8-201
- charges upon defendant's conviction or forfeiture, imposition and disposition, 25-30-102, 46-17-402, 46-18-236, 46-18-251
- complaint, filing, 3-6-103
- district court rules, applicability, 46-17-401
- fees and fines, 46-8-201, 46-17-402
- guaranteed arrest bond certificates, 46-9-414
- jurisdiction, 3-6-101, 3-6-103, 46-2-204
- jury trial, 46-17-202, 46-17-311, 46-17-403
- postconviction hearing, petition, 46-21-101

CRIMINAL PROCEDURE (Continued)
Municipal courts, proceedings in (Continued)

- records, 3-6-302

New trial, 46-1-202
- appeal, court order upon, 46-20-703
- appeal of order for, 46-20-103; Title 25, chapter 21, M.R.App.P., Rule 1, See **APPELLATE PROCEDURE**
- bail, 46-9-104, 46-9-401
- effect, 46-16-701
- motion for, 46-16-702
- substitution of judge, 3-1-804

Nonjudicial days, proceedings permitted on, 3-1-302, 3-1-303
Nonsupport — security, restitution, and sentencing, 45-5-621
Not guilty, See **Acquittal**; **Innocence presumed**; **Judgment**; **Plea**
Objections
- challenges to jurors, See **Juries and jurors**
- charge, place of filing, 46-3-111
- failure to raise during trial, 46-20-104
- judge pro tempore or special master, to orders by, 3-5-113
- jury
  - instructions to, 46-16-410
  - selection or drawing, 46-16-112
- mental disease or defect of defendant, effect, 46-14-221
- time for, 46-13-101
- waiver, 46-13-101, 46-20-104

"Offender" defined, 53-30-303
"Offense" defined, 46-1-202
Omnibus hearing, 46-13-110
- other crimes, wrongs, or acts — notice, 46-13-109, 46-13-110
- persistent felony offender status, notice, 46-13-108, 46-13-110
- pretrial motions, time for, 46-13-101
- suppression of evidence, motion for, 46-13-302

Orders, See **Motions and orders**
Pardon, Const., VI, 12; Title 46, chapter 23, part 3
Pardons and Parole, Board of, See **PROBATION, PAROLE, AND CLEMENCY**
Parole, See **PROBATION, PAROLE, AND CLEMENCY**
Paupers, See **Indigent persons**
Pen registers or trap and trace devices, 46-4-401
- court order required, 46-4-402, 46-4-403
- disclosures, 46-4-403
- immunity from suit, 46-4-404
- limitations on use, 46-4-402
- procedural irregularity, effect, 46-4-405

Plea, 46-12-204
- acknowledgment, defendant's understanding of information, 46-12-210
- agreements, 44-6-103, 46-12-204, 46-12-210, 46-12-211, 46-12-213, 46-13-110, 46-18-202, 46-23-512
- alford plea, 46-12-212
- alternatives, 46-12-204
- arraignment, at, 46-1-202, 46-12-201
- corporations, failure to appear after summons, 46-6-212, 46-6-213
- crime victims
  - consultation with, 46-24-104
  - information to, 46-24-203
- data to supreme court, 46-18-604
- felony offenses, appearance of defendant, 46-16-121

CRIMINAL PROCEDURE (Continued)
Plea (Continued)

- guilty, 46-16-105
  - acceptance by court, 46-12-201, 46-12-204, 46-12-210, 46-12-212, 46-16-105
  - accuracy, determination, 46-12-212
  - conviction, 46-1-202, See also **Judgment**; **Verdict**; **SENTENCING AND SENTENCES**
  - defamation, criminal — conviction when, 45-8-212
  - discrimination, offenses committed because of — sentence enhancement, 45-5-222
  - hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
  - inadmissibility, Title 26, chapter 10, M.R.Ev., Rule 410
  - issues, who decides, 46-16-103
  - limited jurisdiction, courts of, 46-17-203
  - nonsupport, offense of, 45-5-621
  - other crimes, wrongs, or acts — notice, 46-13-109
  - persistent felony offender status, notice, 46-13-108
  - sentence, 46-1-202, See also **SENTENCING AND SENTENCES**
  - withdrawal, 46-12-204, 46-12-210, 46-12-211, 46-16-105, 46-18-204; Title 26, chapter 10, M.R.Ev., Rule 410
- harmless error, 46-12-213
- insanity, See **Mental disease or defect of defendant**
- judgment to include, 46-12-211, 46-18-116
- nolo contendere, 45-2-101
  - acceptance by court, 46-12-201, 46-12-204, 46-12-210, 46-12-212, 46-16-105
  - accuracy, determination, 46-12-212
  - admissibility, Title 26, chapter 10, M.R.Ev., Rule 410
  - conviction, 46-1-202, See also **Judgment**; **Verdict**; **SENTENCING AND SENTENCES**
  - defamation, criminal — conviction when, 45-8-212
  - discrimination, offenses committed because of — sentence enhancement, 45-5-222
  - hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
  - issues, who decides, 46-16-103
  - limited jurisdiction, courts of, 46-17-203
  - nonsupport, offense of, 45-5-621
  - other crimes, wrongs, or acts — notice, 46-13-109
  - persistent felony offender status, notice, 46-13-108
  - sentence, 46-1-202, See also **SENTENCING AND SENTENCES**
  - sexual offense cases, not allowed, 46-12-204
  - withdrawal, 46-12-204, 46-12-210, 46-12-211, 46-16-105, 46-18-204
- not guilty, See also **Judgment**
  - corporations, 46-6-212, 46-6-213
  - issues, 46-16-103, 46-16-104
  - right of defendant to plead, 46-12-210
  - substitution for guilty plea, 46-16-105
- omnibus hearing, time for, 46-13-110
- preliminary examination, defendant may not enter, 46-10-202
- presentence investigation, See **SENTENCING AND SENTENCES**
- refusal, 46-12-204
- sentencing hearing, 46-18-115

Policy of state, 46-18-101
Postconviction hearing

- affidavits, 46-21-104, 46-21-201
- appeal from, 46-21-203
- commencement of proceedings, 46-21-103
- crime victims, notification, 46-24-211
- double jeopardy, when conviction held invalid, 46-11-505
- evidence, 46-21-104, 46-21-201

CRIMINAL PROCEDURE (Continued)
Postconviction hearing (Continued)

- expenses, 3-5-901
- findings of fact and conclusions of law, 46-21-202
- grounds, 46-21-101, 46-21-105
- petition, 46-8-212, 46-21-101 — 46-21-105
- proceedings on petition, 46-21-201
- record of proceedings, 46-21-202
- responsive pleadings, 46-21-201

Preliminary examination, 46-1-202
- answer, defendant held for, 46-10-106, 46-10-203, 46-10-204, 46-11-601
- closure and sealing of records, 46-11-701
- disposition of defendant, 46-10-203
- evidence, 46-10-202; Title 26, chapter 10, M.R.Ev., Rule 101
- felony offenses, appearance of defendant, 46-16-121
- information, See **Information**
- justice's court, before, 3-10-303, 46-10-105; Const., VII, 5
- municipal court, before, 3-6-103
- probable cause, to determine, 46-1-202, 46-11-203
- record, 46-10-204, 46-11-701
- waiver, 46-10-105, 46-10-106, 46-11-101, 46-11-203, 46-11-601
- when held, 46-10-105

Preliminary matters
- mental disease or defect of defendant, effect, 46-14-221
- testimony of accused, Title 26, chapter 10, M.R.Ev., Rule 104

Pretrial diversion, 44-5-103, 46-16-130, 46-24-104

Pretrial motions, 46-13-101
- adverse determination, review, 46-12-204
- affidavits to support, 46-13-202, 46-16-112
- answer, may be included in, 46-12-203
- change of venue, for, 46-13-110, 46-13-203
- confession or admission, suppression, 46-13-110, 46-13-301
- continuance, for, 46-13-202
- depositions
  - for, 46-15-201
  - to change time or place for taking, 46-15-202
- discovery, 46-11-317, 46-13-110
  - material and information for, 46-15-322, 46-15-323
  - protective or excision orders, 46-15-328
- dismissal, for, 46-13-110, 46-13-204, 46-13-401
- indictment
  - dismissal, 46-11-302, 46-11-317
  - surplusage, to strike, 46-11-401
- information
  - amendment, 46-11-205
  - surplusage, to strike, 46-11-401
- jury panel, to discharge, 46-16-112
- mental disease or defect or defendant, examination, 46-14-202
- omnibus hearing, 46-13-110
- pretrial proceedings, for closure to public, 46-11-701
- ruling on, 46-13-104, 46-13-110
- severance of defendants, for, 46-13-211
- subpoenas, quashing or modification, 46-15-101, 46-15-106
- suppression of evidence, 46-10-202, 46-11-701, 46-13-110, 46-13-301, 46-13-302
  - appeal, Title 25, chapter 21, M.R.App.P., Rule 1
- witnesses, for additional, 46-15-323

Pretrial proceedings and records, 46-11-701, 46-13-110

CRIMINAL PROCEDURE (Continued)

Pretrial release, See **Release of defendant**
Privacy of proceedings when, 3-1-313, See also **Public proceedings required**
    discovery, materials, 46-15-326
    electronic audio-video communication, 46-7-101, 46-10-202, 46-12-201
    pen register or trap and trace device, information obtained from, 46-4-403
    persistent felony offender status, hearing, 46-13-108
    preliminary examination, 46-11-701
    pretrial, closure and sealing of records, 46-11-701, 46-13-110
    videotaped testimony, 46-15-403, 46-16-216
Probable cause
    complaint and affidavit, 46-11-110
    detention of defendant when, 46-9-106
    former prosecutions, bar to prosecution, 46-11-503
    information
        amendment, 46-11-205
        filing, required, 46-11-201, 46-11-203
    judicial determination, defendant's right to, 46-7-102
    preliminary examination to determine, 46-1-202, 46-10-203, 46-11-203
Probation, See **PROBATION, PAROLE, AND CLEMENCY**
Prosecution conducted in name of state, 2-1-101, 2-1-102
Prosecutor, 46-1-202, See also **ATTORNEY GENERAL**; **COUNTY ATTORNEY**
    assigned counsel, duties upon nonpayment by defendant, 46-8-115
    bail, noncompliance with conditions, 46-9-503, 46-9-505
    compelling testimony or production of evidence, immunity, 46-15-331
    complaint, signing, 46-11-401
    confessions, 46-13-211, 46-16-215
    continuance, motion for, 46-13-202
    crime victims and witnesses, services to, See generally **CRIME VICTIMS AND WITNESSES**
    deferred prosecution, 46-16-130
    depositions, attendance at, 46-11-601
    discharge of codefendant, 46-11-405
    discovery, 46-15-322 — 46-15-324, See **Discovery**
    dismissal, application for, 46-13-401
    dismissal of charge, order sent to, 46-18-204
    double jeopardy provisions, 46-11-503
    grand jury
        assistance, 7-4-2712, 46-11-315
        challenges to, 46-11-302
        disclosure of proceedings, 46-11-317
        duties, 46-11-310, 46-11-311
        indictment drawn by, 7-4-2712
        presence at sessions, 46-11-308
        special prosecutor, 46-11-304, 46-11-315, 46-11-319
    information
        application for leave to file, 46-11-201
        drawn by, 7-4-2712
        filing, 41-5-206, 46-11-203
        signing, 46-11-401
    investigative subpoenas, 46-4-301, 46-4-302, 46-4-304, 46-4-305
    jurors, examination of, 46-16-114
    mental disease or defect of defendant
        issue raised by prosecutor, 46-14-202, 46-14-221

CRIMINAL PROCEDURE (Continued)
Prosecutor (Continued)
    mental disease or defect of defendant (Continued)
        release or discharge from commitment
            application and report to, 46-14-302
            mandatory hearing, notice served on, 46-14-301
        resumption of proceedings, application, 46-14-222
    omnibus hearing, 46-13-110
    other crimes, wrongs, or acts — notice, 46-13-109, 46-13-110
    pen register or trap and trace device, court order for, 46-4-403, 46-4-404
    persistent felony offender status, notice, 46-13-108, 46-13-110
    plea, 46-12-204, 46-12-211, 46-12-212
    presentence investigation reports, 46-18-113, 46-18-242
    pretrial diversion, 46-16-130
    seized property
        petition for destruction, disposal, or use, 46-5-307
        right to possession, notice of hearing, 46-5-312
    sentence
        deferred or suspended, 46-18-203, 46-18-204
        restitution
            default, order to show cause for confinement, 46-18-247
            order, anticipated — petition for restraining order or injunction to preserve property for, 46-18-244
    sentencing hearing, 46-18-115
    special counsel, employment when, 7-4-2705
    state's witness, application for discharge of codefendant to become, 46-11-405
    subpoenas, request for and inspection of evidence, 46-15-101, 46-15-106
    summons in lieu of arrest warrant, request for, 46-6-201
    trial, order of, 46-16-401
    videotaped testimony, presence at, 46-15-402, 46-16-216
    view of place or property, presence at, 46-16-502
    work product, 46-1-202, 46-15-324
Psychiatric or psychological examination, See **Mental disease or defect of defendant**
Public defender, 46-8-202, 53-9-104
Public proceedings required, 46-11-701; Const., II, 24, See also **Privacy of proceedings when**
    arraignment, 46-12-201
    judgment, rendition, 46-18-102
    plea agreement, disclosure, 46-12-211
    sentence, imposition, 46-18-115
Public Safety Commission, role of director, 7-32-105
Punishment, See **CRIMES**, specific offense; **SENTENCING AND SENTENCES**
Purpose of provisions, 46-1-103
Questions of law or fact, who decides, 46-16-103
Reasonable doubt, 26-1-403, 26-1-602, 46-16-204, 46-16-606, 46-16-607
Recidivism, See **SENTENCING AND SENTENCES**, **Persistent felony offenders**
Records
    arraignment, 46-12-205
    death sentence, transmittal for review when, 46-18-309
    instructions to jurors, settlement, 46-16-410
    judge pro tempore or special master, proceedings before, 3-5-113
    judgment, 46-18-116
    justice's and city courts, 46-17-102
    mental disease or defect of defendant, fitness to proceed — order for treatment plan to assist, facts and findings, 46-14-221
    plea agreement, 46-12-211
    preliminary examination, 46-10-204
    presentence investigation reports, 46-18-113

CRIMINAL PROCEDURE (Continued)
Records (Continued)

- pretrial motions, final determination, 46-13-104
- pretrial records, sealing when, 46-11-701, 46-13-110
- sealing, 46-11-701, 46-13-108 — 46-13-110, 46-15-328
- sentence, statement of reasons, 46-18-115
- verdict of guilty, motion to strike, 46-18-204

Register of criminal actions, 3-5-505
Release of defendant

- acquittal, upon, 46-16-605, 46-18-102
- arrest warrant, not permitted for irregularities, 46-6-204
- authority for, 46-9-105
- conditions, 46-7-102, 46-9-108 — 46-9-110, 46-9-115, 46-9-503
- crime victim
  - consultation with, 46-24-104
  - information to, 46-24-203
- death penalty, suspension for mental unfitness, 46-19-202
- dismissal of action, upon motion for, 46-13-402
- habeas corpus, upon hearing, 46-22-306, 46-22-307
- initial appearance, determination, 46-9-109
- insufficiency of evidence, upon, 46-16-403
- insufficient grounds and arrest is without warrant, 46-6-313
- joinder of defendants, discharge of codefendant, 46-11-405
- justice's and city courts, 46-17-302
- mental disease or defect of defendant, See **Mental disease or defect of defendant**
- order, 46-9-110, 46-9-115
- pending appeal, sentencing, or revocation hearing, 46-9-107
- pending trial, 3-5-113, 46-9-106
- postconviction hearing, upon, 46-21-201
- preliminary examination, upon, 46-10-203
- pretrial, defendant to be informed of circumstances for, 46-7-102
- reversal of judgment without new trial, 46-20-707
- sentence, deferred or suspended — revocation hearing, insufficiency of evidence, 46-18-203
- transmittal of statement of conditions to appropriate court, 46-9-115

Release on own recognizance, 46-9-111, 46-9-505
Relief from judgment or sentence, See **New trial**; **Postconviction hearing**; **APPELLATE PROCEDURE**; **HABEAS CORPUS, WRIT OF**
Rendition, 40-5-153, 40-5-154; Title 26, chapter 10, M.R.Ev., Rule 101, See also **EXTRADITION**
Reopening of case, 46-16-403
Reprieve, Const., VI, 12; Title 46, chapter 23, part 3
Restitution, See **SENTENCING AND SENTENCES**
Retrial

- habeas corpus, upon hearing, 46-22-306
- postconviction hearing, 46-21-201
- return to original place of trial, 46-13-110, 46-13-205

Review, See **APPELLATE PROCEDURE**; **SENTENCING AND SENTENCES**
Rewards for apprehension of criminals, 2-15-201, 7-21-3212, 7-32-2301
Rights of defendant, Const., II, 24

- appeal when affected, 46-13-104, 46-20-701; Title 25, chapter 21, M.R.App.P., Rule 2
- arraignment, advisement and acknowledgment, 46-12-210
- bail, 46-9-102, 46-9-107; Const., II, 21, See **BAIL**
- charge, formal defect — effect, 46-11-401
- conviction, effect, 46-18-801; Const., II, 28; II, 30; XII, 3
- counsel, to, See **Counsel**
- cross-examination, See **WITNESSES**
- discovery, effect on, 46-11-307, 46-15-323, 46-15-324

CRIMINAL PROCEDURE (Continued)
Rights of defendant (Continued)

- exclusionary rule, 46-13-301, 46-13-302
- extradition, rights of accused, 46-30-217, 46-30-218
- fair trial, 46-11-701, 46-13-203
- habeas corpus, 46-22-101, 46-30-217; Const., II, 19
- harmless error, See **Error**
- information, amendment of form — effect of, 46-11-205
- initial appearance without delay, 46-7-101
- irregularity in proceeding, effect, 46-1-103
- jury trial, 46-12-210, 46-16-110, 46-17-201
- mental disease or defect of defendant, fitness to proceed — hearing on petition for order for treatment plan to assist, 46-14-221
- sentence
  - death penalty, presence when announced, 46-19-103
  - deferred or suspended, revocation hearing, 46-18-203
  - exceptions to, at hearing, 46-18-223
  - restrictions in, 46-18-202
  - review, 46-18-903
- sexual or violent offenders, DNA identification index — to information from, 44-6-106
- speedy trial, 46-13-202, 46-13-401, 46-16-130; Const., II, 24

Rules of criminal procedure, 1-11-204; Const., VII, 2; Title 26, chapter 10, M.R.Ev., Rule 202
Scope of provisions, 46-1-103
Search and seizure, See **SEARCH AND SEIZURE**
Self-incrimination, 46-12-210, 46-15-331; Const., II, 25, See **WITNESSES**
Sentencing, See **Conviction**; **Judgment**; **Verdict**; **SENTENCING AND SENTENCES**
Severance of offenses or defendants, 46-13-110, 46-13-211
Sexual offenses, evidence, 45-5-511, 46-15-402, 46-15-403, 46-15-411, 46-16-216
State medical examiner, See **FORENSIC SCIENCE**
State's witness, 46-11-405
Statutes of limitation, See **STATUTES OF LIMITATION**
Stay of execution, See **Judgment**; **APPELLATE PROCEDURE**; **SENTENCING AND SENTENCES**
Stipulations, 46-13-110, 46-15-322, 46-16-122, 46-16-130
Subpoenas, 46-15-101, See also **SUBPOENAS**

- defendant unable to pay, request by, 46-15-115
- evidence, for production of, 46-15-101, 46-15-106
- exemption from arrest and service of process, 46-15-112, 46-15-120
- fees, costs, and expenses of witnesses, 46-15-116
- grand jury witnesses, 46-11-313, 46-15-112, 46-15-113, 46-15-116
- investigative subpoenas
  - applicability of other laws and costs, 46-4-306
  - conduct of inquiry, 46-4-304
  - discovery, 46-15-322
  - failure to appear or obey, 46-4-302
  - health care information, for, 50-16-535
  - improper, relief from, 46-4-303
  - issuance, 46-4-301
  - self-incrimination and immunity, 46-4-305
- mental disease or defect, fitness to proceed — hearings, 46-14-221
- out-of-state testimony by in-state witnesses, 46-15-112, 46-15-116
- out-of-state witnesses, 46-15-113, 46-15-116, 46-15-120
- prisoners as witnesses, to secure testimony, 46-15-105
- service, 46-15-107

Summons, 46-1-202

- failure to appear, 46-6-212, 46-6-213
- form and content, 46-6-213

CRIMINAL PROCEDURE (Continued)
Summons (Continued)

- issuance, 46-6-201, 46-6-211, 46-6-213, 46-6-310, 46-11-201, 46-11-332
- rules of evidence, applicability, Title 26, chapter 10, M.R.Ev., Rule 101
- service, 46-6-211

Supreme court, appearance of defendant not required, 46-16-121
Termination of prosecution, effect on double jeopardy, 46-11-503, 46-11-504
Time limitations, See **STATUTES OF LIMITATION**
Transcript of proceedings, 3-5-604

- appeals, service, Title 25, chapter 21, M.R.App.P., Rule 20
- arraignment, 46-12-205
- death sentence, transmittal for review when, 46-18-309
- fees, 3-5-604, 3-5-901
- grand jury proceedings, 46-11-316
- preliminary examination, 46-10-204
- prima facie evidence, as, 3-5-612

Trial

- absence of defendant, 46-16-120, 46-16-122
- appearance of defendant, 46-16-120 — 46-16-122
- calendar precedence, 46-16-101, See also **DISTRICT COURTS**, **Calendar**, precedence; **SUPREME COURT**, **Calendar precedence**
- competency of defendant, 46-14-103, See **Mental disease or defect of defendant**
- court, by, 46-16-110
  - issues of law and fact decided by, 46-16-103
- deferred prosecution, agreement — contents, 46-16-130
- felony offenses, 46-16-121
- joinder of indictments, informations, complaints, or defendants together, 46-13-110, 46-13-210, 46-13-211
- jury, by, See **Juries and jurors**
- misdemeanor offenses, 46-16-120, 46-17-201
- new trial, See **New trial**
- order of trial, 46-16-401, 46-16-402
- place of, 46-1-202, 46-3-111, 46-13-203, See also **Venue**
- preparation, time for, 46-11-205, 46-16-106
- prison, state — for offenses committed in, 53-30-110
- retrial, See **Retrial**
- speedy trial, 46-13-202, 46-13-401, 46-16-130; Const., II, 24, See also **DISTRICT COURTS**, **Calendar**, precedence; **SUPREME COURT**, **Calendar precedence**
- transfer of trial when, 46-13-110, 46-13-204

Venue, See also **VENUE**

- aiding and abetting an offense, 46-3-113
- arraignment, 46-12-102
- change of venue, 46-3-111, 46-13-110, 46-13-203 — 46-13-205; Const., II, 24
  - appeal by state, 46-20-103; Title 25, chapter 21, M.R.App.P., Rule 1
  - costs, 7-6-2427, 7-6-2428
- charge, filing, 46-3-110 — 46-3-115
- county unknown, charge filed where, 46-3-114
- double jeopardy provisions, 46-11-503
- multiple counties, requisite act in, 46-3-112
- place of trial, 46-1-202, 46-3-111, 46-13-203 — 46-13-205; Const., II, 24
- retrial, 46-13-205
- state, consummation of offense within, 46-3-115

Verdict, See also **Acquittal**; **Conviction**; **Judgment**

- appeal, See **APPELLATE PROCEDURE**
- appearance of defendant, 46-16-122, 46-16-123
- data to supreme court, 46-18-604
- double jeopardy, effect, Const., II, 25, See **Former prosecutions**

CRIMINAL PROCEDURE (Continued)
Verdict (Continued)

- form of verdict, 46-16-603
- guilty, of
  - motion to strike, 46-18-204
  - sentencing, 46-18-102, See **SENTENCING AND SENTENCES**
- inquiry into validity, juror as witness, Title 26, chapter 10, M.R.Ev., Rule 606
- instructions to jury, See **Juries and jurors**
- joinder of charges or defendants, 46-11-404, 46-16-603
- judgment to include, 46-18-116
- mental disease or defect, verdict must state when found not guilty, 46-14-214
- modification, 46-16-702, 46-20-103; Title 25, chapter 21, M.R.App.P., Rule 1
- new trial, grounds, 46-16-702, See **New trial**
- nonjudicial days, action on, 3-1-302
- not guilty, 46-16-105, See **Acquittal**
- poll of jury, 46-16-604
- presentence investigation, See **SENTENCING AND SENTENCES**
- pretrial motions, determination deferred, 46-13-104
- reasonable doubt, 26-1-403, 26-1-602, 46-16-204, 46-16-606, 46-16-607
- return, 46-16-122, 46-16-123, 46-16-603
- review, 46-20-104, See **APPELLATE PROCEDURE**
- sentencing hearing, 46-18-115
- unanimity, 46-16-603; Const., II, 26

Victims of crime — treatment, protection, and services, See **CRIME VICTIMS AND WITNESSES**
Witnesses, See **WITNESSES**; See also **CRIME VICTIMS AND WITNESSES**
Writs, See **WRITS**; See also specific ‘writ’ heading
Youth, See **Minors**; **YOUTH COURT**

CROP DUSTING
See **LIENS, Crop dusting, liens for**; **PESTS AND PESTICIDES, Applicators**; **Insect control programs**

CROSS BURNING PROHIBITED, 45-5-221

CRUEL AND UNUSUAL PUNISHMENT, Const., II, 22

CY PRES DOCTRINE, 72-30-207, 72-33-504

D

DAIRIES AND DAIRY PRODUCTS
Adulteration of milk, cream, or other products, 81-22-101

- condemnation of product, 81-22-401
- removal or destruction of product, 81-22-404
- sales unlawful, 81-22-401, 81-22-409
- seizure of products, 81-22-105
- unlawful, 81-22-409

Antimonopoly statutes, applicability, 81-22-108
Associations, 35-15-411, 35-16-201, 35-17-103, See **AGRICULTURAL ASSOCIATIONS; AGRICULTURAL MARKETING ASSOCIATIONS; COOPERATIVE ASSOCIATIONS**
Butter, 81-22-101, 81-22-417, 81-22-502, See also **Milk price control**
Butter factories, 81-2-105, 81-21-103
Butterfat

- deceit, unlawful, 81-22-602
- labeling, 50-31-203

DAIRIES AND DAIRY PRODUCTS (Continued)
Butterfat (Continued)

  posting prices of, 81-22-418
  products containing, 81-22-108, 81-22-417
  samples or tests, See **Samplers and testers**
Cattle, dairy — inspections, 81-2-103
Cheese, 50-31-203, 81-2-105, 81-21-103, 81-22-101, 81-22-201, 81-22-405, 81-22-406, 81-22-413, 81-22-502, See also **Milk price control**
City
  inspections, 7-21-4202
  ordinances, 81-2-105
Civil liability, 81-21-106
Classification of milk, 81-23-101, See also **Milk price control**
Commercial feeds, Title 80, chapter 9, See **COMMERCIAL FEEDS**
Condemnation of unsafe milk or cream, 81-22-101, 81-22-105, 81-22-401
"Consumption, public" defined, 81-21-101
Containers
  cheese, labeling, 81-22-405
  cost, inclusion in milk pricing formula, 81-23-302
  frozen desserts containing animal or vegetable fat, 81-22-411, 81-22-420
  manufactured dairy products, 81-22-406, 81-22-408, 81-22-419
  name of manufacturer, wholesaler, or retailer on, 81-22-408
  pasteurized products, 81-22-415
  standards, 81-22-102
  unlawful practices, 81-23-303
Contaminated products, 81-22-101, 81-22-105
Contractor registration provisions, nonapplicability, 39-9-211
Cooperative associations, 35-15-411, See also **AGRICULTURAL MARKETING ASSOCIATIONS; COOPERATIVE ASSOCIATIONS**
Cream stations, 81-22-201, 81-22-204, 81-22-208, 81-22-304, 81-22-402, See also **Licenses and licensing**
Cream testers, See **Samplers and testers**
Diseased dairy cattle, Title 81, chapter 2, parts 1 and 2, See **LIVESTOCK, Disease control; Indemnification**
Dispersal sales, 81-8-213
Distribution and distributors, 81-23-101, See **Milk price control**
  assessments, 81-23-202, 81-23-204
  record requirements, 81-23-402
Donated food, liability of persons donating for free distribution, 27-1-716
Enforcement of provisions, 81-22-104, 81-22-105; Title 81, chapter 23, part 4, See also **Milk price control**
Entry, right of — for inspections, 81-22-304, 81-23-401
Equipment
  c.i.p. method, 81-22-101, 81-22-414
  manufactured dairy products, for, 81-22-419
  pasteurization, used in, 81-22-414
  replacement, 81-22-403
False statements, 81-22-602
Farmers' markets, Title 7, chapter 21, part 33
Federal regulations, 81-22-101
  adulterants allowed by, 81-22-409
  milk price control provisions, 81-23-106, 81-23-404
  standards of identity, 81-22-101, 81-22-412
Feeds, Title 80, chapter 9, See **COMMERCIAL FEEDS**
Filled dairy products, 81-22-101, 81-22-411
Fines, 81-22-304, 81-22-404, 81-22-409, 81-22-601, 81-22-602, 81-23-402, 81-23-403, 81-23-405

DAIRIES AND DAIRY PRODUCTS (Continued)

Fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**
Food establishment provisions, nonapplicability, 50-50-102
Frozen desserts, 81-22-101
  animal or vegetable fats, containing, 81-22-411
  fat contents, labeling, 81-22-420
  labeling, 50-31-203
  reports concerning, 81-22-502
Graders and weighers, See also **Samplers and testers**
  condemnation of unsafe milk or cream, 81-22-401
  deceit in grading, penalty, 81-22-602
  employment, 81-22-402
  examinations, 81-22-202, 81-22-206
  "grading" defined, 81-22-101
  laboratories, 81-22-101
  licenses, 49-3-204, 81-22-202, 81-22-206, 81-22-208, 81-22-402, See also **Licenses and licensing**
  milk or cream, 81-22-401, 81-23-101, 81-23-105, 81-23-302, 81-23-402
  milk or cream stations, at, 81-22-101
  raw milk, 81-23-105
  standards, 81-22-102
Haulers, 81-22-204, 81-22-208, See also **Licenses and licensing**
Ice cream, 81-22-101, See also **Milk price control**
  imitation, labeling, 81-22-420
  labeling, 50-31-203, 81-22-420
  reports regarding, 81-22-502
Imported products, 81-22-407, 81-22-410
Impure products, 81-22-101, 81-22-105, 81-22-409
Industrial dairies and milk processors, property tax exemption, 15-6-201
Industry, supervision and regulation, 81-23-102, 81-23-103
Injunctions, 81-21-104, 81-22-105
Inspections, 81-22-105, 81-22-203
  cattle, 81-2-103, See also **LIVESTOCK, Inspections**
  city, 7-21-4202
  city ordinances, 81-2-105
  cream stations, 81-22-208
  entry, right of — for, 81-22-304, 81-23-401
  evidence, admissibility as, 81-22-107
  expenses, how paid, 81-2-109
  pasteurization records, 81-22-414
  rules and orders, 81-2-102, 81-23-104
  samples or tests, See **Samplers and testers**
  sanitary conditions, See **Sanitary conditions**
Intrastate commerce, 81-22-101, 81-22-411
Investigations, 81-22-105, 81-22-305, 81-23-103, 81-23-302, 81-23-401
Labeling
  butter, 50-31-203
  cheese, 50-31-203, 81-22-413
  cheese containers, 81-22-405
  frozen desserts, 50-31-203, 81-22-411, 81-22-420
  ice cream, 50-31-203
  manufactured dairy products, 81-22-101, 81-22-408, 81-22-421
  medicinal or special dietary compounds, 81-22-411
  mislabeled, 81-22-101, 81-22-105
  Montana quality label, Title 81, chapter 8, part 7

DAIRIES AND DAIRY PRODUCTS (Continued)
Labeling (Continued)

- pasteurization, 81-22-415
- raw or unpasteurized products, 81-22-413
- samples, 81-22-302

Licenses and licensing
- appeals concerning, 81-22-203
- applicability of provisions, 81-22-209
- cream stations, 81-22-201, 81-22-208
- dairies, 81-21-102
  - change of ownership, effect, 81-22-201
  - fee, 81-22-208
  - required, 81-22-201, 81-22-202
- denial, 81-21-102, 81-22-203, 81-22-205
- discrimination in issuance prohibited, 49-3-204
- distributors, See **Milk price control**
- establishment, 81-22-208
- examination requirements, 81-22-202, 81-22-205, 81-22-206
- exceptions, 81-21-103
- expiration, 81-21-102, 81-22-207, 81-22-208
- failure to have, 81-22-201, 81-22-204, 81-22-206
- fees, 81-21-102, 81-22-102, 81-22-204, 81-22-205, 81-22-207, 81-22-208
- graders and weighers, 81-22-202, 81-22-206, 81-22-208, 81-22-402
- haulers, 81-22-204, 81-22-208
- hearings, 81-22-203, 81-23-204
- issuance as privilege, 81-22-207
  - required, 81-22-201, 81-22-202, 81-22-208, 81-22-420
- milk or cream route, 81-22-204
- milk plants, 81-21-102
- penalties, 81-22-207, 81-22-208
- producers, See **Milk price control**
- reinstatement or relicensing, 81-22-201, 81-22-203
- renewal, 81-22-207, 81-22-208
- required, 81-22-201, 81-22-202, 81-22-208
- revocation or suspension, 81-21-102, 81-22-203, 81-22-205, 81-22-207, 81-22-208, 81-22-402, 81-22-602
- samplers and testers, 81-22-202, 81-22-206, 81-22-208, 81-22-402, 81-23-105
- validity, 81-22-207, 81-22-208

Livestock, Board of — representation on, 2-15-3102

Manufactured dairy products
- adulterated, seizure, 81-22-105
- containers and equipment for, 81-22-419
- extraneous fats, products containing — manufacture, sale, or importation, 81-22-410
- frozen desserts containing animal or vegetable fats, 81-22-420
- imported products, 81-22-407
- labeling requirements, conformity, 81-22-101, 81-22-408, 81-22-421
- plants
  - change of ownership, effect, 81-22-201
  - construction, remodeling, or relocation plans — requirements, 81-22-403
  - entry, right of — for inspections, 81-22-304
  - licenses, 81-22-201, 81-22-202, 81-22-208, 81-22-420
  - producers' names, to furnish, 81-22-106
  - records of production, 81-22-503
  - report, monthly, 81-22-502
- records, 81-22-503, 81-23-402
- removal or destruction, orders for, 81-22-404
- safe temperature, 81-22-101, 81-22-406

DAIRIES AND DAIRY PRODUCTS (Continued)
Manufactured dairy products (Continued)

- seizure of products, 81-22-105
- standards, 81-22-102, 81-22-416
  - enforcement, 81-22-104
  - identity, of — conformance, 81-22-101, 81-22-407, 81-22-412

Margarine, 81-22-411
Marketing associations, 35-16-201, 35-17-103, See **AGRICULTURAL ASSOCIATIONS; AGRICULTURAL MARKETING ASSOCIATIONS**
Marketing generally, See **Milk price control**
Markets, public, Title 7, chapter 21, part 33
Measuring provisions

- deceit, penalty, 81-22-602
- farm bulk milk tanks, from, 81-22-302
- samples, rules for — nonapplicability, 81-2-102

Milk Control, Board of, 2-15-3105; Title 81, chapter 23
Milk or cream

- classification, 81-23-101
- deceit in grade unlawful, 81-22-602
- route, 81-22-204
- plants, 81-21-101
  - audits, 81-23-105
  - entry, right of — for inspections, 81-22-304
  - licensing, 81-21-102, See also **Licenses and licensing**
  - producers' names, to furnish, 81-22-106
- standards, conformance, 81-22-416
- stations, 81-22-201, 81-22-204, 81-22-208, 81-22-402

Milk price control, 81-23-101

- actions, 81-23-406
- administration of provisions, 81-23-202, 81-23-401
- application of provisions, 81-23-106, 81-23-202
- assessments, 81-23-105, 81-23-202, 81-23-204
- classification of milk, 81-23-101, 81-23-302
- compliance with provisions, 81-23-406
- cooperation with other governmental agencies, 81-23-404
- credit limitations to retailers, 81-23-304
- enforcement of provisions
  - costs, 81-23-202
  - generally, 81-23-103, 81-23-302, 81-23-402; Title 81, chapter 23, part 4
- entry, right of — for inspections, 81-23-401
- fair trade practices, rules for, 81-23-303
- financing restrictions, 81-23-305
- fines, 81-23-402, 81-23-403
- formulas, establishment, 81-23-302
- grading of milk, See **Graders and weighers**
- hearings, 81-23-103, 81-23-201, 81-23-204, 81-23-302, 81-23-404
- inspections, 81-23-401
- investigations, 81-23-103, 81-23-401
- licenses for producers, producer-distributors, and distributors
  - applications, 81-23-203
  - discrimination in issuance prohibited, 49-3-204
  - fees and disposition, 81-22-102, 81-23-202 — 81-23-204
  - reports required of licensees, 81-23-402
  - required, 81-23-201 — 81-23-203
  - revocation or suspension, 81-23-201, 81-23-204, 81-23-304, 81-23-402
- marketing areas, 81-23-101, 81-23-104
- penalties, 81-23-204, 81-23-405

DAIRIES AND DAIRY PRODUCTS (Continued)
Milk price control (Continued)

- policy of state, 81-23-102
- pooling arrangements, 81-23-302
- prices, 81-23-101
  - minimum, establishment and formulas, 81-23-302
  - unfair practices, 81-23-303
- records, 81-23-401, 81-23-402
- regulation of industry, 81-23-102, 81-23-103
- report requirements, 81-23-402
  - failure to make, 81-23-204
- samples or tests of milk, See **Samplers and testers**
- statements, failure to make, 81-23-204
- uniform system, 81-23-404
- violations, 81-23-204
  - assessments, failure to pay, 81-23-202
  - fines and disposition, 81-23-402, 81-23-403
  - licenses, failure to have, 81-23-201, 81-23-405
  - milk handled in violation of provisions — buying, selling, processing, or distributing, 81-23-201
  - penalties, 81-23-204, 81-23-405
  - prosecution, 81-23-405
  - reports, failure to file, 81-23-402
  - retailers, financial assistance, 81-23-304
  - rules or orders, of, 81-23-204, 81-23-405

Monopolies, applicability of laws, 81-22-108
Montana Food, Drug, and Cosmetic Act
- manufactured dairy products, labeling, 81-22-101, 81-22-421
- milk producers, producer-distributors, and distributors — compliance, 81-23-202, 81-23-203

Oleomargarine, 81-22-411
Overtime compensation exclusions for workers, 39-3-406
Packaging, See **Containers**
Pasteurization, 81-22-101
- equipment and records, 81-22-414
- labeling, 81-22-415
- requirements, 81-22-413

Penalties for violations, 81-21-105, 81-22-104, 81-22-203, 81-22-205, 81-22-207, 81-22-208, 81-22-402, 81-22-502, 81-22-601, 81-23-204, 81-23-405
Processing
- milk, See **Milk price control**
- standards, 81-22-102

Producers, 81-22-101, See also **Milk price control**
- assessments, 81-23-204
- deceiving or defrauding, 81-22-602
- names furnished to department, 81-22-106
- record requirements, 81-23-402

Production, See also **Milk price control**
- licensing exemption, 81-21-103
- removal or destruction of products, 81-22-404
- standards, 81-22-102

"Public consumption" defined, 81-21-101
Public markets, Title 7, chapter 21, part 33
Records and reports
- availability, 81-22-503
- commerce, department of — authority, 81-23-103
- evidence, admissibility as, 81-22-107, 81-23-103
- examination, 81-22-501

DAIRIES AND DAIRY PRODUCTS (Continued)
Records and reports (Continued)

failure to file, 81-23-402
frozen desserts containing animal or vegetable fats, 81-22-420
manufactured dairy product plant operators, monthly report, 81-22-502
milk price control, records and reports, 81-23-401, 81-23-402
pasteurization records, 81-22-414
purchase records — sample, weight, and test result information, 81-22-302
required, 81-22-501, 81-23-402
Regulation
dairies selling milk or cream for public consumption, Title 81, chapter 21, part 1
milk prices, See **Milk price control**, prices
Restraining orders, 81-21-102
Retailers, 81-23-304, 81-23-305, See **Milk price control**
Safe temperature, 81-22-101, 81-22-406
Samplers and testers, See also **Graders and weighers**
authority concerning, 81-2-102, 81-22-303
composite samples, 81-22-302
cooperative agreements for, 81-22-305
deceit in testing, penalty, 81-22-602
employment, 81-22-402
evidence, admissibility as, 81-22-107
examinations, 81-22-202, 81-22-206
labeling or marking, 81-22-302
laboratories, 81-22-101, 81-22-301
licensing, 49-3-204, 81-22-202, 81-22-206, 81-22-208, 81-22-402, 81-23-105, See also **Licenses and licensing**
milk or cream station, at, 81-22-101
noncompliance with procedures, 81-22-203
official test, 81-22-101, 81-22-205, 81-22-301
raw milk, 81-23-105
records, 81-22-503
retesting, 81-22-302, 81-22-303
right of entry for, 81-22-304
standards, 81-22-102
taking and preservation, 81-22-302
Sanitarians, authority, 37-40-101
Sanitary conditions
"c.i.p." defined, 81-22-101
containers, 81-22-419
enforcement, 81-22-104
equipment, 81-22-419
frozen desserts containing animal or vegetable fats, 81-22-420
imported products, 81-22-407
inspection expenses, 81-2-109
noncompliance with rules, 81-21-102
rules for, 81-2-102, 81-21-103, 81-22-104
standards, 81-22-102
Slaughter of diseased animals, Title 81, chapter 2, part 2, See **LIVESTOCK, Indemnification**
Standards, 81-22-102, 81-22-104, 81-22-416
identity, of — conformance of manufactured products, 81-22-101, 81-22-407, 81-22-412
manufactured dairy products, 81-22-412, 81-22-416
milk or cream, 81-22-416
noncompliance, 81-22-602
sanitation, See **Sanitary conditions**
Statistics concerning, 81-2-102

DAIRIES AND DAIRY PRODUCTS (Continued)

Storage, See also **Milk price control**
  containers and equipment, 81-22-419
  licensing exemption, 81-21-103
  manufactured dairy products, 81-22-413, 81-22-419
  records, 81-23-401
  refrigeration facilities, records, 81-23-402
  removal or destruction of products, 81-22-404
  standards, 81-22-102
Temperature, safe, 81-22-101, 81-22-406
Transportation, See also **Milk price control**
  containers and equipment, 81-22-419
  filled dairy products, 81-22-411
  licensing exemption, 81-21-103
  manufactured dairy products, 81-22-412, 81-22-413, 81-22-419
  rates, 81-23-302
  standards, 81-22-102
Tuberculin test for dairy cows, 81-2-103, See **LIVESTOCK, Tuberculin**
Use standards, 81-22-102
Vehicles, gross vehicle weight fees, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Gross vehicle weight**
Violations
  adulteration of milk or cream, 81-22-409
  butterfat, manufacture or sale of products containing less than required, 81-22-417
  cheese containers, lack of legible labels, 81-22-405
  civil liability, 81-21-106
  damages, recovery, 81-21-106
  deceit in grade, measure, or test of milk or cream, 81-22-602
  false statements, 81-22-602
  fats, products containing extraneous — manufacture, sale, or importation, 81-22-410
  filled dairy products unlawful when, 81-22-411
  injunction to restrain, 81-21-104
  interference with departmental duties, 81-22-304
  investigations to disclose, 81-22-105
  licensees, doing business while license suspended or revoked, 81-22-203
  licenses
    failure to have, 81-21-102, 81-22-201, 81-22-204, 81-22-206
    revocation for violations, 81-22-602
  manufactured dairy products plant operators, failure to make monthly report, 81-22-502
  milk price control, See **Milk price control**, violations
  pasteurization labeling, lack of, 81-22-415
  penalties, 81-21-105, 81-22-203, 81-22-205, 81-22-502, 81-22-601
  products
    removal or destruction, violation of orders requiring, 81-22-404
    seizure and disposition, subject to, 81-22-105
  restraining orders, noncompliance, 81-21-102
  rules, of, 81-21-105, 81-21-106, 81-22-104, 81-22-105
  sale of adulterated or impure milk or cream, 81-22-401, 81-22-409
  standards of identity, manufactured products — noncompliance, 81-22-412
  tests, official — alteration of results, 81-22-205
Weighers, See **Graders and weighers**
Weight
  cheese containers to indicate, 81-22-405
  deceit, unlawful, 81-22-602
  farm bulk milk tanks, 81-22-302
  filled dairy products, percentage of food oil, 81-22-411

DAIRIES AND DAIRY PRODUCTS (Continued)
Weight (Continued)

  milk or cream stations, at, 81-22-101
  record of purchase to show, 81-22-302
  samples, rules for — nonapplicability, 81-2-102
Zoning restrictions, protection, 76-2-901 — 76-2-903

DAMAGES
  See also specific subject area
Abortion, refusal to participate on grounds of religious or moral conviction — damages barred, 50-20-111
Agent's authority, breach of warranty, 27-1-313
Alcoholic beverages, liability
  parent, guardian, or other person — involving sale or provision to minor when, 16-6-305
  table wine distributorship agreements, liquidated damages upon termination when, 16-3-416
Appeal without merit, for, 25-33-304; Title 25, chapter 21, M.R.App.P., Rule 32
Collateral source reductions, 27-1-307, 27-1-308
Compensatory damages, right to, 27-1-202, 33-2-1515, 39-2-905
Consequential damages, 27-1-203
  deferred deposit lender violations, 31-1-724
  farm animal and research facility protection violations, 81-30-104
  uniform commercial code, 30-1-106
    bank deposits and collections, 30-4-402
    funds transfers, 30-4A-305, 30-4A-404
    leases, 30-2A-503, 30-2A-518 — 30-2A-520
    negotiable instruments, 30-3-421
    sales, 30-2-712 — 30-2-715, 30-2-719
Contracts, breach, See **CONTRACTS**
Costs on recovery, 25-10-101 — 25-10-103
Crime victim and witness provisions, actions not created by, 46-24-105
Criminal code, effect, 45-1-104
Default judgment, determination, Title 25, chapter 20, M.R.Civ.P., Rule 55(b)
Definitions, 25-9-401, 25-9-411, 27-1-201, 27-1-202, 27-1-222, 27-1-307, 27-1-310
Detriment, 27-1-201
  right to damages, 27-1-203
Duels, death or injury inflicted in, 27-1-223, 27-1-301
Emotional or mental distress, 25-9-411, 27-1-310, 39-2-905
Evidence
  collateral sources, existence and amount, 27-1-308
  instrument in writing, presumption of value, 27-1-304
  medical malpractice claimants, burden of proving separate injuries, 25-9-411
  punitive damages, claim for and nonadmissibility of defendant's financial condition when, 27-1-221
Excessive, 25-11-102, 27-1-302
Execution, sale without notice, 25-13-702
Exemplary, See **Punitive**
Fee for trial, 7-4-2525, 7-32-2141
Future damages
  amount, 25-9-402, 25-9-403
  assignment, 25-9-405
  attorney fees, payment, 25-9-404, 25-9-406
  definitions, 25-9-401
  failure to pay, penalty, 25-9-406
  findings by trier of fact, 25-9-402
  interest on, 27-1-210
  medical malpractice, 25-9-412
    noneconomic damages, limitations, 25-9-411

DAMAGES (Continued)
Future damages (Continued)

  nonmalpractice claims, 25-9-403
Incidental damages, See **LEASES, Damages**
Instrument in writing, value for estimating damages, 27-1-304
Insurance information and privacy protection violations, 33-19-407
Interest on
  animals, cruelty to — award does not include, 27-1-301
  calculation, 27-1-210, 27-1-211
  collateral source reductions, deposits of disputed amounts, 27-1-308
  contract, set by, 27-1-213
  discretionary award, 27-1-212
  dueling, award does not include, 27-1-301
  obligation to pay money, 27-1-312
  personal property, wrongful conversion, 27-1-320
  real property
    conveyance, breach of agreement for, 27-1-314
    covenants, breach, 27-1-316
  right to and exceptions, 27-1-210, 27-1-211
  waiver by accepting principal, 27-1-214
"Liability" defined, 33-11-102, See **INSURANCE, CASUALTY, Risk retention groups and purchasing groups**
Liquidated damages
  agricultural commodity warehouse operator, penalty for failure to deliver, 80-4-531
  agricultural marketing association members or stockholders, 35-17-401
  contracts, breach, 28-2-721
  dog owners, for poultry or livestock killed or injured by dog, 81-7-402
  indemnification, reimbursement, 28-11-312
  leases, See **LEASES, Damages**
  letters of credit, breach of obligation, 30-5-131
  public contracts, 18-1-202, 18-2-432
  public obligations registration, agents, 17-5-1121
  purchasing, state — contract clauses, 18-4-224
  sales, breach of
    contract, 30-2-718, 30-2-719
    warranty, 30-2-316
  specific performance, not a bar to, 27-1-418
  table wine distributorship agreements, upon termination when, 16-3-416
  timber sale agreements, breach, 7-8-2607, 77-5-203
  wage assignment claims, enforcement, 39-3-211
Measure of damages, 27-1-520; Title 27, chapter 1, part 3
Mental or emotional distress, 25-9-411, 27-1-310
Money, breach of obligation to pay, 27-1-312
Motor vehicles, replacement value or book value allowed when, 27-1-306
New trial when award excessive, 25-11-102
Nominal damages, 27-1-204, 27-1-301
Noneconomic damages, 25-9-411, 27-1-307, 27-1-308, 27-1-310
Obligations, breach, See **OBLIGATIONS**; See also **CONTRACTS**, **Obligations generally**, damages
Peculiar value of property, effect, 27-1-305
Penal, See **Punitive**
Personal injury, See **PERSONAL INJURY**
Personal property
  conversion, 27-1-320, 27-1-321, 30-3-419, See also **CONVERSION**
  delivery, when required with, 25-13-307
Petroleum products, price discrimination, 82-15-207

DAMAGES (Continued)

Punitive, 27-1-220, 27-1-221
  abortion violations, 50-20-307
  animals, injury to, 27-1-222, 27-1-301
  assumed business name, filing of false documents by facsimile copies, 30-13-221
  attorneys at law
    deceit or collusion by, 37-61-406
    delay of client's cause, 37-61-407
  blacklisting employees, 39-2-802, 39-2-803
  campaign contribution or expenditure violations, 13-37-128
  checks, issuing bad checks or wrongful stop order, 27-1-717
  cigarette tax, unpaid, 16-11-143
  claims to public agencies, false — penalty, 7-6-4311, 17-8-231
  consumer contracts, plain language in — noncompliance, punitive damages not allowed, 30-14-1112
  consumer reports, noncompliance with provisions, 31-3-142
  cooperative associations, filing of false documents by facsimile copies, 35-15-211
  corporations, filing of false documents by facsimile copies, 35-1-218
  county clerk and recorder, neglect or refusal of duties as recorder, 7-4-2623
  county officers' fees
    illegal, refund, 7-4-2519
    receipt, refund for refusal or neglect to make, 7-4-2517
  defamation, for, 27-1-818
  discrimination
    findings of, 49-2-506
    housing enforcement actions, 49-2-510
  electric energy producers' license tax, unpaid or delinquent, 15-51-113
  farm animal and research facilities, actions for damages to, 81-30-104
  forcible entry and detainer or unlawful detainer, 70-27-205, 70-27-206
  gambling, illegal — losses from, recovery, 23-5-131, 23-5-135
  governmental entities, immunity, 2-9-105
  incompetent persons, liability, 27-1-711
  insurance coverage of, when, 33-15-317
  insurange guaranty associations, casualty and property — covered claims, nonapplicability, 33-10-102
  insurers, claim settlements — actions for violation of unfair practices, 33-18-242
  interest on, exceptions, 27-1-210
  landlord and tenant
    possession
      landlord's failure to deliver, 70-24-405
      tenant's holdover, 70-24-429
    rental agreement, tenant's noncompliance, 70-24-422
    unlawful eviction or diminution of essential services, 70-24-411
  limited liability companies, filing false documents by facsimile copy, 35-8-207
  limited partnerships, filing of false documents by facsimile copies, 35-12-615
  livestock, unlawful use of aircraft to frighten or stampede, 67-1-204
  minors, liability, 27-1-711, 41-1-201
  motor carriers — actions for recovery of excess rates, fares, or charges, 69-12-511
  motor vehicle dealers, pecuniary losses, 61-4-137, 61-4-210
  nonprofit corporations, filing of false documents by facsimile copies, 35-2-120
  partnership documents, filing of false documents by facsimile copies, 35-10-112
  petroleum products, price discrimination, 82-15-207
  price discrimination violations, 30-14-906
  public contracts, nonliability, 18-1-404
  railroads, excess charges — actions for recovery, 69-14-322
  real estate recovery account, payment from not allowed, 37-51-503

DAMAGES (Continued)
Punitive (Continued)

  real property, waste by guardian or certain tenants, 70-16-106
  school district trustees, immunity, 20-3-332
  secured transactions
    filing of false documents by facsimile copies, 30-9-403, 30-9-431
    fraudulent or improper liens, 30-9-432
  seduction, for, 27-1-514
  state law library, injury to books or failure to return, 22-1-506
  teachers, termination — not allowed, 20-4-204
  timber, trespass for taking or injury to, 70-16-107, 70-16-108
  title insurance business, violation of prohibited practices, 33-25-402
  trademarks and service marks, filing of false documents by facsimile copies, 30-13-341
  trade secrets, misappropriation, 30-14-404
  unfair trade practices, 30-14-133, 30-14-222
  utility meters, bypassing or tampering — recovery of value of services, 69-4-1104
  wheelchair warranty actions, 30-14-1207
  witness, for arrest of, 26-2-403
  wrongful discharge from employment, 39-2-905
Real property, specific provisions, See **PROPERTY, REAL**
Reasonableness required, 27-1-221, 27-1-302
Relief, as, 27-1-107
Right to, 27-1-202; Const., II, 16
Seduction, for, 27-1-322, 27-1-514
Special, pleading of, Title 25, chapter 20, M.R.Civ.P., Rule 9(g)
Specific performance in lieu of, 27-1-411, 27-1-419
Specific relief in lieu of, 27-1-402
Sterilization, refusal to participate on grounds of religious or moral conviction — damages barred, 50-5-502, 50-5-503
Summary judgment, effect, Title 25, chapter 20, M.R.Civ.P., Rule 56(c)
Voluntary payment, no reduction by, 26-1-703, 26-1-706, See also **EVIDENCE, Voluntary payment of liability claim**
Wrongful death, for, 27-1-323
  collateral source reductions, 27-1-307, 27-1-308
  duels, 27-1-223, 27-1-301
  future damages, periodic payment, 25-9-401 — 25-9-406, 25-9-412
  joinder of actions, effect, 27-1-501
  medical malpractice
    future damages, periodic payment, 25-9-412
    noneconomic damages, limitations, 25-9-411
  pleading of damages, 25-4-311 — 25-4-314
Wrongful discharge from employment, limitations, 39-2-905

DAMS AND RESERVOIRS
  See also **WATER USE, Projects and works**
Actions
  emergency repairs and breaching costs, recovery, 85-15-215
  inspection costs, recovery, 85-15-214
Affidavit of complaint, 85-15-214
Animals, disposal of dead animals in unlawful, 75-10-213
Appropriation permits, 85-2-305, 85-2-411, 85-2-413, See also **WATER USE, Appropriations**
Authority of Department of Natural Resources and Conservation, 85-1-213
Breaching, 85-15-215
Canyon Ferry Dam, 85-2-141
Citation of Montana Dam Safety Act, 85-15-105

DAMS AND RESERVOIRS (Continued)

Cities and towns
  acceptance of gift or devise, authority, 7-8-103, 7-8-104
  financing, See generally **CITY FINANCE, Bond issues; Indebtedness; Revenue bonds**
  regulation prohibited when, 85-15-401
  water supply systems, jurisdiction and control, 7-13-4406
Clark Fork River Dam, 85-1-122
Conduction of water from or over land of another, 85-2-414
Conservation districts, site purchase and construction, Title 76, chapter 15, See **CONSERVATION DISTRICTS, Water storage sites**
Construction, 85-15-106, 85-15-110, 85-15-115, 85-15-207, 85-15-208
  financing, See generally **CITY FINANCE, Bond issues; Indebtedness; Revenue bonds**
  high-hazard dams, 85-15-110, 85-15-209 — 85-15-212, 85-15-216
Costs and fees, 85-15-110, 85-15-214, 85-15-215, 85-15-502
County regulation prohibited when, 85-15-401
County water and/or sewer district projects, 7-13-2218
Definitions, 85-15-106
Distribution of water, 85-5-101, 85-5-105, See also **WATER USE, Distribution; Water commissioners**
Emergency preparedness and warning procedures, 85-15-110, 85-15-212
Emergency repairs, 85-15-215
Eminent domain for surface rights, 70-30-104, 85-2-414; Const., IX, 3
Engineers, 85-15-106, 85-15-211, 85-15-213, 85-15-305
Entry on land by department employees, 85-15-108
Exemptions to provisions, 85-15-107
Federal dams and reservoirs, 85-15-107
  acquisition of water in, 85-1-205
Fees and costs, 85-15-110, 85-15-214, 85-15-215, 85-15-502
Fishing privileges, interstate, 87-2-1001 — 87-2-1004
Fish ladders — construction, maintenance, and funding, 87-1-222
Fish, Wildlife, and Parks Commission — use rules, 87-1-303, 87-1-306
Flood plains and floodways, Title 76, chapter 5, See **FLOOD PLAINS AND FLOODWAYS, Obstructions**
Fort Peck Dam, 2-1-209, 23-1-126, 85-2-141, 85-2-331, 85-20-201, 87-3-235, 87-3-236
Grazing districts, within, 76-16-305
Hauser Dam downstream to Beaver Creek, no-wake waters, 87-1-306
High-hazard dams, 85-15-106
  classification, 85-15-110
  construction, 85-15-110, 85-15-210 — 85-15-212, 85-15-216
  determination prior to construction, 85-15-209
  emergency procedures and warning plans, 85-15-212
  inspections and reports, 85-15-211, 85-15-213, 85-15-216
  operating permit, 85-15-110, 85-15-212, 85-15-213, 85-15-216
  operation plan, 85-15-212
Hungry Horse Dam, 85-2-141
Hydroelectric resources, See **STATE LANDS, Power site leases or licenses; WATER USE, Hydroelectric power generation**
Impounding reservoirs, 85-15-106; Title 76, chapter 5, part 11, See **FLOODS, Control projects**
Inspections, 85-15-106, 85-15-110, 85-15-211, 85-15-213, 85-15-214, 85-15-216
Insurance against loss or damage by, 33-1-209, See **INSURANCE, MARINE**
Interpretation of laws, 85-1-103
Irrigation districts, within, Title 85, chapter 7
Legal assistance, 85-15-109
Liability of owners for damage, 85-15-305
Megalandfill siting application, evaluation — considerations, 75-10-920

DAMS AND RESERVOIRS (Continued)

Milltown Dam, owner or operator — applicability of hazardous substance remedial action provisions, 75-10-701
Mining, opencut — reclamation plan, 82-4-434
Natural channels, turning water into, 85-2-411
Natural flow of waters, diversion permitted when, 85-2-413
Noncompliance with provisions, 85-15-503
Nonfederal dams on federal lands, 85-15-107
Nonprofit water user entities, exemption from special assessments, 7-12-1151, 7-12-2196, 7-12-4124, 7-12-4345, 7-12-4436, 7-12-4511, 7-12-4621
Overtime compensation exclusions for workers, 39-3-406
Purpose, 85-15-115
Recreational use, 85-15-115
  rules for, 23-2-302, 85-9-404, 87-1-303
  stream access law, Title 23, chapter 2, part 3
Rules, 85-9-404, 85-15-110, 85-15-503
Soil survey and mapping program, 76-11-201, 76-11-202
State lands, on, See **STATE LANDS, Easements; Power site leases or licenses**
Tiber Dam, 85-2-141
Tongue River Reservoir, 85-20-301, 85-20-302
Violations and penalties, 85-15-502, 85-15-503
Waste treatment requirements, 75-5-306
Water and wastewater authorities, regional — facilities, 75-6-313
Water commissioners, powers and duties, 85-5-101, 85-15-105, See **WATER USE, Water commissioners**
Water conservancy districts, rulemaking authority, 85-9-404
Water works, 85-1-102
Yellowstone River basin, appropriation for, 85-2-602
Yellowtail Dam, 85-2-141

D.A.R.E. PROGRAM, 15-30-158; Title 44, chapter 2, part 7

DATA PROCESSING
  See **INFORMATION TECHNOLOGY**

DAY CARE
Adequacy of facilities and equipment, 52-2-731
Admission policies, 52-2-723, 52-2-731
Adult facilities and care, 7-34-2201, 15-30-128, 50-5-101, 52-3-504, 52-3-811, See also **HEALTH CARE FACILITIES**
Appeals of noncompliance actions, 52-2-741
Applicants, requirements, 52-2-723, 52-2-724, 52-2-731, 52-2-732
Certification
  compliance with standards and rules, 52-2-703
  fire safety requirements, 52-2-724, 52-2-734
  health protection requirements, 52-2-724, 52-2-735
Child abuse and neglect
  investigation and interview of child, 41-3-202
  "person responsible for a child's welfare" defined, 41-3-102, See **CHILD ABUSE AND NEGLECT, Parents, guardians, or persons responsible for**
  reporting, 41-3-201, 41-3-203 — 41-3-207
Child support
  criteria for determining amount, 40-4-204, 40-5-226, 40-6-116
  expenses, defined as, 40-5-601
  parenting plan, criteria, 40-4-234
Citation of Montana Child Care Act, 52-2-701
Cities and towns, establishment of facilities, 7-16-2108, 7-16-4114

DAY CARE (Continued)

Communicable diseases, 52-2-723, 52-2-735
Compliance with standards and rules, 52-2-703, 52-2-726
Conditional use permits not required, 76-2-412
Counties, establishment of facilities, 7-16-2108, 7-16-4114
Day care center or facility definitions, 52-2-703
Developmental disabilities, persons with, 53-20-202, See also **DEVELOPMENTAL DISABILITIES, PERSONS WITH, Community services**
Displaced homemakers program, 39-7-305
District court jurisdiction, 52-2-741
Establishment of facilities, requirements, 7-16-2108, 7-16-4114, 52-2-721, 52-2-741
Families achieving independence in Montana (FAIM) project
    assistance, 53-4-212, 53-4-608, 53-4-609, 53-4-611, 53-4-612
    purpose and components, 53-4-601, 53-4-603
Fees, 52-2-721, 52-2-735
Financial requirements, 52-2-731
Fire insurance requirements, 52-2-723, 52-2-724
Fire protection and safety regulations, 50-61-103, 52-2-724, 52-2-733, 52-2-734, See also **FIRES AND FIRE PROTECTION**
Food and nutrition, 52-2-702, 52-2-723, 52-2-735
Fraud by licensee or registrant, 52-2-726
Funding, 52-2-704, 52-2-711
Grant program for resource and referral services, 52-2-711
Health requirements, 52-2-723, 52-2-724, 52-2-731, 52-2-733, 52-2-735
Hearings on license or registration certificate actions, 52-2-726
Immunization requirement, 52-2-735
Indian reservations, upon, 52-2-722
Injunction, 52-2-741
Inspections, 52-2-732, 52-2-733
Insurance requirements, 52-2-723, 52-2-724
    home owner insurance, effect on, 33-15-1111
Intake records, 52-2-723
Interagency agreements, 52-2-704
Investigations, 52-2-733
    fire safety, 52-2-734
    license application, upon, 41-3-205, 52-2-722, 52-2-733
    operation of facility without license or registration certificate, 52-2-741
Legislative intent, 52-2-702
Licenses or registration certificates
    applications, 52-2-722
    cancellation, denial, or modification, 52-2-726
    definitions, 52-2-703
    discrimination in issuance prohibited, 49-3-204
    fire safety requirements, certification, 52-2-724, 52-2-734
    fraud in obtaining, 52-2-726
    health protection requirements, certification, 52-2-723, 52-2-724, 52-2-735
    indian reservations, 52-2-722
    insurance requirements, 52-2-723, 52-2-724
    investigation, 41-3-205, 52-2-722, 52-2-733
    issuance, 52-1-103, 52-2-703, 52-2-704, 52-2-721, 52-2-724
    notice concerning action on, 52-2-726
    provisional, 52-2-724
    reduction, revocation, or suspension, 52-2-726
    renewal, 52-2-725
    required, 52-2-721, 52-2-741
    requirements for, 52-2-704, 52-2-723, 52-2-734

DAY CARE (Continued)
Licenses or registration certificates (Continued)

  term, 52-2-721, 52-2-724
Mentally ill persons, psychiatric day care treatment upon release, 53-21-185
Municipal facilities, establishment, 7-16-2108, 7-16-4114
Noncompliance with standards or requirements, 52-2-726, 52-2-741
Notice of action on license or registration certificate, 52-2-726
Number of children, 52-2-703, 52-2-721, 52-2-723, 52-2-731
Nutrition and food, 52-2-702, 52-2-723, 52-2-735
Operation of facilities, requirements, 52-2-721
Payments for eligible children, 52-2-713
Programs
  administration, 52-2-704
  coordination and implementation, 52-1-103, 52-2-702, 52-2-704
  improvement, 52-2-702
  resource and referral, 52-2-711
  standards, 52-2-723, 52-2-731
  tax levy to fund, 7-16-2108, 7-16-4114
  upgrading, 52-2-733
Protective services for youth in need of care, 52-1-103
Purpose of provisions, 52-2-702
Records, 52-2-703, 52-2-723, 52-2-732
Registration certificates, See **Licenses or registration certificates**
Reports to Department of Public Health and Human Services, 52-2-732, 52-2-733
Resource and referral programs, 52-2-711
  license hearings, 52-2-726
  staff, sufficiency, 52-2-723
Safety requirements, 52-2-723, 52-2-731, 52-2-734
Sanitarians, authority, 37-40-101
Services, 52-1-103, 52-2-702, 52-2-711
Staff requirements, 52-2-723, 52-2-731, 52-2-735
  child abuse and neglect, reporting, 41-3-201, 41-3-203 — 41-3-207
Standards, 52-2-703, 52-2-704, 52-2-723, 52-2-731, 52-2-733
  noncompliance, 52-2-726
  provisional license or registration certificate, issuance when, 52-2-724
Subsidies, 52-2-711
Taxes, income — credits or deductions for assistance or expenses, 15-30-121, 15-30-186, 15-30-201, 15-31-131
Tax levy to fund facilities, 7-16-2108, 7-16-4114
Training of staff, 7-16-2108, 7-16-4114, 52-2-723, 52-2-735
Upgrading of services, 52-2-733
Violations, 41-3-207, 52-2-741
Visits to facilities, 52-2-733
Youth in need of care, protective services, 52-1-103
Zoning regulations, 76-2-412

DEAF AND BLIND, MONTANA SCHOOL FOR THE
Admission to, 20-8-103, 20-8-104, 20-8-107, 20-8-108
Attendance, duration, 20-8-106
Autopsy of student upon death, 50-21-103
Continuing education programs, 20-8-116
Designation, 20-8-101
Employees, communications skills — requirement and exception, 20-8-120
Employment placement, 20-8-116
Endowments, Title 17, chapter 3, part 10
Gifts, donations, or grants, 20-8-101, 20-8-111; Title 17, chapter 3, part 10
Independent institution, as, 20-8-101

DEAF AND BLIND, MONTANA SCHOOL FOR THE (Continued)

Indian children, admittance, 20-8-107
Indigent children, 20-8-108
Money, expenditure, 20-8-112
Nonresident children, admittance, 20-8-104, 20-8-107
Objects and purposes, 20-8-101, 20-8-102
Property, 20-8-101, 20-8-110, 20-8-111
Public schools, assistance and fee, 20-8-102
Retirement system for employees, Title 19, chapter 20
Rules, 20-8-103, 20-8-104, 20-8-106, 20-8-121
School term, 20-8-109
Special education, children requiring — cooperation in discovering, 20-7-404
Statewide classification and pay plans, personnel and live-in houseparents — exception, 2-18-103
Superintendent, 20-8-103, 20-8-106, 20-8-108, 20-8-113, 20-8-116, 20-8-120, 20-8-121
Supervision, 20-8-101
Suspension, expulsion, or transfer of students, 20-8-106
Teaching staff, compensation and qualifications, 20-8-103
Transportation of students, 20-8-108, 20-8-121

DEAF PERSONS
  See also **DISABILITIES, PERSONS WITH**
Accommodations, public and housing — rights, 49-4-211, 49-4-212, 49-4-214
Audiology and audiologists, Title 37, chapter 15, See **SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS**
Definitions, 49-4-203, 49-4-502
Discrimination, Title 49, chapter 4, See **DISCRIMINATION, Disabilities, persons with**
Education for children, Title 20, chapter 7, part 4; Title 20, chapter 8, part 1, See **DEAF AND BLIND, MONTANA SCHOOL FOR THE; SCHOOLS, Special education**
Employment
  preference, Title 39, chapter 30, See **LABOR AND EMPLOYMENT, Disabilities, persons with**
  state policy, 49-4-202
Hearing aid dispensers, Title 37, chapter 16, See **HEARING AID DISPENSERS**
Hearing clinicians, clinics, therapists, therapy, or centers, Title 37, chapter 15, See **SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS**
Housing accommodations, 49-4-203
  access to, 49-2-305, 49-4-212
  rights 49-4-212, 49-4-214
Interpreters in official proceedings
  appointment, 49-4-503, 49-4-505, 49-4-507
  compensation and expenses, 49-4-509
  definitions, 49-4-502
  full view, to be in, 49-4-506
  oath, 49-4-508
  policy of state, 49-4-501
  preliminary determination, 49-4-504
  privileged communications, 49-4-511
  requests for, coordination, 49-4-507
  waiver when, 49-4-510
Occupational deafness, compensation, Title 39, chapter 71, part 8, See **WORKERS' COMPENSATION, Deafness, occupational**
Penalty for violation of rights, 49-4-215
Policy of state, 49-4-202, 49-4-501
Public places and accommodations, rights, 49-4-211, 49-4-214
Rights, 49-4-211, 49-4-212, 49-4-214, 49-4-215

DEAF PERSONS (Continued)

School for hearing impaired children, Title 20, chapter 8, part 1, See **DEAF AND BLIND, MONTANA SCHOOL FOR THE**
Service animal, right to have and owner's liability for damage by, 49-4-214
Telecommunications services and equipment, Title 53, chapter 19, part 3, See **DISABILITIES, PERSONS WITH**
Transportation, public — rights, 49-4-211, 49-4-214

DEATH
Abortion
  disposition of dead infants or fetuses and reporting of maternal deaths, 50-20-105
  premature infant born alive, causing death of — criminal offense, 50-20-108
Accountants, partnerships — use of decedent's name, 37-50-301
Actions, procedural provisions, See **CIVIL PROCEDURE, Death**; **Parties to action**; **Survival of action**
Adoption
  child, adoption by stepparent, 42-4-302
  proceedings, disclosure of records when, 42-6-104
Agency, termination by, 28-10-801, 28-10-802
Agricultural marketing association members, bylaw provisions, 35-17-206
Airports and landing fields, zoning and hazard regulations, 67-5-101
Anatomical gifts, Title 72, chapter 17
Animals, See **ANIMALS, Dead animals**; **LIVESTOCK, Rendering or disposal plants**; **Indemnification**; **MEAT AND MEAT PRODUCTS, Establishments**; **SOLID WASTE MANAGEMENT**
Arson, offenses of, 45-6-102, 45-6-103
Autopsies, See **FORENSIC SCIENCE**
Banks and trust companies
  depositor, death of, 30-4-405, 32-1-448
  safe deposit boxes, joint tenancy, 70-1-308
Bigamy, reasonable belief of marital status, 45-5-611
Boating accidents, reporting, 23-2-527
Brain Death Act, Uniform, 50-22-101
Building and loan associations, stock or savings accounts, 32-2-212, 32-2-245, 32-2-416, 32-2-417
Burial generally
  body brought into state, 50-15-406
  cemetery associations, purpose, 35-20-101, See also **CEMETERY ASSOCIATIONS**
  disinterment, 22-3-805, 46-4-103, 46-4-110, 50-15-407
  indigent persons, 35-20-209, 40-6-301, 53-3-116
  infectious waste, body parts, 75-10-1005
  medical schools, unclaimed bodies, 50-21-102
  occupational disease benefit payments, 39-72-705
  permits, 46-4-122, 50-15-114, 50-15-406, 50-21-102
  person in charge of, 50-15-101, 50-15-403
  right of, 70-17-101, 70-17-102
  veterans, 10-2-501, 10-2-504, 10-2-506, 10-2-602
  workers' compensation benefit payments, 39-71-725, 39-71-907
Burial sites or materials, protection, Title 22, chapter 3, part 8
Cause of death generally
  determination, See **FORENSIC SCIENCE**
  inquest or inquiry, See **COUNTY CORONER**
Cemeteries, See **CEMETERIES**
Cemetery associations, purpose, 35-20-101, See **CEMETERY ASSOCIATIONS**
Cemetery district permanent care and improvement fund trustees, 7-35-2136, 7-35-2142, 7-35-2145

DEATH (Continued)

Certificates, Title 50, chapter 15, parts 1 and 4, See **VITAL STATISTICS**
Child abuse and neglect, death of child, 41-3-205, 41-3-206, 41-3-403, 41-3-609
Child parenting, death of parent, 40-4-219, 40-4-221
Child support, death of parent, 40-4-208, 40-6-213
City-county officers, audit of accounts, 7-3-1305
Civil disorder, prohibited activities — death caused by, 45-8-109
Close corporation shareholders, 35-9-202, 35-9-205 — 35-9-208
Concealment unlawful, 44-3-404
Contemplation of, transfer in, 15-7-307, 70-3-103, 70-3-201 — 70-3-205, 72-16-213, 72-16-301, 72-16-308
Coroner, See **COUNTY CORONER**
Credit union trust accounts, death of member — effect, 32-3-506
Cremation, 40-6-301, 46-4-122, 53-3-116
Crematory facilities, Title 37, chapter 19
"Crime of violence" defined, 46-18-104
Crimes punishable by, 45-2-101, See also **DEATH PENALTY**
Crime victims, restitution, See **CRIME VICTIMS AND WITNESSES**
Criminal cause of death, See **COUNTY CORONER, Inquests**; **CRIMES**, generally; **FORENSIC SCIENCE**
Damages
  collateral source reductions, 27-1-307, 27-1-308
  dueling, death caused by, 27-1-223, 27-1-301
Death benefits
  benevolent associations, 33-6-102, 33-6-302 — 33-6-304, 33-6-405
  fire department relief associations, 19-18-605, 19-18-607
  firefighters' unified retirement system, 19-13-902, 19-13-903, 19-13-1007
  fraternal benefit societies, 33-7-126, 33-7-411, 33-7-520, 33-7-521
  game wardens' and peace officers' retirement system, 19-8-801, 19-8-1001 — 19-8-1003, 19-8-1104
  highway patrol officers' retirement system, 19-6-707, 19-6-901 — 19-6-903
  judges' retirement system, 19-5-701, 19-5-801, 19-5-802
  occupational disease, See **OCCUPATIONAL DISEASE, Benefits**
  police officers' retirement systems, 19-7-801, 19-9-1101, 19-9-1102, 19-19-503, 19-19-506
  public employees' retirement generally, 19-2-401
  public employees' retirement systems, 19-2-802, 19-2-1007, 19-3-511, 19-3-1201, 19-3-1202, 19-3-1501
  sheriffs' retirement system, 19-7-801, 19-7-901, 19-7-1001
  silicosis, 39-72-707, 39-73-109
  teachers' retirement system, 19-20-212, 19-20-409, 19-20-415, 19-20-1001, 19-20-1002
  volunteer firefighters' retirement, 19-17-405, 19-17-406, 19-17-501, 19-17-503, 19-17-505, 19-17-506
  workers' compensation, See **WORKERS' COMPENSATION, Death**
Determination of death, 50-22-101
Developmental disabilities, persons with — abuse causing, 52-3-803
Disinterment
  human skeletal remains and burial material, 22-3-805
  order for, 46-4-103, 46-4-110
  permit, 50-15-407
Disturbing corpse, criminal penalty, 44-3-404
Do not resuscitate provisions, Title 50, chapter 10, part 1
Dying declarations, Title 26, chapter 10, M.R.Ev., Rule 804
Elderly persons, abuse causing, 52-3-803
Elections
  campaign treasurer, death of, 13-37-204
  candidate, death of, 13-10-211, 13-10-326 — 13-10-328, 13-38-101, 13-38-204

DEATH (Continued)
Elections (Continued)

  elector, death of, 13-2-402, 13-13-204, 13-13-243
  impersonation of voter, 13-35-210
Electricity buying cooperative trustees, 35-19-307
Emergency medical services, purpose, 50-6-101
Emergency or disaster activities, immunity of personnel from liability, 10-3-111
Employment relationship, See **LABOR AND EMPLOYMENT**; **WORKERS' COMPENSATION**
Equine activities, liability, 27-1-725 — 27-1-728
Estates of decedents, See **ESTATES AND PROBATE**
Euthanasia not authorized by living wills, 50-9-205
Execution, death of party, 25-13-103
Executive clemency, publication of order for hearing unnecessary when, 46-23-305
Federal official reports and records as prima facie evidence, 26-1-622
Fetal death, 50-15-101
  abortion, disposition of dead fetuses, 50-20-105
  anatomical gifts, Title 72, chapter 17
  concealment, 44-3-404
  death certificates, Title 50, chapter 15, parts 1 and 4, See **VITAL STATISTICS**
  finding remains, notification, 46-4-120
  infectious waste, disposal of fetal remains, 75-10-1005
  inquiry, 46-4-122
  reporting, 44-3-404, 46-4-114
Fetal, infant, and child mortality review teams, 50-19-403
  access to information, 44-5-303, 50-16-525, 50-19-402
  citation of fetal, infant, and child mortality prevention act, 50-19-401
  MIAMI project, coordination of services, 50-19-323
  policy of state, 50-19-402
  records, confidentiality, 50-19-404
  unauthorized disclosure of information, 50-19-405, 50-19-406
Finding of human remains, notification, 46-4-120
Fire
  cause of death, report to department of justice, 50-63-203
  reports, liability for delays in receiving and transmitting causing death of person, 7-33-4114
Firearms or ammunition, defect in design — consideration in products liability actions, 27-1-720
Forensic science, See **FORENSIC SCIENCE**
Funds transfers, sender — effect, 30-4A-211
Funeral directors, funerals, funeral expenses, or prearranged funeral plans, Title 37, chapter 19
Gifts in view of, 15-7-307, 70-3-103, 70-3-201 — 70-3-205, 72-16-213, 72-16-301, 72-16-308
Guardianship
  court appointment of guardian for incapacitated person, 72-5-312
  guardian or ward, termination of guardianship upon death of, 72-5-233, 72-5-324
  testamentary appointment of guardian for minor, 72-5-211
Hazardous or deleterious substance, release — third party claims, 75-10-718
Hazardous substances
  "highly toxic" defined, 50-30-205
  investigation when caused by, 50-30-106
Health care information concerning deceased persons, 37-27-310, 50-16-504, 50-16-522, 50-16-535, 50-16-602
Hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rules 803, 804
Homicide, See **CRIMES**
Hospices, 50-5-101, See **HOSPICES**
Human skeletal remains and burial sites, protection, Title 22, chapter 3, part 8

DEATH (Continued)

Infants
    abortion, 50-20-105, 50-20-108
    information to department of public health and human services, 50-16-102
    sudden infant death syndrome, 50-15-411, 50-15-412
    withholding of medically indicated treatment, 41-3-102
Information, duty to provide, 44-3-404, 50-15-108, 50-15-114, 50-15-403, 50-15-404, 50-16-102
Inquest or inquiry, See **COUNTY CORONER**
Instruments, proof of execution by handwriting, 1-5-302
Insurance
    accidental death, against, 33-1-206 — 33-1-208, See generally **INSURANCE, CASUALTY**; **INSURANCE, DISABILITY**; **INSURANCE, LIFE**
    air carriers, requirements, 67-3-401
    beneficiaries or assignees, recovery of benefits from — when, 33-15-201
    consumer loan businesses, open-end loans — credit life or disability insurance provision, 32-5-504
    guaranty associations, extent of liability for benefits, 33-10-224
    insurable interests, 33-15-201, 33-15-206
    insurance producers, 33-17-216, 33-17-217
    marine protection and indemnity, 33-1-209, See **INSURANCE, MARINE**
    motor vehicle liability, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Liability insurance**
    professional liability, Title 33, chapter 9, part 1, See also **INSURANCE, CASUALTY**
    public employees' group insurance, mandatory provisions, 2-18-704
Insurers
    alien, trusteed assets — death of trustee, 33-2-214
    farm mutual, member of board of directors, 33-4-302
    liquidation claims, priority, 33-2-1371
Interment, See **Burial generally**
Investigation generally, See also **COUNTY CORONER**; **FORENSIC SCIENCE**
    federal officers, 44-3-401, 46-4-104
    forensic science, purpose, 44-3-102
    information, refusal to provide, 44-3-404
Irrigation ditch drownings, nonliabilities of ditch owners or operators when, 85-7-2212
Judicial order, result of — witness and certification, 7-4-2911
Jury duty, names drawn for — omission when, 3-15-403
Law enforcement entities, liability for mutual assistance, 44-11-102
Liability claims, voluntary payment not admission of fault, 26-1-703, 26-1-706
Life-sustaining treatment
    declaration to withhold or withdraw, Title 50, chapter 9, parts 1 and 2
    do not resuscitate procedure, Title 50, chapter 10, part 1
Limited liability companies, disassociation of member, 35-8-803
Livestock, See **LIVESTOCK**, **Rendering or disposal plants**; **Indemnification**; **MEAT AND MEAT PRODUCTS**, **Establishments**
Lottery, state — effect on prizes, 23-7-311
Malpractice, medical, 27-2-205, 27-6-103, See also **INSURANCE, CASUALTY**; **MALPRACTICE, MEDICAL**
Marriage
    declaration of invalidity not allowed, 40-1-402
    license applications, former spouse, 40-1-107
    premarital agreements for disposition of property upon death, 40-2-605
Medal of Valor, Montana — awarding to survivor, 1-1-515
Medical examiner, state, See **FORENSIC SCIENCE**
Medical schools, procurement of cadavers, 50-21-101, 50-21-102
Midwives, direct-entry — deceased clients, disclosure of information, 37-27-310

DEATH (Continued)

Mining
  coal mines, fatalities in, 50-73-308, 50-73-410 — 50-73-412
  conditions likely or not likely to cause, 50-72-204, 50-72-205, 50-73-412, 50-73-413, 82-4-203
  employees, 39-2-704
Minors, See **Fetal death; Infants; MINORS**
Missing persons, See **MISSING PERSONS**
Morgues or morgue facilities, 46-4-103
Morticians and mortuaries, Title 37, chapter 19
Motor vehicles
  accidents, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**, **Accidents and accident reports**
  drivers' licenses
    minors, cancellation upon death of person signing application, 61-5-202
    revocation or suspension when, 61-5-205, 61-5-206
  liability insurance, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
  transfer of interest upon death of owner, 61-3-201
Municipal commission-manager government officers, audit of accounts, 7-3-4431
Negligence resulting in
  abortion, premature infant born alive — causing death of, 50-20-108
  arson, negligent, 45-6-102
  comparative negligence/fault, 27-1-702
  contributory negligence/fault, 27-1-702, 69-14-1006
  disaster or emergency activities, liability of personnel, 10-3-111
  employment
    fellow servant liability, 39-2-703, 39-2-704
    third party liability, 39-71-412
  fire reports, delays in receiving or transmitting, 7-33-4114
  homicide, negligent, 45-5-104
  irrigation ditch drownings, liability of ditch owners or operators when, 85-7-2212
  malpractice, medical, 27-2-205
  motor carriers, operation, 69-12-402
  public employees' retirement systems, members of — death caused by, effect, 19-2-906
  railroad employees' death, liability, 69-14-1006
  workers' compensation, 39-71-412, 39-71-413, 39-71-509
Negotiable instruments
  maker or acceptor, excused presentment, 30-3-513
  signer, validity of signature, 30-3-307
Nonprofit corporation members, 35-2-539
Nursing facility bed day, utilization fee — applicability, 15-60-101
Organ donation, Title 72, chapter 17
Outfitters' licenses, continuation by family members upon death of outfitter, 37-47-310
Parents, death, See **PARENT AND CHILD**
Partition proceedings, parties — effect, 70-29-113, 70-29-212
Paternity
  determination of father and child relationship, action for, 40-6-107
  presumption, 40-6-105
  venue for actions, 40-6-109
Payroll warrants, designation of person to receive, 2-18-412, 7-4-2521, 7-4-4211
Peace officers, of, 7-32-303
Perpetuities, statutory rule against, 72-2-1001 — 72-2-1007
Petroleum storage tank releases, third party payments for death caused by, 75-11-302, 75-11-307, 75-11-309
Pharmacists' drug product selection, liability for death caused by, 37-7-509
"Physical abuse" defined, 41-3-102, 52-3-803
Physicians, duties, See **PHYSICIANS AND SURGEONS**

DEATH (Continued)

Postmortem examinations, See **FORENSIC SCIENCE**
Power of attorney
  agent, 72-31-201
  effect on, 72-5-501, 72-5-502
Presumption, 26-1-602, 26-1-622, 26-1-623, See also **ESTATES AND PROBATE, Presumed decedents; MISSING PERSONS**
Probate, See **ESTATES AND PROBATE**
Professional counselor-client privilege, release of information upon death of client, 37-23-301
Property
  community property, disposition, Title 72, chapter 9, part 1
  deceased person, property with or upon — disposition, 7-4-2911, 7-4-2914, 7-4-2917
  future interest
    heirs and issue, meaning, 70-1-518
    posthumous children, 70-1-420, 70-1-422
  gifts in view of death, 15-7-307, 70-3-103, 70-3-201 — 70-3-205, 72-16-213, 72-16-301, 72-16-303
  inheritance, See **ESTATES AND PROBATE, Distribution and distributees; Intestate succession**
  joint tenancy
    death certificate, filing by joint tenant, 72-16-502
    decedent, termination of interest upon death, 72-16-501 — 72-16-505
    homicide of joint tenant, effect on, 72-2-813
    inheritance tax of surviving spouse, waiver when, 72-16-315
    right of survivorship subject to tax, 72-16-303, 72-16-502
    safe deposit boxes, 70-1-308
  life, estates for — termination, 72-16-502
  personal property
    estates, accrual of action before letters of administration, 27-2-304
    things in action, succession, 70-2-102
  quiet title by heirs of deceased entrymen, Title 70, chapter 28, part 2
  recovery of possession, 70-19-413, 70-19-414
  remainders
    death certificate, filing by remainderman, 72-16-502
    fee tail, upon, 70-15-205
    when to take effect, 70-15-214
  rent dependent on life, recovery, 70-26-108
  taxes, Title 72, chapter 16
  transfers after death considered as by will, 72-16-306
  wills, See **ESTATES AND PROBATE**
Public assistance
  burial of indigent persons, 40-6-301, 53-3-116
  medical assistance recipients, 53-6-143
Public officers, vacancy and succession, 2-16-501, 2-16-513; Const., VI, 6; VI, 14; Title 25, chapter 20, M.R.Civ.P., Rule 25(d); Title 25, chapter 21, M.R.App.P., Rule 37, See also main subject heading for specific officer or employee
Public utility operations, accidents resulting in, 69-3-107
Railroad employees, 39-2-703, 69-14-1006
Records
  burial permit for body brought into state for disposition, 50-15-406
  burial site, 22-3-807
  cemetery associations, 35-20-209
  hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
  use, 50-1-202
Religious corporations sole, succession, 35-3-207, 35-3-208

DEATH (Continued)

Removal of body from place of death, 7-4-2915, 44-3-404, 50-15-405
Right-to-die, Title 50, chapter 9, parts 1 and 2
Secured transactions, commercial tort claim — nonapplicability, 30-9-122
"Serious bodily injury" defined, 45-2-101
Simultaneous death, 72-1-108, 72-2-114
Social security, information availability, 50-15-403
Social worker-client communications, consent for disclosure upon death of client, 37-22-401
Stranger, of, 35-20-209, 72-15-105
Suicide
  aiding or soliciting unlawful, 45-5-105
  do not resuscitate protocol, death resulting from not to be, 50-10-104
  estate to descend or vest as in natural death, Const., II, 30
  insurance, life — provisions concerning, 33-20-121
  life-sustaining treatment, declaration to withhold or withdraw — death resulting from not to be, 50-9-205
  notes found with or upon decedent, disposition, 7-4-2917
Taxes
  estate, Title 72, chapter 16
  generation-skipping transfers, tax on, 72-16-1002
  income tax
    residential property tax relief claimant, 15-30-174
    spouse, death of, 15-30-112, 15-30-122, 15-30-134
Terminally ill persons, withholding or withdrawing life-sustaining treatment, Title 50, chapter 9, parts 1 and 2
Transportation of bodies, 22-3-808, 46-4-101, 46-4-122, 50-1-202, 50-15-114, 50-15-405, 50-15-407, 50-21-102, 69-11-208
Trusts
  funeral plans, prearranged, 37-19-827 — 37-19-829
  institutional funds donor, 72-30-207
  minors, transfers to — death of
    custodian, 72-26-601, 72-26-605, 72-26-607, 72-26-609, 72-26-801
    minor, 72-26-803
  trustee, death of, 72-33-619
  trustor, 72-33-210, 72-33-601, 72-36-302
Unattended or unwitnessed death, 46-4-122, 50-15-404
Unclaimed bodies, 7-4-2911, 50-21-101, 50-21-102
Unidentified bodies, 44-2-402, 46-4-110, 46-4-113
University system tuition waiver for survivors of military personnel, firefighters, or peace officers killed in line of duty, 20-25-421
Veterans
  employment preference for eligible relatives, 39-29-101
  interment, 10-2-501, 10-2-503, 10-2-504, 10-2-506, 10-2-602
  residence, tax exemption for surviving spouse, 15-6-211
Wages and salaries, obligation of successor employer, 39-2-502
Weapon, concealed — permits to carry, arising from, 45-8-326
Wills, See **ESTATES AND PROBATE**
Witnesses, 7-4-2911; Title 25, chapter 20, M.R.Civ.P., Rule 32(a); Title 26, chapter 10, M.R.Ev., Rule 804
Workers' compensation, See **WORKERS' COMPENSATION**
Workplace accidents causing, drug and alcohol testing, 39-2-207, 39-2-208, 39-2-211
Writings of decedent, prima facie evidence, 26-1-607
Wrongful death
  damages, 27-1-323
    action for, 27-1-501, 27-1-513
    collateral source reductions, 27-1-307, 27-1-308

DEATH (Continued)
Wrongful death (Continued)
  damages (Continued)
    future, periodic payment, 25-9-401 — 25-9-406, 25-9-412
    pleading of, 25-4-311 — 25-4-314
    recovery, statute of limitations, 27-2-204
  hazardous material incidents, persons and response team members rendering assistance — immunity from liability, 10-3-1217
  medical malpractice, 25-9-411, 25-9-412, 27-6-103
  workers' compensation claim settlements, subrogation, 39-71-414

DEATH PENALTY
Absence of defendant from trial, effect, 46-16-122
Aggravating circumstances, 46-18-303, 46-18-305, 46-18-306, 46-18-310
Appeal, See **APPELLATE PROCEDURE, Criminal proceedings, specific provisions**
Apprehension of person committing or charged with offense punishable by, reward for, 2-15-201
Assault, aggravated, 46-18-219, 46-18-220, 46-18-303
Bail unavailable on offense punishable by, 46-9-102, 46-9-106, 46-30-303; Const., II, 21
Boot camp incarceration program, ineligibility, 53-30-403
Data to supreme court, 46-18-604
Date of execution, 46-19-103, 46-19-204
Death warrant, 46-19-103, 46-19-204, 46-23-315
Detention of defendant pending trial when offense punishable by, 46-9-106
Execution of sentence, 46-19-103
  commitment of defendant, 46-19-101
  justifiable use of force, as, 45-3-109
  respite expiration date, on, 46-23-315
  stay, 46-19-103, 46-20-204, 46-23-315; Title 25, chapter 21, M.R.App.P., Rule 7
  suspension
    mental fitness, for lack, 46-19-201, 46-19-202
    pregnancy of defendant, for, 46-19-203, 46-19-204
Executioner
  identity, selection, and training — confidentiality, 46-19-103
  medical licensing provisions, exemption, 37-3-103, 37-8-103
Executive clemency, application filed when, 46-23-301
Extradition, arrest of accused without warrant, 46-30-301, 46-30-303
"Felony" defined, 45-2-101
Findings of fact, 46-18-306
Hearing, See **Sentencing hearing**
Homicide, deliberate, 45-5-102, 46-18-219, 46-18-220, 46-18-303
Inquest not required, 46-4-201
Jury
  challenges for cause, conscientious objection of juror, 46-16-115
  challenges, peremptory — number, 46-16-116
Kidnapping, aggravated, 45-5-303, 46-18-219, 46-18-220, 46-18-303
Method of execution, 46-19-103, 46-19-204
Minors
  criminally convicted youth, exception, 41-5-2510
  extended jurisdiction juvenile prosecution, exception, 41-5-1602, 41-5-1604
  homicide, deliberate — exception, 45-5-102
  mitigating circumstance when offense committed by, 46-18-304
  sexual intercourse without consent, exception, 45-5-503
  sexual offenses when victim a minor, 46-18-303
Mitigating circumstances, 46-18-304, 46-18-305, 46-18-306, 46-18-310
"Offense" defined, 45-2-101
Official detention, for offenses committed while in, 46-18-220, 46-18-303
Parole, ineligibility, 46-23-201, 46-23-210

DEATH PENALTY (Continued)

Postconviction hearing, petition for — proceedings on, 46-21-201
Respite, effect, 46-23-315
Review by supreme court, 46-18-301, 46-18-307
    determination as to sentence, 46-18-310
    executive clemency, application filed when, 46-23-301
    time for and consolidation with appeal, 46-18-308
    trial court transcript and record, transmission, 46-18-309
Robbery, 46-18-219
Sentence, pronouncement and judgment rendered when, 46-18-301
Sentencing hearing, 46-18-115, 46-18-301, 46-18-302, 46-18-310
    date and manner of execution, 46-19-103
    rules of evidence inapplicable, 46-18-302; Title 26, chapter 10, M.R.Ev., Rule 101
Sexual offenses, 45-5-503, 46-18-219
Witnesses, 7-4-2911, 46-19-103, 46-19-203

DEBTOR-CREDITOR RELATIONSHIPS
    See also generally **CONTRACTS**; **CREDIT TRANSACTIONS**
Acknowledgment of debt, effect on statute of limitations, 27-2-409
Adjustment of debts
    definitions, 31-3-201
    exemptions from prohibition, 31-3-203
    prohibition and penalty, 31-3-202
Assignment for benefit of creditors
    accounting of assignee, 31-2-219, 31-2-220, 31-2-222 — 31-2-224, 31-2-226
    affidavits, 31-2-210, 31-2-214, 31-2-220
    bond of assignee, 31-2-219, 31-2-220, 31-2-225
    cancellation, 31-2-230
    compensation for assignee, 31-2-228
    court, power of, 31-2-224
    debts that may be secured, 31-2-204
    duties of assignee, 31-2-223
    execution when, 31-2-201, 31-2-216
    exempt property, 31-2-227
    farm implements dealership agreements — termination, cancellation, or nonrenewal, 30-11-803
    fiduciary as assignee, deposit of securities, 32-1-425 — 32-1-427
    fish and wildlife license agents, assets and estate, 87-2-902
    good faith actions of assignee, 31-2-229
    injunction, 31-2-220
    insolvency, what constitutes, 31-2-202
    inspection of records, 31-2-214
    instrument of assignment, 31-2-210, 31-2-211
    inventory, 7-4-2619, 31-2-213 — 31-2-216, 31-2-220
    joint debtors, 31-2-208, 31-2-216
    lien creditor, assignee as, 30-9-122, 30-9-301
    limited liability company members, disassociation, 35-8-803
    limited partnership general partners, by — effect, 35-12-802
    management, disposal, and conversion of property, 31-2-220, 31-2-223
    modification, 31-2-230
    notice to creditors, 31-2-221, 31-2-222, 31-2-224
    notice to interested parties, 31-2-222
    partnerships, 31-2-201, 31-2-205
        disassociation of partner, 35-10-616
        dissolution, obligation of contribution, 35-10-629

DEBTOR-CREDITOR RELATIONSHIPS (Continued)
Assignment for benefit of creditors (Continued)

- preference in assignment
  - absolute, to be, 31-2-206
  - joint and separate debts, 31-2-208
  - rights not affected when, 31-2-207
  - void assignment, preference creates when, 31-2-209
  - wages, 31-2-205, 71-3-301
- real property, 31-2-218, 70-21-202
- recording, 7-4-2613, 7-4-2619, 31-2-210, 31-2-215 — 31-2-217, 70-21-202
- security, further required, 31-2-225
- security interest
  - default — approval by assignee of collection, enforcement, disposition, or acceptance, 30-9-627
  - filing exceptions, 30-9-302
  - perfection upon attachment, 30-9-329
- separate debts, 31-2-208
- table wine distributors, agreements of distributorship — effect on, 16-3-417
- third parties, assignee takes subject to rights of, 31-2-212
- transfers not affected, 31-2-203
- void when, 31-2-209, 31-2-211, 31-2-217, 31-2-229
- wages, preferred claims, 31-2-205, 71-3-301

Attachment, prejudgment — debts subject to, 27-18-102, See **ATTACHMENT OF PROPERTY**
Bailment, deposit for exchange — creation of debtor-creditor relationship, 70-6-108
Bankruptcy, See **BANKRUPTCY**
Compromise of debt by unsealed writing, effect, 1-4-207
Consumer reports, Title 31, chapter 3, part 1
Contracts of debtor valid, 31-2-103
Definitions, 30-1-201, 31-2-101, 31-2-102, 31-2-328, 31-3-201, 49-2-101
Defrauding creditors, 27-16-102, 27-18-202, 27-18-203, 31-2-210, 45-6-315, See also **FRAUDULENT TRANSFERS**
Eminent domain, condemnation commissioners — debtor-creditor relationship grounds for exclusion, 70-30-207
Evidence

- acknowledgment or part payment, 27-2-409
- presumption of debt or payment, 26-1-602

Fraudulent transfers, 70-20-405, 70-21-202; Title 31, chapter 2, part 3
Guaranty, Title 28, chapter 11, parts 1 and 2
Guardianship, debtor-creditor relationship grounds for ineligibility of guardian, 72-5-312
Imprisonment for debt, Const., II, 27; Title 25, chapter 14, part 3
Insurance to protect

- credit, 33-1-206, See **INSURANCE, CASUALTY**, generally
- credit life and credit disability, Title 33, chapter 21
- gap insurance and gap amount, 33-1-217
- group life, 33-20-1105
- home owner or motor vehicle, credit history not to affect coverage when, 33-18-210

Interest, Title 31, chapter 1, part 1
Joint debtors, See also **CONTRACTS**, **Joint contracts**

- contribution from, right to, 25-13-104, 25-15-202, 28-1-303
- judgment against, 25-15-201, 25-15-202; Title 25, chapter 15, part 1

Judgment against debtor, See **JUDGMENTS AND DECREES**, generally
Juror, debtor-creditor relationship grounds for challenge, 25-7-223, 46-16-115
Letters of credit, successor of a beneficiary, 30-5-122
Part payment of debt, effect on statute of limitations, 27-2-409
Pawnbrokers, See **PAWNBROKERS AND JUNK DEALERS**
Preference to creditors, 31-2-104

DEBTOR-CREDITOR RELATIONSHIPS (Continued)

Presumption of debt or payment, 26-1-602
Property, real — fraudulent transfers, applicability of provisions, 70-20-405, 70-21-202
Relative rights of creditors, 31-2-105
Secured transactions, See **SECURED TRANSACTIONS**
Settlement of debt by unsealed writing, effect, 1-4-207
Suretyship, Title 28, chapter 11, part 4; Title 33, chapter 26
Viatical settlements, claims of creditors, 33-20-1311
Wage brokers, Title 31, chapter 1, part 3

DECEPTIVE PRACTICES
  See **CRIMES; TRADE REGULATION AND COMPETITION, Unfair practices**; See also **INSURANCE, CASUALTY**, generally

DECLARATION OF INDEPENDENCE
  Refer to Annotations to Montana Code Annotated, Vol. 1, Federal materials
Publication with Montana Code Annotated, 1-11-204

DECLARATORY JUDGMENTS ACT, UNIFORM, Title 27, chapter 8
  See **JUDGMENTS AND DECREES, Declaratory judgment**

DEEDS AND CONVEYANCES
  See also **CONTRACTS; INSTRUMENTS**
Personal property, See **PROPERTY, PERSONAL, Transfers**
Property, generally, See **PROPERTY, GENERALLY, Grants; Transfer**
Real property, See **PROPERTY, REAL, Conveyance; Deeds, specific provisions; Grant of estate in; Transfer**
Recording, See **PROPERTY, REAL, Recording of transfers and other transactions**
Tax deeds, See **COUNTIES, Tax-deed lands; IRRIGATION DISTRICTS, Taxes and assessments; TAXATION, PROPERTY**

DEER
  See **FISH AND WILDLIFE, Bow and arrow; Game animals; LIVESTOCK, Alternative livestock ranches and alternative livestock**

DEFAMATION
  See also generally **PERSONAL INJURY; TORTS**
Credit reports, in, 31-3-141
Criminal charges, 13-35-234, 45-8-212, See also **CRIMES, Criminal defamation**
Defamatory matter, 45-2-101, 45-8-212
Effected how, 27-1-801
Elections
  fair campaign practices, code of, 13-35-301
  voter information pamphlets, advocacy improper in, 13-27-408
Freedom of speech, expression, and press guaranteed, Const., II, 7
Governmental liability, 2-9-101, See **GOVERNMENTAL LIABILITY**
Hearing aid dispensers, ground for license revocation or suspension, 37-16-411
Insurance information and privacy protection actions, 33-19-408
Insurers
  defaming prohibited, 33-18-302
  NAIC, immunity from liability, 33-2-1503
Investigation, Title 37, chapter 60
Issues of law and fact, jury to determine, 46-16-103; Const., II, 7
Justices' courts, no jurisdiction, 3-10-301
Libel, 27-1-802, See this heading generally
Media
  correction, 27-1-818 — 27-1-821
  radio broadcasting, 27-1-811 — 27-1-813

DEFAMATION (Continued)

Menace, as, 28-2-403
Minors, release of medical information pertaining to — effect, 41-1-403
Personal injury, 2-9-101, See **PERSONAL INJURY**
Power of attorney, statutory — claims and litigation, 72-31-232
Privileged communications, 27-1-804
Protection from, personal right, 49-1-101
Remedy, right to, Const., II, 16
Sales, merchant's rights, 30-11-302
Slander, 27-1-803, See this heading generally
Statute of limitations, 27-2-204
Trademarks and service marks, use of defamatory material unregistrable, 30-13-303

DEFERRED COMPENSATION
Administration of program, 19-50-202
Contracts with political subdivisions, 19-50-201
Definitions, 19-50-101
Distributions, income tax exemption, 15-30-101, 15-30-111
Employee Investment Advisory Council, duties, 19-3-2133
Fund, 19-50-101, 19-50-102, 19-50-202
Liability of public entity, 19-50-204
Payments authorized, 19-50-203
Plans permitted, 19-50-102
Principal and income determination, 72-34-404, 72-34-412, See also **TRUSTS**, **Principal and income, determination**
Public Employees' Retirement System
  defined contribution plan, investment alternatives, 19-3-2122
  educational programs, coordination of contributions and benefits, 19-3-112
Retirement, pension or benefit systems — effect on, 19-50-102, 19-50-103
Tax deferments, 19-50-103

DEFERRED DEPOSIT LENDERS
Bond requirements, 31-1-705
Business locations
  acceptable practices, 31-1-702
  requirements, 31-1-705
Cease and desist orders, 31-1-713
Citation of Montana Deferred Deposit Loan Act, 31-1-701
Complaints and procedures, 31-1-702, 31-1-713, 31-1-721
Consumer loan business requirements, compliance not required, 32-5-103
Definitions, 31-1-703
Disclosure requirements, 31-1-702, 31-1-714, 31-1-715, 31-1-721, 31-1-722
Enforcement of provisions, 31-1-724
Examination and fees, 31-1-711, 31-1-714
Fees charged by, 31-1-715, 31-1-721 — 31-1-723
Hearings, 31-1-702, 31-1-712, 31-1-713
Injunction, 31-1-713, 31-1-724
Liability, 31-1-712
Licenses and licensing
  renewal, 31-1-705, 31-1-711, 31-1-714
  required and fees, 31-1-705, 31-1-723
  revocation, suspension, or surrender, 31-1-711 — 31-1-713
  rules, 31-1-702
Loan requirements, 31-1-715, 31-1-722, 31-1-723
Noncompliance with provisions, 31-1-712
Prohibited acts, 31-1-723
Purpose of provisions, 31-1-702

DEFERRED DEPOSIT LENDERS (Continued)

Records, 31-1-714
Reports, 31-1-712, 31-1-714
Rules, 31-1-702, 31-1-711 — 31-1-713
Scope of provisions, 31-1-704
Violations, 31-1-705, 31-1-712, 31-1-713
    civil remedies, 31-1-724
    criminal penalties, 31-1-725

DENTAL HYGIENISTS
    See also **DENTISTRY AND DENTISTS; PROFESSIONAL AND OCCUPATIONAL LICENSING AND REGULATION**
Affidavits, 37-4-402
Anesthetic agents, administration, 37-4-401, 37-4-405
Change of name or address, 37-4-406
Charitable services, liability, 27-1-736
Dentistry, Board of, Title 37, chapter 4, part 4
    representation on, 2-15-1842
Licenses and licensing
    applications and examinations, 37-4-402
    certificate, issuance, 37-4-403
    discrimination in issuance prohibited, 49-3-204
    renewal, forfeiture, and reinstatement, 37-4-406
Practice of dental hygiene, 37-4-401
    physicians or dentists, nonapplicability, 37-4-407
Practice of dentistry, nonapplicability of provisions, 37-4-103
Radiology and radiologic technologists, applicability, 37-14-102, 37-14-301
Restrictions, 37-4-401
Schools of dental hygiene
    graduation from, license requirement, 37-4-402
    recognition, 37-4-302
Supervision required, 37-4-401, 37-4-405
Violations, 37-4-406

DENTISTRY AND DENTISTS
    See also **PROFESSIONAL AND OCCUPATIONAL LICENSING AND REGULATION**
Acupuncture, practice of — requirements, 37-13-104
Address changes, 37-4-307
Administration of provisions, 37-4-203
Advertising
    laboratories, 37-4-502
    practice of dentistry, 37-4-102
    professional cards, 37-4-322
    prosthetic devices, 37-4-101
    rules, 37-4-205
Affidavits, 37-4-301, 37-4-326
Alcohol or related substances, administering, 16-1-203, 16-6-305
Anatomical gifts, donees, 72-17-202
Anesthesia or anesthetics, 37-4-101
    license examinations, contents, 37-4-301
    limitations, 37-4-511
    rules for administering, 37-4-205
Appliances, 37-4-101, 37-4-103, See also **Laboratories and technicians**
    dentures, identification, 37-4-503
    trademark classification, 30-13-331
    work order for construction or repair, 37-4-501
Auxiliary personnel, 37-4-405, 37-4-408

DENTISTRY AND DENTISTS (Continued)

Board of Dentistry, 2-15-1842, 37-4-101; Title 37, chapter 4, part 2
  impaired dentists, duties, 37-4-311 — 37-4-314
  licensing duties, Title 37, chapter 4, part 3
  regulatory duties, Title 37, chapter 4, part 5
  witnesses, subpoenas, and fees, 37-4-325
Bridges, See **Appliances**; **Laboratories and technicians**
Certificate, See **Licenses and licensing**
Charitable services, liability, 27-1-736
Chemical dependency, See **Impairment**
Children, See **Minors**
Clinics, contracts with or employment by, 37-4-103
Corpses, dental examination for identification, 44-2-402
Correctional facilities, private — services, 53-30-605
Cosmetology provisions, nonapplicability, 37-31-102
Crowns, See **Appliances**; **Laboratories and technicians**
Definitions, 37-4-101, 37-4-104, 37-4-408, 37-4-515
Dental hygiene, practice of — nonapplicability, 37-4-407
Dental schools
  anatomical gifts, donees, 72-17-202
  diplomas, unlawful practices, 37-4-326
  graduation from, license requirement, 37-4-301
  recognition, 37-4-302
Dentures, See **Appliances**; **Laboratories and technicians**; **DENTURITRY AND DENTURISTS**
Denturitry and denturists, See also **DENTURITRY AND DENTURISTS**
  business agreements with dentists permitted, 37-29-103
  licensing qualifications, 37-29-303, 37-29-305
  partial dentures, procedure for making and fitting, 37-29-403
  practice of dentistry, nonapplicability of provisions, 37-4-103, 37-29-302
  services performed by dentists, insurance coverage, 37-29-104
Developmental disabilities, persons with — report of abuse, neglect, or exploitation required, 52-3-811, See **DEVELOPMENTAL DISABILITIES, PERSONS WITH, Abuse, neglect, or exploitation**
Drug companies and practitioners, unlawful practices between, 37-2-102
Drugs, See also **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Practitioners**
  anesthetic agents, administration, 37-4-101, 37-4-511
  compounding and use in practice, 37-7-103
  dispensation
    definitions, 37-2-101
    drug companies and practitioners, unlawful practices between, 37-2-102
    pharmacies and practitioners, unlawful practices between, 37-2-103, 37-2-106
    unlawful when and exceptions, 37-2-104
    violations, actions concerning, 37-2-105
  prescriptions, 37-4-401
Elderly persons — report of abuse, neglect, or exploitation, 52-3-811, See **AGING AND AGED PERSONS, Abuse, neglect, or exploitation**
Emergency services
  drug dispensation, 37-2-104
  minors, for, 41-1-402, 41-1-405
Enforcement of provisions, rules for, 37-4-205
Equipment, tax on
  classification, 15-6-138
  exemption, 15-6-102
Hazardous chemical information provisions, compliance when, 50-78-103

DENTISTRY AND DENTISTS (Continued)

Health care facilities, applicability of provisions, 50-5-101, 50-5-301
Health care information, See **HEALTH CARE INFORMATION; INSURANCE, Information and privacy protection**
Health facility authority bonds to finance facilities, 90-7-104, See also **HEALTH FACILITY AUTHORITY**
Health maintenance organization providers, request for participation as, 33-31-305, See **HEALTH MAINTENANCE ORGANIZATIONS, Providers**
Health service corporations, Title 33, chapter 30, See **HEALTH SERVICE CORPORATIONS**
Hygienists, See **DENTAL HYGIENISTS**
Impairment
  evaluations, 37-4-312, 37-4-313
  rehabilitation program, 37-4-311
  report of incompetence or unprofessional conduct, 37-4-312
    immunity of person reporting, 37-4-314
Incompetence, See **Impairment**
Injunction, 37-2-105, 37-4-328
Institutional residents, ancillary charges — payment, 53-1-401
Insurance
  children's health insurance program, services covered by, 53-4-1005
  disability, insured's choice of practitioner, 33-22-111, 33-22-1706
  information and privacy protection, Title 33, chapter 19, See **INSURERS REGULATION GENERALLY, Information and privacy protection**
  professional liability
    cancellation of policy or increase in premium rates, 33-23-301, 33-23-302
    insurers, 33-9-101 — 33-9-105
      information required of, 33-23-311
Laboratories and technicians, See also **Appliances**
  advertising and solicitation, restrictions, 37-4-502
  dentures, identification, 37-4-503
  denturist's licensing qualifications, 37-29-303, 37-29-305
  practicing dentistry, nonapplicability of provisions, 37-4-103
  work orders, 37-4-501
Licenses and licensing
  applications, 37-4-301
  certificate
    duplicate and fee, 37-4-303
    failure to display, 37-4-326
    lack of, unlawful, 37-4-327, 37-4-328
  discrimination in issuance prohibited, 49-3-204
  examinations, 37-4-202, 37-4-301
  false statements, 37-4-326
  fees, 37-4-301, 37-4-303, 37-4-307
  lack of, unlawful, 37-4-327, 37-4-328
  local fees prohibited, 37-4-307
  renewal, forfeiture, and reinstatement, 37-4-307
Lien for services, Title 71, chapter 3, part 11
Malpractice, See **INSURANCE, CASUALTY, Professional liability**; **MALPRACTICE, MEDICAL**
Medicaid, Title 53, chapter 6, part 1, See **PUBLIC ASSISTANCE**
Medicine, practice of — applicability of licensing provisions, 37-3-103
Minors
  child abuse and neglect, reporting, 41-3-201, 41-3-203 — 41-3-207
  consent for health services, 41-1-402, 41-1-405
  emergency services, 41-1-402, 41-1-405

DENTISTRY AND DENTISTS (Continued)
Minors (Continued)

  "health professional" defined, 41-1-401
  information released when, 41-1-403
  treatment of, immunity and responsibility, 41-1-407
  uninsured, services covered by children's health insurance program, 53-4-1005
Missing persons, records — release to law enforcement agencies, 44-2-401, 44-2-402
Name
  change, 37-4-307
  false or assumed, practicing under, 37-4-326
Nurse anesthetists, 37-4-511
Nursing, practical or professional, 37-8-102
Oral surgery and surgeons, 37-4-101
  anesthesia and anesthetics, administering and limitations, 37-4-205, 37-4-511
  hospital admissions, 37-4-515
Organ donations, donees, 72-17-202
Orthodontic appliances, See **Appliances**; **Laboratories and technicians**
Payment for services
  institutional residents, ancillary charges — payment, 53-1-401
  lien for, Title 71, chapter 3, part 11
  medicaid, Title 53, chapter 6, part 1, See **PUBLIC ASSISTANCE**
  publication of fees, 37-4-205, 37-4-322
Peer review, nonliability, 37-2-201
Personal representative of estate of deceased or disabled dentist
  disposition of practice, time period and restrictions, 37-4-104
  practicing dentistry, nonapplicability of provisions, 37-4-101, 37-4-103, 37-4-327
Pharmacies, community pharmacies and practitioners — unlawful practices between, 37-2-103, 37-2-106
Pharmacy provisions, exemption, 37-7-103
Physician assistants-certified utilization plans, applicability, 37-20-303
Power of attorney, statutory form — authority relating to dental care, 72-31-233
Practicing dentistry, 37-4-101
  anesthetics, rules for administering, 37-4-205
  denturitry, practice of — exemption, 37-29-302
  evidence of, 37-4-102
  exemptions from, 37-4-103
  false or assumed name, under, 37-4-326
  physical therapists, restrictions, 37-11-103
Privileged communications, 26-1-805, See also **EVIDENCE, Privileges**
Procurement provisions, state — nonapplicability, 18-4-132
Professional cards, publication, 37-4-322
Prosthetic devices, See **Appliances**; **Laboratories and technicians**; **DENTURITRY AND DENTURISTS**
Public Health and Human Services, Department of — authority, 50-1-202
Radiologic technology and radiologic technologists, applicability of provisions, 37-14-102, 37-14-301
Records
  medical legal panel, access to, 27-6-302, 27-6-306, 27-6-308
  missing persons, release to law enforcement agencies, 44-2-401
  parent, access to, 40-4-225
School district professional services contracts, exemption from bidding requirements, 20-9-204
Schools, See **Dental schools**
Small business set-asides for state government purchasing, nonapplicability, 18-5-304
Surgical appliances, See **Appliances**; **Laboratories and technicians**
Technicians, See **Laboratories and technicians**
Tumor registration, Title 50, chapter 15, part 7

DENTISTRY AND DENTISTS (Continued)

Unprofessional conduct, See **Impairment**
Utilization reviews of health care services, Title 33, chapter 32, See **INSURANCE, DISABILITY**
Veterinary medicine, practice to include dentistry on animals, 37-18-102
Violations
  certificate, failure to have, 37-4-327
  child abuse and neglect, failure to report, 41-3-207
  drug companies and practitioners, unlawful practices between, 37-2-102
  drug dispensation, 37-2-104, 37-2-105
  fines, 37-4-326, 37-4-327
  injunction, 37-2-105, 37-4-328
  jurisdiction, 37-4-328
  misdemeanors, enumeration, 37-4-326
  pharmacies and practitioners, unlawful practices between, 37-2-103
  prosecution, 37-4-328
Vocational rehabilitation, physical restoration, 53-7-101, 53-7-301, See **BLINDNESS OR LOW VISION, PERSONS WITH; PUBLIC ASSISTANCE**
Western Regional Higher Education Compact, Title 20, chapter 25, part 8, See **UNIVERSITY SYSTEM**
Workers' compensation, Title 39, chapter 71, See **WORKERS' COMPENSATION, Physicians**
X-ray radiation, application, 37-14-102, 37-14-301, See also **RADIOLOGIC TECHNOLOGY AND RADIOLOGIC TECHNOLOGISTS**

DENTURITRY AND DENTURISTS
  See also **PROFESSIONAL AND OCCUPATIONAL LICENSING AND REGULATION**
Advertising restrictions, 37-29-405
Applicability of laws, 37-29-105
Cardiopulmonary resuscitation, requirements, 37-29-303, 37-29-306, 37-29-401
Citation of Freedom of Choice in Denture Services Act of 1984, 37-29-101
Definitions, 37-29-102
Dentistry and dentists
  business agreements with dentists permitted, 37-29-103
  denturist services performed by, insurance coverage, 37-29-104
  practice of dentistry, nonapplicability of provisions, 37-4-103, 37-29-302
  referral of patient to dentist, 37-29-403
Dentistry, Board of, 37-29-102, 37-29-105, 37-29-201
  injunction, action for, 37-29-411
  representation on, 2-15-1842
Dentures, 37-29-102, 37-29-401, 37-29-402
  partial, procedure for making and fitting, 37-29-403
Developmental disabilities, persons with — report of abuse, neglect, or exploitation required, 52-3-811, See **DEVELOPMENTAL DISABILITIES, PERSONS WITH, Abuse, neglect, or exploitation**
Disciplinary standards, 37-29-201
Drugs, prescription — recommendation prohibited, 37-29-402
Elderly persons — report of abuse, neglect, or exploitation required, 52-3-811, See **AGING AND AGED PERSONS, Abuse, neglect, or exploitation**
Enforcement of provisions, 37-29-201
Exceptions to provisions, 37-29-302
Guarantee of services, 37-29-404
Injunction, 37-29-411
Inspections, 37-29-201
Insurance policies, health — coverage of services, 37-29-104
Internship and interns, 37-29-302, 37-29-303

DENTURITRY AND DENTURISTS (Continued)

Licenses and licensing
    applications, 37-29-303, 37-29-304, 37-29-306
    discrimination in issuance prohibited, 49-3-204
    duplicate or replacement, 37-29-304
    examinations, 37-29-201, 37-29-303 — 37-29-305
    fees, 37-29-201, 37-29-303 — 37-29-306
    issuance, 37-29-201
    nonresidents, 37-29-303
    qualifications, 37-29-201, 37-29-303, 37-29-306
    renewal, 37-29-304, 37-29-306
    required, 37-29-301, 37-29-405
    revocation or suspension, 37-29-201
    second address, license for, 37-29-304
    validity, period of, 37-29-306
Medicaid, Title 53, chapter 6, part 1, See **PUBLIC ASSISTANCE**
Practice of denturitry, 37-29-102, 37-29-301
    license required, 37-29-301
    standards, 37-29-401
Prohibitions, 37-29-402
Radiologic technologists, Title 37, chapter 14
Standards of conduct and practice, 37-29-401
Students, 37-29-302
Violation of provisions, 37-29-412
    injunction, 37-29-411
X-rays, application, 37-14-301, 37-29-403, See **RADIOLOGIC TECHNOLOGY AND RADIOLOGIC TECHNOLOGISTS**

DEPOSITIONS
    See specific court; **CIVIL PROCEDURE**; **CRIMINAL PROCEDURE**

DETAINER
Criminal procedure, interstate agreement, Title 46, chapter 31
Forcible entry and detainer and unlawful detainer, Title 70, chapter 27

DETECTIVES, Title 37, chapter 60
    See **PRIVATE INVESTIGATORS AND SECURITY PATROL OFFICERS**

DETENTION CENTERS
    See also **CORRECTIONAL FACILITIES**
Administrator, 7-32-2120, 7-32-2201, 7-32-2241, 44-4-301, 44-4-302
    annoyance of inmate, 7-32-2247
    appointment, 7-4-4101, 7-32-2201
    confinement of inmates, 7-32-2205
        civil process, persons on, 7-32-2207
    contiguous county, use of detention center in, 7-32-2202
    correctional health care review team, duties, 37-1-331
    endangerment of inmate, 7-32-2248
    escape, liability for, 7-32-2250
    false claims, 7-32-2249
    medication, medical services, or hospitalization for inmates, 7-32-2222
    powers, 7-32-2234
    service of papers on, for inmates, 7-32-2211
    state prison, persons sentenced to — confinement agreement, 7-32-2203
Annoyance of inmate prohibited, 7-32-2247
Arsonist, release — notice to department of justice of release, 53-1-104
Attorneys at law, consultations with inmates, 37-61-418

DETENTION CENTERS (Continued)

Bond issues, 7-7-2201, 7-7-2203
Confinement of inmates, 7-32-2205
  civil process, persons on, 7-32-2203, 7-32-2207, 7-32-2227, 25-14-312
  extradition of accused, 7-32-2242, 46-30-226, 46-30-302
  judgment debtors, 25-13-308, 25-14-301, 25-14-312
  military court, persons convicted by, 10-1-405
  required, 7-32-2208
  state correctional institution overcrowding, contracts for, 53-30-106
  who may be confined, 7-32-2203
Construction, 7-7-2201, 7-7-2203, 7-8-2102
Contiguous county, use of detention center in, 7-32-2202
Contraband, disposition, 53-1-105
Contracts concerning services and facilities, 7-32-2243
  multijurisdictional centers, 7-32-2120
  private parties, See **Private party ownership**
  state correctional institution overcrowding, for confinement in detention center, 53-30-106
Control, 7-32-2234
Costs of holding persons, 7-6-2426, 7-32-2222, 17-7-301, 46-30-226
  false claims, 7-32-2249
  credit for incarceration prior to conviction, 46-18-403
  payment, 7-32-2242, 46-23-1012
    inmate, by — when, 7-32-2245, 46-18-702, 46-18-703, 46-23-1012
    judgment creditor, by, 25-14-312
  probation violator prison diversion program, 46-23-1012
  security for, 7-32-2207, 25-14-312
County detention center work program, 7-32-2225, See also **Work release program**
  eligibility for, 7-32-2227
  failure to appear for work, 7-32-2226, 45-7-306
  operation, 7-32-2226
County public safety tax to support, 7-6-2513
County sheriff, duties, 7-32-2121, See **COUNTY SHERIFF**
Crime Control, Board of — duties, 7-32-2233, 44-4-301
Criminal justice information, daily occupancy registers as, 44-5-103, 44-5-211
Death of inmate, inquest or inquiry, 46-4-122, 46-4-201
Definitions, 7-32-2120, 7-32-2241, 44-4-302
  jail, 41-5-103
Detention officers, 44-4-301, 44-4-302
Endangerment of inmate, 7-32-2222, 7-32-2248
Escape, 7-32-2204, 7-32-2226, 7-32-2234, 7-32-2248, 45-7-306, 50-2-121
  liability for, 7-32-2250
  minors charged as adults in district court, 41-5-206, 41-5-341
Escape or release from confinement, notification, 44-2-601
Establishment, 7-32-2201, 7-32-4201
Execution, exemption, 25-13-613
Extradition, confinement of accused, 7-32-2242, 46-30-226, 46-30-302
Fire codes, compliance, 7-32-2222
Fire protection and safety regulations, 50-61-103
Health care or rehabilitative services providers, complaints against, 37-1-308, 37-1-331
Health of inmates, 7-32-2204, 7-32-2222, 50-2-121
  medical care costs, funding, 7-6-2541
  medication, medical services, or hospitalization, 7-32-2245, 7-32-2246, 50-2-121
  sexually transmitted diseases, examination and treatment, 50-18-108
Health care information, disclosure to, 50-16-529
Health codes, compliance, 7-32-2222
Highway patrol officers, arrests by — delivery of offenders to, 44-1-1101

DETENTION CENTERS (Continued)

"Inmates" defined, 7-32-2120, 7-32-2241
Inspections, 7-32-2204, 50-1-203
Interlocal
  agreements, 7-32-2234, 7-32-2243
  service districts, Title 7, chapter 11, part 11
Joint facilities, 53-30-503, See **CORRECTIONAL FACILITIES, Regional correctional facilities**
Intoxicated persons, detention, 53-21-138, 53-24-107
Judgment debtors, discharge, Title 25, chapter 14, part 3
Juvenile detention centers and officers, 44-4-302, 44-4-303
Juveniles
  abused, placement in — prohibited, 41-3-301
  detention when, 7-32-2244, 41-5-206, 41-5-349, 41-5-350
    adult offenders, separate from, 41-5-206, 41-5-349, 41-5-1803, 41-5-1901
    inmate endangerment, 7-32-2248
    place of, 41-5-348
    prohibited when, 41-5-331, 41-5-349, 41-5-1512
Maintenance, 7-8-2102, 7-32-2201, 7-32-2204, 7-32-4201
Management, 7-32-2234
Mental health facility, detention center is not, 53-21-102
Mentally ill persons
  alternatives to placement in and crisis intervention programs, 53-21-138, 53-21-139
  detention prior to commitment, 53-21-120, 53-21-124
Multijurisdictional detention centers, 7-32-2120, 7-32-2201, 7-32-2241
  bond issues, 7-7-2201
  private party, built by, 7-32-2231, See **Private party ownership**
  service districts, Title 7, chapter 11, part 11
Place of imprisonment when none specified, 46-18-211
Private correctional facilities, nonapplicability, 53-30-602
Private party ownership
  agreements to provide, maintain, or operate, 7-32-2120, 7-32-2201, 7-32-2204, 7-32-2232 — 7-32-2234
  authorization, 7-32-2231
  costs of holding persons, payment, 7-32-2242
  "private detention center" defined, 7-32-2120, 7-32-2241
Probation violator prison diversion program, 46-23-1012
Riot or incitement to riot, 7-32-2248, 45-8-103, 45-8-104
Safety codes, compliance, 7-32-2222
Safety information, disclosure prohibited, 2-6-102
Sanitation, 7-32-2222, 50-1-203
Security information, disclosure prohibited, 2-6-102
Sentencing to, 7-32-2120, 7-32-2241, 46-18-201, 46-18-211, See also **SENTENCING AND SENTENCES**
Sexual offenses when victim is person incarcerated in, 45-5-501 — 45-5-503
Staff, 7-32-2120, 7-32-2241
  annoyance of inmate, 7-32-2247
  appointment, 7-32-2123
  assault with a bodily fluid, offense of, 45-5-214
  default or misconduct, 7-32-2127
  endangerment of inmate, 7-32-2248
  negligence, 2-9-108
  training standards, private party contracts to provide, 7-32-2232
State correctional institution overcrowding, effect, 53-30-106
"State prison" defined, 53-30-101
Temporary detention centers, 44-4-302

DETENTION CENTERS (Continued)

Temporary release of inmate, 7-32-2246
Tort actions for damages, nonliability when, 2-9-108
Transportation of inmates, 7-32-2144, 7-32-2234
Use, 7-32-2203, 7-32-2242
Weapons, possession by inmate, 45-8-318
Witnesses, inmates as, 26-2-201 — 26-2-203; Title 25, chapter 20, M.R.Civ.P., Rules 30(a), 31(a), 32(a)
Work release program, 46-18-201, 46-18-701, See also **County detention center work program**
    earnings of prisoner, 46-18-702, 46-18-703
    reduction of sentence, 46-18-704, 46-18-705
    transfer of prisoner to another county, 46-18-703
    violations of sentence, effect, 46-18-705

DEVELOPMENTAL DISABILITIES, PERSONS WITH
    See also **DISABILITIES, PERSONS WITH**
Abuse, neglect, or exploitation, See also **Mistreatment**
    citation of elder and persons with developmental disabilities abuse prevention act, 52-3-801
    confidentiality, 52-3-813, 52-3-821
    definitions, 52-3-803, 52-3-813
    evidence of, gathering and submission, 52-3-815
    immunity of person reporting from civil or criminal liability, 52-3-814
    legislative intent and purpose, 52-3-802
    long-term care facility residents, 50-5-1104
    penalties, 52-3-825
    protective service teams, 52-3-805
    public health and human services, department of — duties regarding, 52-3-804
    records and reports, 52-3-811, 52-3-812
        admissibility in evidence, 52-3-821
        confidentiality, 52-3-813
        contents, 52-3-812
        description of conditions, 52-3-815
        disclosure, 52-3-813, 52-3-825
        public health and human services, department of — by, 52-3-804
    residential facilities, in, 53-20-163
Actions, standing, See **MENTAL ILLNESS OR INCAPACITY, Actions**
Advisory Council, See **Developmental Disabilities Planning and Advisory Council**
Aftercare, 53-20-148, 53-20-161
Alcoholism
    guardian's rights and responsibilities, 53-24-301, 53-24-302
    relatives' rights and responsibilities, Title 53, chapter 24, part 3, See **CHEMICAL DEPENDENCY, Family members**
    supplying to resident unlawful, 53-1-103
Boats, operation prohibited when, 23-2-523
Chemical dependency, relatives' rights and responsibilities, Title 53, chapter 24, part 3, See **CHEMICAL DEPENDENCY, Family members**
Child abuse and neglect
    records, disclosures when, 41-3-205
    substitute care providers when, 41-3-1102, 41-3-1141
Children's services, multiagency — cooperative agreement, effect, 52-2-203
Claims by or against, See **MENTAL ILLNESS OR INCAPACITY, Actions**
Clothing for, 53-20-142, 53-20-165
Commitment to residential facility
    appeals, 53-20-119
    community-based treatment, recommendation for, 53-20-125, 53-20-128

DEVELOPMENTAL DISABILITIES, PERSONS WITH (Continued)
Commitment to residential facility (Continued)

- conservatorship during period of habilitation, 53-20-141
- costs, 53-20-118, 53-20-131
- counsel, right to, 53-20-112, 53-20-113, 53-20-125
- criminal defendants, Title 46, chapter 14, parts 2 and 3, See also **CRIMINAL PROCEDURE, Mental disease or defect of defendant**
- due process guaranteed, 53-20-101, 53-20-112, 53-20-113
- duration, 53-20-126, 53-20-128
- emergency, 53-20-112, 53-20-129
- evaluation requirement, 53-20-148
- guardian, by, 72-5-321
- grievances of residents, 53-20-104, 53-20-161
- habilitation plan, implementation, 53-20-148, See **Treatment and habilitation**
- hearings
  - procedural rights, 53-20-112, 53-20-113
  - recommendations, 53-20-125, 53-20-127
  - recommitment, 53-20-128
  - venue, 53-20-118
- individual treatment planning team, See **Treatment and habilitation**
- involuntary, petition for, 53-20-121
- legal rights denied or legal disabilities imposed, order stating, 53-20-141
- mental health facility, transfers, 53-20-127, 53-20-130
- out-of-state facility, placement in, 53-20-131
- order for, 53-20-125, 53-20-128, 53-20-129, 53-20-141
- parents' rights and responsibilities, See **Parents, guardian, or next of kin**
- petition, 53-20-121, 53-20-125, 53-20-128, 53-20-129
- procedural rights, 53-20-112, 53-20-113
- professional persons, See **Professionals**
- recommendations for, 53-20-125
- records, 53-20-161
- relatives' rights and responsibilities, See **Parents, guardian, or next of kin**
- release, 53-20-127, 53-20-141, 53-20-165
- responsible person appointed by court, See **Responsible person appointed by the court**
- rights, 53-20-101, 53-20-112, 53-20-113; Const., XII, 3, See also **Rights**
- screening prior to, requirements, 53-20-125, 53-20-133
- transfers, See **Residential facilities**
- waiver of rights, 53-20-113

Community homes, See also **Residential facilities**; **ADULTS, Foster family care homes**
- abuse, neglect, or exploitation — report required, 52-3-811, See **Abuse, neglect, or exploitation**
- community residential facility, defined as, 76-2-411
- compliance with provisions required, 53-20-103
- contract for, 53-20-304
- definitions, 53-20-102, 53-20-302
- establishment and operation, 53-20-303, 53-20-305
- federal aid, 53-20-306
- funding, 53-20-303, 53-20-304, 53-20-306
- health and safety standards, 53-20-103, 53-20-305, 53-20-307
- inspections, 50-8-101, 50-8-102, 50-8-105
- licensing, 53-20-305, 53-20-307
- local services and control, 53-20-304, 53-20-305
- long-term care facility, exclusion as, 50-5-101, 50-5-301
- number of residents, 53-20-302
- one-step facility licensing required, 50-8-101, 50-8-102
- purpose of provisions, 53-20-301
- rulemaking authority, 53-20-305

DEVELOPMENTAL DISABILITIES, PERSONS WITH (Continued)
Community homes (Continued)

  transfer to, 53-20-127, 53-20-128, 53-20-148
  zoning regulations, 76-2-412, See also **ZONING, Community residential facilities**
Community services, 53-20-102, 53-20-202
  administration, 53-20-204, 53-20-205
  children's services, multiagency — cooperative agreement, effect, 52-2-203
  citation of developmental disabilities services and facilities act of 1974, 53-20-201
  contracts for services, 53-20-205
  contributions from local government, 53-20-208
  cooperation with other governmental entities, 53-20-203, 53-20-205, 53-20-213, 53-20-214
  court-ordered placement prohibited, 53-20-132
  discrimination prohibited, 53-20-212
  eligibility, 53-20-209, 53-20-210
  establishment and administration, 53-20-204, 53-20-205
  federal law, applicability, 53-20-205, 53-20-206
  funding, 53-20-203, 53-20-205, 53-20-208, 53-20-214
  indians, eligibility within reservations, 53-20-210
  planning and advisory council, See **Developmental Disabilities Planning and Advisory Council**
  preexisting services, effect, 53-20-211
  residential facilities, See **Community homes**
  scope of services, 53-20-202, 53-20-203
  sheltered workshops, Title 18, chapter 5, part 1; Title 53, chapter 7, part 2
  short title, 53-20-201
  transfers from state institutions, 53-20-128, 53-20-148, 53-20-214
Consent
  certain treatment procedures, 53-20-146
  photographs of residents, 53-20-144
    abuse, trauma areas, 52-3-815
  records disclosure, 53-20-161
  research, 53-20-147
Conservatorship during period of habilitation, 53-20-141, See also **ESTATES AND PROBATE, Conservators and conservatorship**
Contracts, powers, See **CONTRACTS, Parties**
Corporal punishment, 53-20-142
Counsel, right to, 53-20-112, 53-20-113, 53-20-125
Court, 53-20-102, See **DISTRICT COURT JURISDICTION, Developmental disabilities, persons with**
Crimes, victims of, See **CRIMES, Mental disease or defect of victim**
Criminal proceedings
  death penalty, suspension, 46-19-201, 46-19-202
  mental disease or defect of defendant, Title 46, chapter 14, parts 2 and 3
Day-care services, 52-3-811, 53-20-202; Title 52, chapter 2, See **Community services**; See also **DAY CARE**
Developmental Disabilities Planning and Advisory Council, 2-15-2204, 53-20-202 — 53-20-206
Developmental disabilities systems, 53-20-203, 53-20-205
Dignity to be ensured, 53-20-101, 53-20-142
Discriminatory practices, See **DISCRIMINATION**
District court, 53-20-102, See **DISTRICT COURT JURISDICTION, Developmental disabilities, persons with**
Driver's licenses, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Disabilities, persons with**

DEVELOPMENTAL DISABILITIES, PERSONS WITH (Continued)

Drugs
  abuse, relatives' rights and responsibilities, Title 53, chapter 24, part 3, See **CHEMICAL DEPENDENCY**
  restrictions, 53-1-103, 53-20-142, 53-20-145, 53-20-204
Due process, 53-20-101, 53-20-112, 53-20-113, See also **Commitment to residential facility**
Eastmont Human Services Center, 53-1-602; Title 53, chapter 20, part 5, See **Residential facilities**
Education
  children, Title 20, chapter 7, part 4
  right to, 53-20-142, 53-20-148, See also **Treatment and habilitation**
Emergency
  admission to residential facility, 53-20-112, 53-20-129
  transfer to different facility, 53-20-127
Employment, Title 39, chapter 30; Title 53, chapter 1, part 3, See **Work programs**; **LABOR AND EMPLOYMENT, Disabilities, persons with**
Epilepsy
  defined as
    disability, 53-20-102, 53-20-202
    other health impairment, 20-7-401
  children, special education, Title 20, chapter 7, part 4, See **SCHOOLS, Special education**
  employment preference provisions, Title 39, chapter 30, See **LABOR AND EMPLOYMENT, Disabilities, persons with**
  mental illness, exclusion as, 53-21-102
Evaluation
  community-based services or facilities, See **Community homes**; **Community services**
  residential facilities, commitment, See **Commitment to residential facility**; **Residential facilities**
  residential facility screening team, by, 53-20-125
Experimental research, See **Research**
Exploitation, See **Abuse, neglect, or exploitation**
Family, rights and responsibilities, See **Parents, guardian, or next of kin**
Federal funding, 53-20-205, 53-20-306
Fingerprinting, 53-20-143
Fire protection and safety regulations for, See also **FIRES AND FIRE PROTECTION**
  community homes, 53-20-305, 53-20-307
  institutions, 53-20-142
Fishing licenses, 87-2-802 — 87-2-804
Foster children, respite care, 41-3-1151
Foster homes, 53-20-102, See **Community homes**; See also **ADULTS, Foster family care homes**
Funding of programs
  community homes, 53-20-303, 53-20-304, 53-20-306
  community services, 53-20-203, 53-20-205, 53-20-208, 53-20-214
  federal funding, 53-20-205, 53-20-306
Gifts for services, 53-20-203, 53-20-504
Grievances by residents, 53-20-104, 53-20-161
Group homes, See **Community homes**
Guardians of, See **Parents, guardian, or next of kin**; **GUARDIANS AND GUARDIANSHIP, Incapacitated persons**
Habilitation, See **Treatment and habilitation**
Hazardous treatment, 53-20-104, 53-20-142, 53-20-146
Health service corporations, continuation of coverage for dependents when, 33-30-1003, 33-30-1004
Humane treatment, right to, 53-20-101, 53-20-104, 53-20-142, 53-20-164
Hunting licenses and permits, 87-2-403

DEVELOPMENTAL DISABILITIES, PERSONS WITH (Continued)

Independent living, definitions, 53-7-101, 53-7-301, 53-19-102
Indigents, 53-20-125, 53-20-131
Individual treatment planning team, See **Treatment and habilitation**
Informational services, 53-20-203
Institutionalization, 53-1-601, See **Commitment to residential facility; Community homes; Residential facilities; Treatment and habilitation**
Insurance coverage for dependents, continuation when, 33-22-304, 33-22-506, 33-30-1003, 33-30-1004
Intermediate developmental disability care, 50-5-101, 50-5-301, 50-5-302, See **LONG-TERM CARE FACILITIES**
Interstate care and treatment, 53-20-131; Title 53, chapter 22, part 1, See **MENTAL ILLNESS OR INCAPACITY, Interstate Compact on Mental Health**
Investigations
  abuse, neglect, or exploitation, 52-3-804
  mistreatment of residents, 53-20-104, 53-20-161, 53-20-163
  scientific and medical research, 53-20-205
Judicial determination, See **Commitment to residential facility**
Jurisdiction in district court, 53-20-102, See **DISTRICT COURT JURISDICTION, Developmental disabilities, persons with**
Legal disabilities, 53-20-141; Const., XII, 3
Long-term care reform, 53-6-601 — 53-6-603
Marriage, ground for invalidity, 40-1-402
Medical treatment, See also **Treatment and habilitation**
  drug restrictions, 53-20-142, 53-20-145, 53-20-204
  emergency, 53-20-127
  minors, consent provisions, 41-1-402, 41-1-405
  photographs of residents, 53-20-144
  records, 53-20-161
  right to, 53-20-142, 53-20-148
  transfers for, 53-20-127
Mental Disabilities Board of Visitors, 2-15-211; Title 53, chapter 20, part 1
Mental health managed care services, provisions for children needing, 53-21-702
Mental illness, exclusion as, 53-21-102
Mental retardation professionals, qualified, 53-20-102, See **Professionals**
Minors
  consent to medical care, 41-1-405
  education, Title 20, chapter 7, part 4, See **SCHOOLS, Special education**
  records disclosure, 53-20-161
Mistreatment
  abuse, neglect, or exploitation, 52-3-811, 52-3-815, 53-20-163, See also **Abuse, neglect, or exploitation**
  investigation, 53-20-104, 53-20-163
  records, 53-20-161
Montana Developmental Center, 53-1-602; Title 53, chapter 20, part 5, See **Residential facilities**
Neglect, See **Abuse, neglect, or exploitation**
Next of kin, See **Parents, guardian, or next of kin**
Nonprofit corporation, community homes — operation, 53-20-303 — 53-20-305
Nonresidents, treatment in state facility, 53-20-502
Nurses, medication of resident — responsibility, 53-20-145, See also **Professionals**
Nursing, Board of — cooperation in rulemaking regarding medication to community-based clients, 53-20-204
Occupational therapists, Title 37, chapter 24, See **OCCUPATIONAL THERAPY AND OCCUPATIONAL THERAPISTS**

DEVELOPMENTAL DISABILITIES, PERSONS WITH (Continued)

Out-of-state treatment and care, commitment for, 53-20-131; Title 53, chapter 22, part 1, See also **MENTAL ILLNESS OR INCAPACITY, Interstate Compact on Mental Health**
Parents, guardian, or next of kin, 53-20-102
  abuse, neglect, or exploitation — temporary guardian, 52-3-804
  conflict with developmentally disabled person, 53-20-113, 53-20-114
  consent required when, 53-20-127, 53-20-144, 53-20-146, 53-20-147, 53-20-161
  diet requests by, 53-20-142
  habilitation, report on and copy of standards, 53-20-148
  indigent, counsel appointed for, 53-20-125
  notice to, required when, 53-20-104, 53-20-125, 53-20-127, 53-20-128
  out-of-state, custody with — when, 53-20-131
  petition for placement in residential facility, citation in, 53-20-121
  postinstitutionalization plan, consultation, 53-20-148
  procedural rights, 53-20-112
  records, access to or consent for disclosure, 53-20-161
  release, notice to, 53-20-127
  residential treatment, recommendation for — notice, 53-20-125
  responsible person in lieu of, See **Responsible person appointed by the court**
  waiver of rights by, 53-20-113
Photographs of residents, 53-20-144
  abuse, trauma areas, 52-3-815
Physicians, See also **Professionals**
  abuse, neglect, or exploitation — responsibilities, See **Abuse, neglect, or exploitation; Mistreatment**
  authorization and supervision of treatment procedures, 53-20-146, 53-20-161
  medication of resident, responsibility, 53-20-145
  restraints, authorization for use, 53-20-146, 53-20-161
Postinstitutionalization plan, 53-20-148, 53-20-161
Preventive programs, 53-20-203
Professionals
  certain treatment procedures, supervision and authority for use, 53-20-146, 53-20-161
  certification, 53-20-106
  community services, cooperation with department of public health and human services to deliver, 53-20-205
  emergency admission by, 53-20-129
  examination by, 53-20-112
  habilitation plan, responsibilities, 53-20-128, 53-20-148, 53-20-161, 53-20-164
  list of qualified, 53-20-107
  mental health facility, recommendation for transfer from, 53-20-130
  qualifications, 53-20-106
  recommendations by, 53-20-127, 53-20-128
  records, 53-20-161
  resident labor, approval, 53-20-164
  restraints, authorization of use, 53-20-146, 53-20-161
  special restrictions, imposition, 53-20-142
  transfer of resident — recommendations by, requests to, or refusal by, 53-20-127, 53-20-130
Property, residents' personal, 53-20-142
Psychiatrists, See also **CIVIL PROCEDURE, Discovery**, physical and mental examinations; **CRIMINAL PROCEDURE, Mental disease or defect of defendant**
  emergency transfer, 53-20-127
  generally, See **Professionals**
Psychologists, See **Professionals**
Public assistance programs, administration and supervision, 53-2-201
Punishment, prohibited when, 53-20-142, 53-20-145, 53-20-146

DEVELOPMENTAL DISABILITIES, PERSONS WITH (Continued)

Purpose of provisions, 53-20-101
Qualified mental retardation professional, 53-20-102, See **Professionals**
Records, 53-20-104, 53-20-145, 53-20-161
Rehabilitation of children, 52-2-113, See also **CHILD ABUSE AND NEGLECT, Child welfare services**
Relatives, rights and responsibilities, See **Parents, guardian, or next of kin**
Release from residential facility, See **Commitment to residential facility**, release
Reports
  mistreatment of residents, 53-20-163
  to governor, 53-20-104
Research
  consent, 53-20-147
  electric shock treatment as, 53-20-146
  Montana developmental center, participation and cooperation in, 53-1-206
  promotion, 53-20-203, 53-20-205
  protection from, 53-20-142, 53-20-147
  review of plans, 53-20-104, 53-20-147
Residential facilities, 53-1-602, 53-20-102
  abuse of residents, See **Abuse, neglect, or exploitation**; **Mistreatment**
  admission to, See **Commitment to residential facility**
  alcoholic beverages or drugs, supplying to resident unlawful, 53-1-103
  clothing of residents, 53-20-142, 53-20-165
  community homes, See **Community homes**
  compliance with provisions required, 53-20-103
  contributions by local government, 53-20-208
  cost of care, liability, Title 53, chapter 1, part 4
  fire standards, 53-20-142, See also **FIRES AND FIRE PROTECTION**
  function, 53-20-501
  funding, 53-20-208, 53-20-214, 90-5-101
  habilitation programs, See **Treatment and habilitation**
  inspections, 53-20-104
  labor by resident, 53-20-164
  loan agreement for acquisition, construction, and equipment, 90-7-220, 90-7-317
  maximum period of admission, 53-20-126
  metabolic testing of newborns, assistance, 50-19-204
  mistreatment of residents, See **Abuse, neglect, or exploitation**; **Mistreatment**
  out-of-state facility, transfer to, 53-20-131
  professionals, qualified mental retardation — staff persons as, 53-20-102, See **Professionals**
  records, 53-20-161
  release, 53-20-114, 53-20-165
  removal of resident without permission unlawful, 53-1-102
  reports to governor and legislature, 53-20-104
  research programs, participation in, 53-1-206
  responsible person, employee appointment as prohibited, 53-20-114, See also **Responsible person appointed by the court**
  rights of residents, 53-20-142, See also **Rights**
  screening team, 53-20-102
    commitment proceedings, copies to, 53-20-121, 53-20-125
    determinations by, 53-20-133
    emergency admission, report to court, 53-20-129
    hearings, attendance, 53-20-116
    membership and terms of members, 53-20-133
    recommendations by, 53-20-125
  standards, 53-20-103, 53-20-142

DEVELOPMENTAL DISABILITIES, PERSONS WITH (Continued)
Residential facilities (Continued)

- superintendents
  - responsibilities, 53-20-146, 53-20-148
  - reports to, 53-20-104, 53-20-163
  - records, release, 53-20-161
- training of resident care workers, 53-20-162
- transfers
  - funds, 53-20-214
  - other facilities
    - from, 53-20-130
    - to, 53-20-127, 53-20-128, 53-21-131
- treatment, See **Treatment and habilitation**
- work by residents, 53-20-161, 53-20-164

Residential facility screening team, See **Residential facilities**, screening team
Responsible person appointed by the court, 53-20-102

- appointment, 53-20-114, 53-20-125
- conflict between parent or guardian and developmentally disabled person, appointment, 53-20-114
- consent by, required when, 53-20-127, 53-20-144, 53-20-146, 53-20-147, 53-20-161
- diet requests by, 53-20-142
- habilitation, report on and copy of standards, 53-20-148
- notice to, required when, 53-20-104, 53-20-125, 53-20-127, 53-20-128
- petition for placement in residential facility, citation in, 53-20-121
- postinstitutionalization plan, consultation, 53-20-148
- professional person, objection to, 53-20-112
- qualifications, 53-20-114
- residential facility treatment, See **Residential facilities**
- waiver of rights, 53-20-113

Restraints, use of, 53-20-104, 53-20-146, 53-20-161
Rights

- clothing, 53-20-142, 53-20-165
- counsel, 53-20-112, 53-20-113, 53-20-125
- dignity, 53-20-101, 53-20-142
- education, 53-20-142, 53-20-148
- fingerprinting, protection from, 53-20-143
- habilitation, 53-20-101, 53-20-113, 53-20-142, 53-20-148
- humane care, 53-20-101, 53-20-104, 53-20-142, 53-20-164
- legal rights, limitation, 53-20-141; Const., XII, 3
- medical treatment, 53-20-142, 53-20-145 — 53-20-148
- mental illness, protection from involuntary commitment, 53-20-142
- nonambulatory residents, 53-20-142
- photographs, 53-20-144
- procedural, 53-20-101, 53-20-112, 53-20-113, 53-20-121
- protection from certain procedures, 53-20-142, 53-20-146, 53-20-147
- punishment prohibited when, 53-20-142, 53-20-145, 53-20-146
- restoration of rights, 53-20-141; Const., XII, 3
- restrictions, 53-20-142, 53-20-146
- waiver, 53-20-113

Safety standards for facilities, 53-20-142, 53-20-305, 53-20-307
Screening team, See **Residential facilities**
Self-sufficiency trusts, 53-18-101 — 53-18-105
Service of process, Title 25, chapter 20, M.R.Civ.P., Rule 4D; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
Sexual abuse, See **Abuse, neglect, or exploitation**
Sheltered workshops, Title 18, chapter 5, part 1; Title 53, chapter 7, part 2
Snowmobiles, operation restrictions, 23-2-632

DEVELOPMENTAL DISABILITIES, PERSONS WITH (Continued)

Systems, 53-20-203, 53-20-205
Tort liability, 27-1-711
Treatment and habilitation
  behavior modification, 53-20-146
  community-based treatment, See **Community homes**; **Community services**
    recommendation for, 53-20-125, 53-20-127
    transfer to, 53-20-127, 53-20-128
  conservatorship during, 53-20-141
  definitions, 53-20-102
  electric shock treatments, 53-20-146
  experimental or hazardous procedures, 53-20-104, 53-20-142, 53-20-146, 53-20-147
  grievances of residents, 53-20-104, 53-20-161
  habilitation plan, board ensures, 53-20-104
  hazardous procedures, 53-20-104, 53-20-142, 53-20-146
  humane treatment, right to, 53-20-101, 53-20-104, 53-20-142, 53-20-164
  individual treatment planning team, responsibilities, 53-20-102, 53-20-142, 53-20-145, 53-20-148, 53-20-164
  involuntary treatment, petition for, 53-20-121
  individualized plan, 53-20-128, 53-20-148, 53-20-161, 53-20-164
  isolation, 53-20-104, 53-20-146
  labor by residents, 53-20-164
  medical treatment, 53-20-127, 53-20-142, 53-20-145, 53-20-148
  medication, 53-20-142, 53-20-145
  mental health facility, transfer to, 53-20-127
  mistreatment, See **Mistreatment**
  out-of-state, Title 53, chapter 22, part 1, See **MENTAL ILLNESS OR INCAPACITY, Interstate Compact on Mental Health**
  photographs of residents, 53-20-144
  postinstitutionalization plan, 53-20-148, 53-20-161
  purpose of provisions, 53-20-101
  records, 53-20-161
  reports to governor and legislature, 53-20-104
  research, See **Research**
  residential facility, recommendation for treatment in, 53-20-125, 53-20-133, See also **Commitment to residential facility**; **Residential facilities**
  restraints, 53-20-104, 53-20-146, 53-20-161
  review by
    board of visitors, 53-20-104, 53-20-146
    individual treatment planning team, 53-20-148
  right to, 53-20-101, 53-20-113, 53-20-142, 53-20-148, See also **Rights**
  shock treatments, 53-20-146
  waiver of right prohibited, 53-20-113
Trusts, self-sufficiency, 53-18-101 — 53-18-105
Vehicles, permits for hunting from, 87-2-803
Visitation rights, 53-20-142
  records, 53-20-161
Vocational rehabilitation, Title 53, chapter 7, parts 1 and 2, See **PUBLIC ASSISTANCE**
Waiver
  habilitation, right to — prohibited, 53-20-113
  procedural rights, 53-20-113
Witnesses, as, Title 26, chapter 10, M.R.Ev., Rule 804
Work programs
  public employees' retirement system, applicability, 19-3-403
  records, 53-20-161
  residential facilities, by residents, 39-51-204, 53-20-164

DEVELOPMENTAL DISABILITIES, PERSONS WITH (Continued)
Work programs (Continued)

  sheltered workshops, Title 18, chapter 5, part 1; Title 53, chapter 7, part 2
  unemployment insurance coverage exclusions, 39-51-204
  vocational rehabilitation, Title 53, chapter 7, parts 1 and 2

DEVELOPMENT CORPORATIONS
Annual statement, 32-4-306
Articles of incorporation, 32-4-201, 32-4-203 — 32-4-205, 32-4-301
Assignments, 32-4-201, 32-4-208
Board of directors, See **Directors, board of**
Bonds and notes, 32-4-201, 32-4-208, 32-4-302
Borrowing money, 32-4-201
Bylaws, 32-4-206, 32-4-207, 32-4-301
Capital and small business investment capital companies, 90-8-104, 90-8-201
Capital stock, 32-4-201, 32-4-208, 32-4-302, 32-4-304
Coal severance tax fund loans, Title 17, chapter 6, part 3
Consumer loan business, purchase by corporation, 32-5-103
Contracts, 32-4-201
Corporation law, applicability, 32-4-102, 32-4-104, 32-4-201, 32-4-205, 32-4-306
Credit of state and local governments, pledge prohibited, 32-4-103
Definitions, 32-4-101
Deposit of funds, 32-4-305
Directors, board of, 32-4-101, 32-4-206
  articles of incorporation, amendment, 32-4-205
  deposit of funds, 32-4-305
  earnings, surplus, and reserves — determination, 32-4-304
  election, 32-4-206, 32-4-207, 32-4-301
  loans to corporation, specification of limits, 32-4-302
  membership applications, action on, 32-4-302
  offices of corporation, location fixed by, 32-4-201
  stockholders, determination of number and election, 32-4-206, 32-4-301
Dissolution, 32-4-203
Duration, period of, 32-4-202, 32-4-303
Earnings, 32-4-304
Economic development projects, acquisition and financing, Title 17, chapter 5, part 15
Examination, 32-4-306
Failure to commence business, effect, 32-4-204
Incorporation
  articles of incorporation, 32-4-201, 32-4-203 — 32-4-205, 32-4-301
  certificate of incorporation, 32-4-203
  first meeting, 32-4-207
Incorporators, 32-4-201, 32-4-203, 32-4-206, 32-4-207
Insurance to indemnify, 33-1-211, See **SURETYSHIP AND SURETIES**
Investments, 32-4-201
Loans
  authorization and eligibility, 32-4-102, 32-4-201
  coal severance tax funds, Title 17, chapter 6, part 3
  homesteads subject to execution for certain judgments, acknowledgment required, 70-32-221
  interest rate limitation exemption, 31-1-111, 31-1-112
  members, to corporation, 32-4-101, 32-4-201, 32-4-205, 32-4-208, 32-4-302, 32-4-303
Losses, 32-4-206
Meetings, 32-4-205 — 32-4-207, 32-4-301
Members, financial institutions as, 32-4-101, 32-4-302
  loans to corporation, 32-4-101, 32-4-201, 32-4-205, 32-4-208, 32-4-302, 32-4-303
  stock ownership, 32-4-208, 32-4-302
  withdrawal, 32-4-205, 32-4-303

DEVELOPMENT CORPORATIONS (Continued)

Microbusiness development corporations, Title 17, chapter 6, part 4
Name, 32-4-201
Officers, agents, and employees, 32-4-201, 32-4-205 — 32-4-207
Offices, 32-4-201
Port authorities, assistance by, 7-14-1111, 7-14-1133, 7-14-1137
Powers and duties, 32-4-102, 32-4-201, 32-4-206, 32-4-207
Property, 32-4-201
Purposes, 32-4-102, 32-4-201, 32-4-205
Reports, 32-4-205, 32-4-306
Reserves, 32-4-304
Stockholders
  articles of incorporation, amendment, 32-4-205, 32-4-301
  capital stock, 32-4-201, 32-4-301
  directors, board of — determination of number and election, 32-4-206, 32-4-301
  powers generally, 32-4-301
Surplus, 32-4-304

DIESEL FUEL
  See **PETROLEUM PRODUCTS**

DIETITIANS
  See also **NUTRITION AND NUTRITIONISTS**
Definitions, 37-21-101
Insurance information and privacy protection, Title 33, chapter 19, See **INSURERS REGULATION GENERALLY, Information and privacy protection**
Public health nutritionist, appointment, 50-49-107
Qualifications, 37-21-101, 37-21-201, 37-21-301, 37-21-302
Registered dietitian, 37-21-302
Remedies cumulative, 37-21-405
Representation as, not allowed when, 37-25-304
Rules, 37-21-201, 37-21-406
Rural health care facilities, employed by — tax exemption for motor vehicle, 15-6-217, 61-3-707
Violations and penalty, 37-21-406

DIRECT-ENTRY MIDWIFERY LICENSING ACT, Title 37, chapter 27
  See **MIDWIVES**

DISABILITIES, PERSONS WITH
Adoption, Title 42, chapter 10, part 1, See **ADOPTION, Special needs, child with**
Audiologists, Title 37, chapter 15, See **SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS**
Blind persons, See **BLINDNESS OR LOW VISION, PERSONS WITH**
Boats, operation prohibited when, 23-2-523
Brain injury, traumatic, 53-6-501, 53-6-502
Building codes, state — purpose, 50-60-201, 50-60-203
Buildings, public — accessibility
  accessible exterior routes and exceptions, 50-60-213, 50-60-214
  barriers, improvements to remove — tax exemption, 15-6-216
  disclaimer, 50-60-212
  inspections, 50-60-211
  primary function area, alteration, 50-60-101, 50-60-211, 50-60-214
Community homes for persons with severe disabilities
  authorization, 53-19-103
  community residential facility, defined as, 76-2-411
  definitions, 52-4-202, 53-19-102

DISABILITIES, PERSONS WITH (Continued)
Community homes for persons with severe disabilities (Continued)

  eligibility, 53-19-106, 53-19-110, 53-19-112
  federal and other aid, 53-19-105
  fire safety certification, 52-4-204
  funds, 53-19-103 — 53-19-105
  governmental entities to provide, 52-4-201, 53-19-104
  grievance procedures, 53-19-112
  health and safety requirements, 52-4-204, 52-4-205
  inspections, 50-8-101, 50-8-102, 50-8-105
  licensing, 52-1-103, 52-4-202 — 52-4-205
    one-step licensing required, 50-8-101, 50-8-102
  long-term care facility, exclusion as, 50-5-101, 50-5-301
  medication taken by clients, supervision and assistance, 53-19-112
  mentally ill persons, eligibility when, 53-19-110
  purpose of provisions, 52-4-201, 53-19-101
  rights of residents, protection, 52-4-205, 53-19-112
  rulemaking authority, 52-4-205, 53-19-112
Community service volunteer projects, 90-14-105
Consultant services for institutions providing care for, 52-1-103, 53-2-201
Crime victims, rehabilitation, 53-9-105, See also **CRIME VICTIMS AND WITNESSES**
Deaf persons, See **DEAF PERSONS**
Dentists, evaluations and rehabilitation, 37-4-311 — 37-4-134
Developmental disabilities, persons with, Title 53, chapter 20, See **DEVELOPMENTAL DISABILITIES, PERSONS WITH**
Disabled veterans, See **VETERANS**
Discrimination, See **DISCRIMINATION**
Driver's licenses, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Disabilities, persons with**
Dueling, support when disability results from, 27-1-223, 27-1-301
Education for children with disabilities, Title 20, chapter 7, part 4, See **SCHOOLS, Special education**
Elections, aid to, Title 13, chapter 3, part 2, See **ELECTIONS**
Employment, Title 53, chapter 7, See **DISCRIMINATION**; **LABOR AND EMPLOYMENT**; **PUBLIC CONTRACTS, Sheltered workshops**
Families achieving independence in Montana (FAIM) project, time limitation on assistance — exemption, 53-4-607, See also **PUBLIC ASSISTANCE**
Fishing access sites, compliance with federal provisions, 23-1-127
Fishing licenses, 87-2-802 — 87-2-804
Foster family care homes, See **ADULTS**
Health Facility Authority bonds to finance facilities for, 90-7-104, See **HEALTH FACILITY AUTHORITY**
Health program for children, 50-1-202
Housing
  authorities, municipal — representation by tenant commissioner, 7-15-4431
  discrimination, See **DISCRIMINATION**
  lower income, 90-6-103, See **HOUSING, Lower income, development**
Hunting
  companion to assist, 87-2-103, 87-2-803
  licenses and permits, 87-1-301, 87-2-403, 87-2-803
Identification cards, 61-12-504
Independent living, definitions, 53-7-101, 53-7-301, 53-19-102
Infants, "withholding of medically indicated treatment" defined, 41-3-102
Insurance coverage for dependents with disabilities
  disability insurance, 33-22-304, 33-22-506, 33-30-1003, 33-30-1004
  health service corporations, 33-30-1003, 33-30-1004
Kidney disease, See **DISEASES, Renal disease**

DISABILITIES, PERSONS WITH (Continued)

Library services for, 22-1-103, 22-1-226
License plates, 49-4-304, 61-3-332, 61-3-446
Live-in companions, minimum wage and overtime compensation exclusion, 39-3-406
Long-term care reform, 53-6-601 — 53-6-603
Lower income housing, 90-6-103, See **HOUSING, Lower income, development**
Managed care plan network adequacy and quality assurance, health carrier's responsibilities, 33-36-201
Medicaid benefits, right of recovery — limitations, 53-6-167, 53-6-171, 53-6-178
Mental illness, Title 53, chapter 21, See **MENTAL ILLNESS OR INCAPACITY**
Motor vehicles, parking permits for, See **Parking permits**
Occupational therapists, Title 37, chapter 24, See **OCCUPATIONAL THERAPY AND OCCUPATIONAL THERAPISTS**
Off-highway or motor vehicle, operation below ordinary high-water mark on certain land allowed when, 61-8-371
Orange-colored international symbol displayed when, 87-2-803
Parking permits, Title 49, chapter 4, part 3
  disabled veterans, 49-4-302, 49-4-304, 61-3-332, 61-3-454
  license plates, special, 49-4-304
Parking spaces, special — requirements, 49-4-302, 61-3-332
Personal assistant services, rules to govern — adoption, 53-6-145
Personal care facilities, See **PERSONAL CARE FACILITIES**
Policy of state, 49-4-202
Polling places, accessibility, Title 13, chapter 3, part 2, See **ELECTIONS**
Preference in employment, Title 39, chapter 30, See **LABOR AND EMPLOYMENT**
Professional and occupational licensees, unprofessional conduct when, 37-1-316
Professions and occupations, training and practice exemptions, See specific profession or occupation
Prosthetic devices, See **PROSTHETIC DEVICES**
Protective services
  annual report, 52-3-206
  citation of protective services act for aged persons or disabled adults, 52-3-201
  conservatorship or guardianship not created by, 52-3-207
  definitions, 52-3-202
  implementation of program, 52-3-205
  purpose of provisions, 52-3-203
  responsibilities of department of public health and human services, 52-3-203, 52-3-204
Public assistance programs
  administration and supervision, 53-2-201, See also **PUBLIC ASSISTANCE**
  supplementary income payments, 52-1-104
Rehabilitation
  abused or neglected children, Title 52, chapter 2, part 1
  children, 52-2-113
  facilities, 50-5-101, 50-5-103, See generally **HEALTH CARE FACILITIES**
  sheltered workshops, Title 18, chapter 5, part 1; Title 53, chapter 7, part 2
  vending facilities, Title 18, chapter 5, parts 4 and 5
  vocational, Title 53, chapter 7
Renal disease, See **DISEASES, Renal disease**
Rights generally, Title 39, chapter 30; Title 49, chapter 4
School attendance, children, 20-5-107
Self-sufficiency trusts, 53-18-101 — 53-18-105
Sheltered workshops, Title 18, chapter 5, part 1; Title 53, chapter 7, part 2
Snowmobiles, operation restrictions, 23-2-632
Speech-language pathologists, Title 37, chapter 15, See **SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS**
State lands, sale of leased cabin or home site or city or town lot — time period, 77-2-318

DISABILITIES, PERSONS WITH (Continued)

State parks
  federal provisions, compliance with, 23-1-127
  overnight camping fee discount, 23-1-105
State policy regarding, 49-4-202
Tax benefits, 15-30-111 — 15-30-115
Telecommunications services and equipment
  assessment on telephone access line, 53-19-310 — 53-19-312
  committee on telecommunications access services for persons with disabilities, 2-15-2212; Title 53, chapter 19, part 3
  definitions, 53-19-302
  eligibility, 53-19-305, 53-19-307
  fund for, 53-19-309 — 53-19-311
  legislative findings and declaration, 53-19-301
  program, 53-19-302
    administration, 53-19-305, 53-19-307, 53-19-310, 53-19-311
    contributions, gifts, and grants, 53-19-309, 53-19-310
    establishment and purpose, 53-19-306
  provision of services, 53-19-307
  records and audit of, 53-19-307, 53-19-312
  rules, 53-19-307
  telecommunications relay service system, 53-19-307, 53-19-308
  utilities, advertisement costs, 69-3-307
Temporary disability, person with — parking permits, 49-4-301, 49-4-305
Transportation
  free or reduced rates when, 69-11-208
  private, nonprofit organizations — exemption from motor carrier laws, 69-12-102
  services, 7-14-111
Trusts, self-sufficiency, 53-18-101 — 53-18-105
Vehicles, permits for hunting from, 87-2-803
Veterans, See **VETERANS**, **Disabled veterans**
Vocational rehabilitation, Title 53, chapter 7, See **BLINDNESS OR LOW VISION, PERSONS WITH**; **PUBLIC ASSISTANCE**
Voting, aid to, Title 13, chapter 3, part 2, See **ELECTIONS**, **Disabilities, voters with**; **Polling places**
Wheelchairs
  discrimination, 49-2-305
  elections, accessibility of polling places, 13-3-202
  emergency medical services, "patient" defined, 50-6-302
  hunting from, 87-2-803
  jury duty, permanent exclusion for persons chronically incapacitated, 3-15-313
  license plates, symbol on, 49-4-304, 61-3-332
  motorized wheelchairs, use and regulation, 49-4-311, 49-4-312
  occupational therapy services, 37-24-103
  safety standards in certain facilities, 53-20-142, 53-21-142
  school transportation, eligible transportees — passenger points, 20-10-127
  special parking permits, Title 49, chapter 4, part 3
  warranty
    citation of Montana wheelchair warranty act, 30-14-1201
    consumer's rights and remedies, 30-14-1207
    definitions, 30-14-1202
    express written or implied warranties, 30-14-1203
    liability to manufacturer and dealer exemption, 30-14-1206
    presumption of reasonable number of attempts to conform, 30-14-1205
    replacement for nonconformity, 30-14-1204
Workers' compensation benefits, Title 39, chapter 71, See **WORKERS' COMPENSATION**

DISABILITIES, PERSONS WITH (Continued)

Work programs, See also **LABOR AND EMPLOYMENT, Disabilities, persons with**
  minimum wage and overtime compensation exclusions, 39-3-406
  sheltered workshops, Title 18, chapter 5, part 1; Title 53, chapter 7, part 2
  vocational rehabilitation, Title 53, chapter 7

DISASTER AND EMERGENCY SERVICES
  See **EMERGENCIES AND EMERGENCY POWERS**

DISCLOSURE OF MATERIAL TRANSACTIONS ACT, 33-3-701 — 33-3-704
  See **INSURERS REGULATION GENERALLY, Material transactions, disclosure**

DISCRIMINATION
Abortion, refusal to participate based on religious or moral convictions not discriminatory, 50-20-111
Adoption proceedings or agencies, 49-1-102, 49-2-308, 49-3-204, 49-3-205
Advertising, unlawful practices, 49-2-303 — 49-2-305, 49-2-307, 49-2-308
Age discrimination
  adoption proceedings, 49-1-102, 49-2-308, 49-3-204, 49-3-205
  "age" defined, 49-2-101, 49-3-101
  alcoholic beverages, licensees, 49-2-304, 49-3-204
  cultural and aesthetic projects and grants, prohibited, 22-2-306
  firefighters, employment qualifications, 7-33-4107
  freedom from as civil right, 49-1-102
    violations, exclusive remedy, 49-2-509
  governmental agencies and officials, duties, 49-2-308, 49-3-201 — 49-3-209, See **Government, state and local**
  health care facilities, prohibited, 50-5-105
  justification when, 7-33-4107, 49-2-303 — 49-2-308, 49-2-403, 49-3-103
  public accommodations — special benefits, incentives, discounts, and promotions, 49-2-304
  quota system, 49-2-307, 49-3-104
  records concerning age
    prohibited when, 49-2-307
    required when, 49-2-102
  unlawful practices, 7-15-4207, 20-25-707, 49-2-301 — 49-2-308, 49-2-602
    exceptions, 49-2-101, 49-2-303 — 49-2-308, 49-2-402, 49-2-403, 49-3-103
  wrongful discharge from employment provisions, applicability, 39-2-912
Agricultural commodities, prohibited
  growers as warehouse operators, issuance of receipts, 80-4-527
  receipt of commodities, 80-4-523, 80-4-527
  storage charges, 80-4-421, 80-4-524
Apprenticeship programs, 49-2-303, 49-3-203
Blind persons, See **Disabilities, persons with**
Business improvement district services, not allowed, 7-12-1142
Carriers
  classifications for free or reduced rates not unjust, 69-11-109, 69-11-207, 69-11-208
  rates and time, 69-11-102
Child support, health benefit plan — nonexclusion, 40-5-818
Cities and towns
  annexation with provision of services, legislative findings, 7-2-4702
  sewer system rates, 7-13-4208
Collective bargaining, 49-2-101
  grievance procedure, attempts to resolve disputes, 49-2-501
  labor organizations
    compliance encouraged, 49-3-202
    membership, based on, 39-31-205, 39-31-401, 39-32-109

DISCRIMINATION (Continued)
Collective bargaining (Continued)
  labor organizations (Continued)
    notice containing explanation of discrimination laws — posting, noncompliance, and penalty, 49-2-202
    public employees, representation, 39-31-205
    records required when and public availability limited, 49-2-102
    unlawful practices, 49-2-303
  nurses, by employer, 39-32-109
  public employees, by
    employer, 39-31-401
    labor organization, 39-31-205
Color, discrimination concerning, See also **Racial discrimination**
  adoption proceedings, 49-1-102, 49-2-308, 49-3-204, 49-3-205
  alcoholic beverage licensees, 49-2-304, 49-3-204
  cultural and aesthetic projects and grants, prohibited, 22-2-306
  developmental disabilities, community services for persons with — prohibited, 53-20-212
  equal protection, Const., II, 4
  freedom from as civil right, 49-1-102
    violations, exclusive remedy, 49-2-509
  governmental agencies and officials, 7-3-4415, 49-2-308, 49-3-201 — 49-3-209, See **Government, state and local**
  health care facilities, prohibited, 50-5-105
  hospital districts, admissions, 7-34-2133
  insurance premiums or benefits, prohibited, 33-18-210
  justification when, 49-2-303 — 49-2-308, 49-2-403
  malicious intimidation or harassment, 45-5-221
  medicaid services, prohibited in, 53-6-105
  mental health services, prohibited, 53-21-206
  motorist information signs, businesses identified on, 60-5-514, 60-5-522
  offenses committed, sentence enhancement, 45-5-222
  quota system, 49-2-307
  records prohibited when, 49-2-307
  unlawful practices, 7-3-4415, 7-15-4207, 20-25-707, 49-2-301 — 49-2-308, 49-2-602
    exceptions, 49-2-303 — 49-2-308, 49-2-402, 49-2-403
  voter information pamphlets, advocacy improper in, 13-27-408
  wrongful discharge from employment provisions, applicability, 39-2-912
Complaints
  civil actions, 49-2-508, 49-2-509
  contested case hearings, 49-2-505, 49-2-509
  dismissal, 49-2-507, 49-2-509
  enforcement, 49-2-210, 49-3-315
  filing, 49-2-501, 49-2-510
    district court, in, 49-2-509
    rules, 49-3-106
  findings of discrimination
    failure to find, 49-2-507
    order or agreement
      contents, 49-2-506
      enforcement, 49-2-508
      penalty for violations, 49-2-601
  form, 49-2-501
  injunction, preliminary, 49-2-503
  investigation, 49-2-203, 49-2-504, 49-2-509, 49-3-106
  retaliation prohibited, 49-2-301, 49-3-209
  rules, 49-3-106
  temporary relief, 49-2-503

DISCRIMINATION (Continued)

Constitutional prohibitions, violations of equal protection clause — exclusive remedy, 49-2-509
Contested case hearings, 49-2-505, 49-2-509
  civil action in lieu of, 49-2-510
Credit transactions, See also **Financial institutions**
  definitions, 49-2-101
  insurers and insurance contracts, standards concerning, 33-18-501
  justification for discrimination when, 49-2-306, 49-2-403
  residential real estate-related transactions, 49-2-305
  unlawful practices, 49-2-305, 49-2-306
    exceptions, 49-2-306, 49-2-402, 49-2-403
Creed, discrimination concerning
  adoption proceedings, 49-1-102, 49-2-308, 49-3-204, 49-3-205
  alcoholic beverage licensees, 49-2-304, 49-3-204
  developmental disabilities, community services for persons with — prohibited, 53-20-212
  educational institutions, Const., X, 7
  fair campaign practices, code of — statement against, 13-35-301
  freedom from as civil right, 49-1-102
    violations, exclusive remedy, 49-2-509
  governmental agencies and officials, 7-3-4415, 49-2-308, 49-3-201 — 49-3-209, See **Government, state and local**
  health care facilities, prohibited, 50-5-105
  insurance premiums or benefits, prohibited, 33-18-210
  justification when, 49-2-303 — 49-2-308, 49-2-403
  malicious intimidation or harassment, 45-5-221
  mental health services, prohibited, 53-21-206
  offenses committed, sentence enhancement, 45-5-222
  quota system, 49-2-307
  records prohibited when, 49-2-307
  unlawful practices, 7-3-4415, 7-15-4207, 20-25-707, 49-2-301 — 49-2-308, 49-2-602
    exceptions, 49-2-303 — 49-2-308, 49-2-402, 49-2-403
  wrongful discharge from employment provisions, applicability, 39-2-912
Cultural and aesthetic projects and grants, prohibited, 22-2-306
Culture
  equal protection, Const., II, 4
  motorist information signs, businesses identified on, 60-5-514, 60-5-522
Deaf persons, See **Disabilities, persons with**
Definitions, 49-2-101, 49-2-305, 49-3-101, 49-4-203, 53-21-189
Developmental disabilities, persons with — protection from, See also **Disabilities, persons with**
  community services, 53-20-212
  insurance, disability or life — applications or rates, 33-18-206
  religious beliefs, 53-20-142
Dignity of individual inviolable, Const., II, 4
Disabilities, persons with, See also **Developmental disabilities, persons with**; **Mentally ill persons**
  adoption proceedings, 49-1-102, 49-2-308, 49-3-204, 49-3-205
  blind or visually impaired persons
    canes, color, 49-4-213, 49-4-216, 49-4-217
    driver approaching, duties, 49-4-216
    employment practices regarding, 49-4-202; Title 18, chapter 5, parts 4 and 5
    housing accommodations, 49-4-203, 49-4-212, 49-4-214
    pedestrian approaching, duties, 49-4-216
    public accommodations and places, 49-4-211, 49-4-213 — 49-4-217
    service animals, provisions regarding, 49-4-214, 49-4-216, 49-4-217

DISCRIMINATION (Continued)
Disabilities, persons with (Continued)
  blind or visually impaired persons (Continued)
    state policy, 18-5-401, 49-4-202
    vending facilities, Title 18, chapter 5, parts 4 and 5
  deaf persons
    employment practices regarding, 49-4-202
    housing accommodations, 49-4-203, 49-4-212, 49-4-214
    interpreters for, in official proceedings, Title 49, chapter 4, part 5
    public accommodations and places, 49-4-211, 49-4-214, 49-4-215
    service animals, provisions regarding, 49-4-214
    state policy, 49-4-202
  employment
    justification for discrimination when, 49-2-303, 49-2-308, 49-2-403, 49-2-405, 49-3-103, 49-4-101
    preference given when, 49-2-405, 49-3-103; Title 18, chapter 5, parts 4 and 5; Title 39, chapter 30
    state policy, 18-5-401, 39-30-102, 49-4-202
    unlawful practices, 49-2-301 — 49-2-303, 49-2-308, 49-4-101
      exceptions, 49-2-303, 49-2-308, 49-2-402, 49-2-403, 49-2-405, 49-3-103, 49-4-101
    vending facilities, Title 18, chapter 5, parts 4 and 5
  justification for discrimination when, 49-2-303, 49-2-308, 49-2-403, 49-2-405, 49-3-103, 49-4-101; Title 18, chapter 5, parts 4 and 5; Title 39, chapter 30
  parking permits, Title 49, chapter 4, part 3
  physical or mental disability, 49-2-101, 49-3-101
    alcoholic beverage licensees, 49-2-304, 49-3-204
    employment practices, 49-4-101, 49-4-102, 49-4-202
    freedom from discrimination as civil right, 49-1-102
      violations, exclusive remedy, 49-2-509
    governmental employment and services, 49-2-308, 49-3-201 — 49-3-209
    health care facilities, prohibited, 50-5-105
    housing accommodations, 49-2-305, 49-2-602, 49-4-203, 49-4-212, 49-4-214
    insurance, casualty and property — discrimination prohibited when, 33-18-210
    justification for discrimination when, 49-2-403, 49-3-103
    public accommodations and places, 49-4-211, 49-4-214, 49-4-215
    quota system, 49-2-307
    reasonable accommodations, 49-2-101, 49-3-101
    records prohibited when, 49-2-307
    state policy, 18-5-401, 49-4-202
    unlawful practices, 7-15-4207, 20-25-707, 49-2-301 — 49-2-308, 49-2-602, 49-4-101
      exceptions, 49-2-303 — 49-2-308, 49-2-402, 49-2-403, 49-3-103, 49-4-101
  quota system, 49-2-307
  records prohibited when, 49-2-305, 49-2-307
  state policy, 18-5-401, 39-30-102, 49-4-202
  unlawful practices, 7-15-4207, 20-25-707, 49-2-301 — 49-2-308, 49-2-602, 49-4-101, 49-4-102
    exceptions, 49-2-303 — 49-2-308, 49-2-402, 49-2-403, 49-2-405, 49-4-101
  wrongful discharge from employment provisions, applicability, 39-2-912
Educational institutions, 49-2-101; Const., X, 1; X, 7
  blind or visually impaired persons, state policy, 49-4-202
  chiropractic, schools of — board of chiropractors' discrimination in requirements prohibited, 37-12-201
  deaf persons, state policy, 49-4-202
  employment, See **Employment**
  justification for discrimination when, 49-2-307, 49-2-403, 49-2-405
  notices
    discrimination laws, explanation — posting, noncompliance, and penalty, 49-2-202
    unlawful practices, 49-2-307
  physically disabled persons, state policy, 49-4-202

DISCRIMINATION (Continued)
Educational institutions (Continued)

- quota system, 49-2-307
- university system
  - antidiscrimination, 20-25-101, 20-25-707
  - records, covert, 20-25-511
  - work-study program, 20-25-707
- unlawful practices, 49-2-301, 49-2-302, 49-2-307, 49-2-601
  - complaints, procedures, See **Complaints**
  - exceptions, 49-2-307, 49-2-402 — 49-2-405

Elections, See also **Political beliefs**, discrimination concerning
- code of fair campaign practices, statements in, 13-35-301
- voter information pamphlets, 13-27-408

Employment, 49-2-101
- apprenticeship programs, 49-2-303, 49-3-203
- blind or visually impaired persons, 49-4-202; Title 18, chapter 5, parts 4 and 5, See also **Disabilities, persons with**
- child support income withholding, effect, 40-5-422
- collective bargaining, See **Collective bargaining**
- deaf persons, 49-4-202, See also **Disabilities, persons with**
- fair practices, Title 49, chapter 3, See **Government, state and local**
- firefighters, qualifications, 7-33-4107
- governmental, See **Government, state and local**
- hazardous chemical information, employee rights — discrimination prohibited, 50-78-204
- indian reservation residents, preference when, 2-18-111, 18-1-110, 49-2-303, 49-2-403, 49-3-103
- insurance contributions additional — nonapplicability, 49-2-303, 49-2-309, 49-3-103
- justification for discrimination when, 2-18-111, 7-33-4107, 18-1-110, 49-2-303, 49-2-308, 49-2-311, 49-2-403, 49-2-405, 49-3-103, 49-4-101, 49-4-202; Const., II, 35; Title 10, chapter 2, part 2; Title 39, chapters 29 and 30
- lawful product used during nonworking hours, 39-2-313, 39-2-314
- maternity leave, 49-2-310, 49-2-311
- military personnel, 10-1-603, 10-1-604, 10-1-615, 49-2-405, 49-3-103; Const., II, 35; Title 10, chapter 2, part 2; Title 39, chapter 29
- municipal commission-manager government, civil service appointments, 7-3-4415
- notice containing explanation of discrimination laws — posting, noncompliance, and penalty, 49-2-202
- park commissioners, county board of — discrimination prohibited, 7-16-2326
- physically disabled persons, 49-4-101, 49-4-102, 49-4-202, See also **Disabilities, persons with**
- preference given when, 2-18-111, 18-1-110, 49-2-405, 49-3-103; Const., II, 35; Title 10, chapter 2, part 2; Title 18, chapter 5, parts 4 and 5; Title 39, chapters 29 and 30
- records required when and public availability limited, 49-2-102
- retirement systems, discrimination prohibited, 19-2-403, 19-3-505, 49-2-309
- rights generally, 49-1-102
- union membership, based on, 39-31-205, 39-31-401, 39-32-109, See also **Collective bargaining**, labor organizations
- university system work-study program, 20-25-707
- unlawful practices, 7-3-4415, 20-25-707, 49-2-301 — 49-2-303, 49-2-308, 49-4-101
  - exceptions, 2-18-111, 18-1-110, 49-2-101, 49-2-303, 49-2-308, 49-2-402 — 49-2-405, 49-3-103, 49-4-101, 49-4-202
- veterans, 49-2-405, 49-3-103; Const., II, 35; Title 10, chapter 2, part 2; Title 39, chapter 29
- women, 39-3-104, 39-7-103, 39-7-104, 49-2-310, 49-2-311
- wrongful discharge provisions, applicability, 39-2-912

Enforcement, 39-1-102, 49-2-203, 49-2-210, 49-2-501, 49-2-503 — 49-2-510, 49-3-204, 49-3-301, 49-3-315

DISCRIMINATION (Continued)

Equality of opportunity
  disabilities, persons with, 49-2-305, 49-4-212
  goal of people, Const., Preamble
  university system, 20-25-101
Exceptions, See **Unlawful practices**
Ex-convicts or offenders, See **OFFENDERS, FORMER**
Fair Campaign Practices, Code of — statement against, 13-35-301
Fair Practices, Code of, Title 49, chapter 3, See **Government, state and local**
Familial status, discrimination concerning — unlawful practices and exceptions, 49-2-305, 49-2-602
Farm implements dealership agreements, grantor's requirements, 30-11-801
Financial institutions, 49-2-101, See also **Credit transactions**; **Insurers**
  insurers and insurance contracts, standards concerning, 33-18-501
  notice containing explanation of discrimination laws — posting, noncompliance, and penalty, 49-2-202
  unlawful practices, 49-2-301, 49-2-302, 49-2-306, 49-2-309, 49-2-601
    complaints, procedures, See **Complaints**
    exceptions, 49-2-306, 49-2-309, 49-2-402 — 49-2-404
Findings of discrimination
  failure to find, 49-2-507
  order or agreement
    contents, 49-2-506
    enforcement, 49-2-508, 49-2-510
    penalty for violations, 49-2-601
Fines, See **Unlawful practices**, penalties, generally
Fraternal organizations, lodges of recognized national — exemption from provisions, 49-2-101, 49-2-304, 49-3-204
Freedom from, declared a civil right, 49-1-102
  violations, exclusive remedy, 49-2-509
Government, state and local, 49-3-101, 49-3-102
  administration, department of — employment examinations, 49-3-201
  adoption proceedings or agencies, 49-2-308, 49-3-204, 49-3-205
  apprenticeship programs, 49-3-203
  blind or visually impaired persons
    state policy, 18-5-401, 49-4-202
    vending facilities, Title 18, chapter 5, parts 4 and 5
  complaints, procedures, 49-2-501, 49-2-503 — 49-2-510, See **Complaints**
  contested case hearings, 49-2-505, 49-2-509
  cooperation with commission for human rights, 49-3-202, 49-3-301
  deaf persons, state policy, 49-4-202
  disabilities, persons with, 49-2-405, 49-3-103, 49-4-202; Title 39, chapter 30
  educational or counseling programs, 49-3-202, 49-3-203, 49-3-301
  employment of personnel
    disabilities, persons with, 49-2-405, 49-3-103, 49-4-202; Title 18, chapter 5, parts 4 and 5; Title 39, chapter 30
    equal opportunities guaranteed, 49-2-308, 49-3-201 — 49-3-203
    exceptions to unlawful practices, 49-2-405, 49-3-103
    indian reservation residents, preference when, 2-18-111, 18-1-110, 49-2-303, 49-2-403, 49-3-103
    placement and referral services, 49-3-202
    veterans, preference to, 49-2-405, 49-3-103; Const., II, 35; Title 10, chapter 2, part 2; Title 39, chapter 29
  equal opportunities guaranteed, 49-2-308, 49-3-201 — 49-3-203
  facilities, 49-2-308, 49-3-205
    vending, Title 18, chapter 5, parts 4 and 5

DISCRIMINATION (Continued)
Government, state and local (Continued)

- federal funds, 49-2-308
- findings of discrimination
  - failure to find, 49-2-507
  - order or agreement
    - contents, 49-2-506
    - enforcement, 49-2-508
    - penalty for violations, 49-2-601
- funding programs, 49-2-308, 49-3-206
- hearings, 49-2-505, 49-2-509
- indian reservation residents, preference when, 2-18-111, 18-1-110, 49-2-303, 49-2-403, 49-3-103
- indigent party, expenses, 49-2-505
- informal settlement, 49-2-504
- injunction, preliminary, 49-2-503
- inspection to determine compliance, 49-2-506
- investigations, 49-2-509, 49-3-106, 49-3-209
- job recruitment programs, 49-3-202
- justification for discriminatory practices when, 2-18-111, 18-1-110, 49-2-308, 49-2-403, 49-2-405, 49-3-103; Const., II, 35; Title 10, chapter 2, part 2; Title 18, chapter 5, parts 4 and 5; Title 39, chapters 29 and 30
- licenses and charters
  - businesses subject to, discriminatory housing practices, 49-2-510, 49-2-602
  - issuance, discrimination prohibited, 49-3-204
- local government units affected, 49-3-101, 49-3-102
- minority groups, utilization, 49-3-201
- municipal commission-manager government, civil service appointments, 7-3-4415
- nepotism, exemption when provisions conflict, 49-2-303, 49-2-403, 49-3-201
- notices
  - complaints, dismissal, 49-2-509
  - hearings, 49-2-505, 49-2-509
  - unlawful practices, 49-2-308
- optometrists, by agencies administering health services — prohibited, 37-10-104
- park commissioners, county board of — discrimination in employment prohibited, 7-16-2326
- public accommodations, responsibility concerning, 49-3-208
- public contracts, 7-16-2326, 18-1-110, 18-1-111, 18-2-403, 18-5-502, 49-3-207
- quota system, 49-3-104
- records required when and public availability limited, 49-2-102
- recruitment programs for jobs, 49-3-202
- relief
  - petitions for, 49-2-509
  - temporary, 49-2-503
- reports on manner of compliance, 49-2-506
- retaliation prohibited, 49-3-209
- retirement systems, discrimination prohibited, 19-2-403, 19-3-505, 49-2-309
- rules, 49-3-106
- services and goods, 49-2-308, 49-3-205, 49-3-207
- temporary relief, 49-2-503
- training programs, 49-3-201, 49-3-203
- unlawful practices, 49-2-301, 49-2-302, 49-2-308, 49-2-601
  - complaints, procedures, 49-2-501, 49-2-503 — 49-2-509
  - exceptions, 18-1-110, 49-2-305, 49-2-308, 49-2-402 — 49-2-405, 49-3-103
  - informal settlement, 49-2-504
  - injunction, preliminary, 49-2-503
- vending facilities, Title 18, chapter 5, parts 4 and 5

DISCRIMINATION (Continued)
Government, state and local (Continued)

  veterans, preference to, 49-2-405, 49-3-103; Const., II, 35; Title 10, chapter 2, part 2; Title 39, chapter 29
  vocational guidance programs, 49-3-203
Health care facilities, prohibited, 7-34-2123, 50-5-105
  abortion, refusal to participate — no cause of action, 50-20-111
  hospital districts, admissions, 7-34-2123
  sterilization, refusal to participate — no cause of action, 50-5-502, 50-5-503
Health service corporations
  abuse, victims of — prohibited, 33-18-216
  classifications or rates, prohibited, 33-30-306, 49-2-309
Hearings
  civil action in lieu of, 49-2-510
  contested cases, 49-2-505, 49-2-509, 49-2-510
  held when, 49-2-505, 49-2-509
  rules for, 49-3-106
Hospitals, See **Health care facilities**
Housing accommodations, 49-2-101, 49-4-203
  disabilities, persons with, 49-2-305, 49-4-203, 49-4-212, 49-4-214
  enforcement, 49-2-510
  intimidation or interference in right to be free from discrimination, 49-2-602
  notices
    discrimination laws, explanation — posting, noncompliance, and penalty, 49-2-202
    unlawful practices, 49-2-305
  unlawful practices, 7-15-4207, 49-2-305, 49-2-602
    complaints, procedures, 49-2-510
    exceptions, 49-2-305, 49-2-402 — 49-2-404
    penalties, 49-2-510, 49-2-602
Human Rights, Commission for, 2-15-1706, 49-2-101, 49-3-101
  appeals, 49-2-505
  complaints, See also **Complaints**
    dismissal, 49-2-507
    procedures, 49-2-501
  contested case hearings, 49-2-505
  declaratory rulings, petitions for, 49-3-106
    rules concerning, 49-3-106
  discrimination laws, explanation — posting, noncompliance, and penalty, 49-2-202
  educational and enforcement programs, 49-3-301
  findings of discrimination
    failure to find, 49-2-507
    order or agreement
      contents, 49-2-506
      enforcement, 49-2-508
      penalty for violations, 49-2-601
  governmental agencies, cooperation, 49-3-202, 49-3-301
  indigent persons, expenses, 49-2-505
  inspections to determine compliance, 49-2-506
  investigations, 49-2-203, 49-3-106
  labor and industry, department of — cooperation, 39-7-104, 49-3-202
  petitions, enforcement of orders, 49-2-508
  purpose, 49-2-205
  reports on manner of compliance, 49-2-506
  rules, 49-2-204
  subpoenas, power of issuance, 49-2-203
  violation of orders and penalty, 49-2-601
  witnesses, 49-2-203

DISCRIMINATION (Continued)

Illegal practices, See **Unlawful practices**
Indians, employment preference
  state construction projects within reservation, 18-1-110, 49-2-303, 49-2-403, 49-3-103
  state jobs within reservation, 2-18-111
Injunction, preliminary, 49-2-503
Insurance, See also **Insurers**
  automobile glass replacement services, charges — insured and uninsured customers, 33-18-221
  casualty, 33-11-107, 33-15-1101, 33-18-207, 33-18-210
  contract of insurance, 33-1-502, 33-18-206, 33-18-209, 33-18-210, 33-18-501, 49-2-309
  disability, 33-18-206, 33-18-209, 33-22-904, 33-22-1704, 49-2-309
  genetic traits, on basis of — prohibited, 33-18-903
  group health plans or group health insurance coverage, prohibited, 33-22-526
  insurance producer license, 33-17-213, 49-3-204
  liability purchasing groups, exemption from certain laws when, 33-11-107
  lawful product use, coverage based on, 39-2-313
  life policies or annuity contracts, 33-18-206, 33-18-209, 33-20-123, 49-2-309
  married with dependents, additional contributions to — nonapplicability, 2-18-702, 2-18-703, 49-2-303, 49-2-309, 49-3-103
  medicare supplement policies and certificates, 33-22-904
  policies, 33-1-502, 33-18-206, 33-18-209, 33-18-210, 33-18-501, 49-2-309
  property, 33-15-1101, 33-18-207, 33-18-210
  rates, 33-4-510, 33-16-101, 33-16-201, 33-16-1021, 33-18-206, 33-18-207, 33-18-210, 33-25-212, 49-2-309
  rating organizations, 33-16-402, 49-3-204
  surety, 33-18-207, 33-18-210
  title, 33-18-210, 33-25-212
  viatical settlement contracts, prohibited, 33-20-1313
  workers' compensation, rates, 33-16-1021
Insurers, See also **Credit transactions**; **Financial institutions**; **Insurance**
  abuse, victims of — discrimination in all lines of insurance prohibited, 33-18-216
  domestic stock and mutual, classification of policies — discrimination between policyholders prohibited, 33-3-421
  farm mutual, rates, 33-4-510
  generally, 33-18-206, 33-18-207, 33-18-209, 33-18-210, 49-2-309
  lenders, standards, 33-18-501
  reciprocal, distribution of savings, 33-5-410
Interpreters for deaf persons in official proceedings, Title 49, chapter 4, part 5
Investigations, 39-1-102, 49-2-203, 49-2-504, 49-2-509, 49-3-106
  retaliation for participation in, prohibited, 49-2-301, 49-3-209
Justification when, 2-18-111, 7-33-4107, 18-1-110, 49-2-101, 49-2-303 — 49-2-308, 49-2-311, 49-2-403 — 49-2-405, 49-3-101, 49-3-103, 49-4-101, 49-4-202; Const., II, 35; Title 10, chapter 2, part 2; Title 18, chapter 5, parts 4 and 5; Title 39, chapters 29 and 30
Labor, See **Employment**
Labor and Industry, Department of — cooperation, investigation, and enforcement, 39-1-102, 39-7-104, 49-3-202
Labor organizations, See **Collective bargaining**
Lawful product, employee's use during nonworking hours — discrimination prohibited and exceptions, 39-2-313, 39-2-314
Licenses and charters
  businesses subject to, discriminatory housing practices, 49-2-510, 49-2-602
  issuance, discrimination prohibited, 49-3-204
Local government, See **Government, state and local**
Long-term care facilities, residents' rights, See **LONG-TERM CARE FACILITIES**

DISCRIMINATION (Continued)

Marital status, discrimination concerning
  adoption proceedings, 49-2-308, 49-3-204, 49-3-205
  alcoholic beverage licensees, 49-2-304, 49-3-204
  governmental employment and services, 49-2-308, 49-3-201 — 49-3-207, 49-3-209, See **Government, state and local**
  health care facilities, prohibited, 50-5-105
  insurance
    additional contributions not to be, 2-18-702, 2-18-703, 49-2-303, 49-2-309, 49-3-103
    policies, prohibited, 33-1-502, 33-18-210, 49-2-309
  justification when, 49-2-303 — 49-2-309, 49-2-403, 49-3-103
  quota system, 49-2-307
  records prohibited when, 49-2-307
  retirement plans, prohibited, 49-2-309
  unlawful practices, 20-25-707, 49-2-301 — 49-2-309
    exceptions, 49-2-303 — 49-2-309, 49-2-402, 49-2-403, 49-3-103
  wrongful discharge from employment provisions, applicability, 39-2-912
Maternity leave, 49-2-310, 49-2-311
Medicaid services, prohibited in, 53-6-105
Medical Examiners, Board of — rules to be nondiscriminatory, 37-3-203
Mentally ill persons, protection from, See also **Disabilities, persons with**
  commitment not cause for discrimination, 53-21-189
  community and regional services, 53-21-206
  religious beliefs, 53-21-142
Military personnel
  employment discrimination unlawful, 10-1-603, 10-1-604, 10-1-615
  preferences permitted, 49-2-405, 49-3-103; Const., II, 35; Title 10, chapter 2, part 2; Title 39, chapter 29
Motor carrier rates, fares, charges, classifications, or rules of service to be nondiscriminatory, 69-12-201, 69-12-503
National origin, discrimination concerning, 49-2-101
  adoption proceedings, 49-1-102, 49-2-308, 49-3-204, 49-3-205
  alcoholic beverage licensees, 49-2-304, 49-3-204
  cross burning prohibited, 45-5-221
  cultural and aesthetic projects and grants, prohibited, 22-2-306
  educational institutions, Const., X, 7
  fair campaign practices, code of — statement against, 13-35-301
  freedom from as civil right, 49-1-102
    violations, exclusive remedy, 49-2-509
  governmental agencies and officials, 49-2-308, 49-3-201 — 49-3-209, See **Government, state and local**
  health care facilities, prohibited, 50-5-105
  insurance premiums or benefits, prohibited, 33-18-210
  justification when, 49-2-303 — 49-2-308, 49-2-403
  malicious intimidation or harassment, 45-5-221
  medicaid services, prohibited in, 53-6-105
  offenses committed, sentence enhancement, 45-5-222
  quota system, 49-2-307
  records prohibited when, 49-2-307
  unlawful practices, 7-15-4207, 20-25-707, 49-2-301 — 49-2-308, 49-2-602
    exceptions, 49-2-303 — 49-2-308, 49-2-402, 49-2-403
  wrongful discharge from employment provisions, applicability, 39-2-912
Nepotism, exemption when provisions conflict, 49-2-303, 49-2-403, 49-3-201
Notices
  civil action in lieu of hearing, 49-2-510
  complaints, dismissal, 49-2-509

DISCRIMINATION (Continued)
Notices (Continued)

  discrimination laws, explanation — posting, noncompliance, and penalty, 49-2-202
  educational institutions, unlawful practices, 49-2-307
  government, state and local — unlawful practices, 49-2-308
  hearings, 49-2-505, 49-2-509
  housing accommodations, unlawful practices, 49-2-305
  public accommodations, unlawful practices, 49-2-304
Nurses, in hiring based on collective bargaining activities, 39-32-109
Offenders, former, See **OFFENDERS, FORMER**
Optometrists, by public agencies administering health services — prohibited, 37-10-104
Park Commissioners, County Board of — in employment, prohibited, 7-16-2326
Penalties, See **Unlawful practices**
Petroleum products, price discrimination, Title 82, chapter 15, part 2
Physically disabled persons, See **Disabilities, persons with**
Pipeline carrier rates or service, 69-13-105, 69-13-303
Political beliefs, discrimination concerning
  alcoholic beverage licensees, 49-2-304, 49-3-204
  educational institutions, Const., X, 7
  equal protection, Const., II, 4
  governmental employment and services, 7-3-4415, 49-2-308, 49-3-201 — 49-3-207, 49-3-209, See **Government, state and local**
  health care facilities, prohibited, 50-5-105
  justification when, 49-2-308
  motorist information signs, businesses identified on, 60-5-514, 60-5-522
  university system work-study program, 20-25-707
  wrongful discharge from employment provisions, applicability, 39-2-912
Prisoners, former, See **OFFENDERS, FORMER**
Private institutions, clubs, or places of accommodation — prohibited when, 49-2-101
Proceedings, See **Complaints**; **Human Rights, Commission for**
Property
  housing, See **Housing accommodations**
  malicious intimidation or harassment, 45-5-221
  purchase, See **Credit transactions**
  residential real estate-related transactions, 49-2-305, 49-2-510, 49-2-602
  unlawful practices, 49-2-305, 49-2-510, 49-2-602
Public accommodations, 49-2-101
  age — special benefits, incentives, discounts, and promotions based on, 49-2-304
  deaf persons, 49-4-211, 49-4-214, 49-4-215
  disabilities, persons with, 49-4-211, 49-4-213 — 49-4-217
  governmental responsibility, 49-3-208
  motorist information signs, businesses identified on — conformity with laws, 60-5-514, 60-5-522
  notices
    discrimination laws, explanation — posting, noncompliance, and penalty, 49-2-202
    unlawful practices, 49-2-304
  private, distinctly — inapplicability, 49-2-101
  right of enjoyment, 49-1-102
  unlawful practices, 49-2-304, 49-3-208
    exceptions, 49-2-101, 49-2-304, 49-2-402 — 49-2-404
Public contracts, 7-16-2326, 18-1-111, 18-2-403, 18-5-502, 49-3-207
Public employees
  disabilities, persons with — policy of state, 49-4-202
  labor organizations
    by, 39-31-205, 39-31-401
    membership, based on, 39-31-401
  political activity, 49-2-308, 49-3-201 — 49-3-207, 49-3-209

DISCRIMINATION (Continued)
Public employees (Continued)

  preferences
    disabilities, persons with, 49-2-405, 49-3-103; Title 18, chapter 5, parts 4 and 5; Title 39, chapter 30
    veterans, 49-2-405, 49-3-103; Const., II, 35; Title 10, chapter 2, part 2; Title 39, chapter 29
  retirement system, discrimination prohibited, 19-2-403, 19-3-505, 49-2-309
  violations by, 2-9-305
Public funds, distribution, 49-2-308, 49-3-206
Public officers, political activity, 49-2-308, 49-3-201 — 49-3-207, 49-3-209
Quota system, 49-2-307, 49-3-104
Racial discrimination, See also **Color**
  adoption proceedings, 49-1-102, 49-2-308, 49-3-204, 49-3-205
  alcoholic beverage licensees, 49-2-304, 49-3-204
  cross burning prohibited, 45-5-221
  cultural and aesthetic projects and grants, prohibited, 22-2-306
  developmental disabilities, community services for persons with — prohibited, 53-20-212
  educational institutions, Const., X, 7
  equal protection, Const., II, 4
  fair campaign practices, code of — statement against, 13-35-301
  freedom from as civil right, 49-1-102
    violations, exclusive remedy, 49-2-509
  governmental agencies and officials, 7-3-4415, 49-2-308, 49-3-201 — 49-3-209, See **Government, state and local**
  health care facilities, prohibited, 50-5-105
  hospital districts, admissions, 7-34-2123
  insurance premiums or benefits, prohibited, 33-18-210
  justification when, 49-2-303 — 49-2-308, 49-2-403
  malicious intimidation or harassment, 45-5-221
  medicaid services, prohibited in, 53-6-105
  mental health services, prohibited, 53-21-206
  motorist information signs, businesses identified on, 60-5-514, 60-5-522
  offenses committed, sentence enhancement, 45-5-222
  quota system, 49-2-307, 49-3-104
  records concerning race
    prohibited when, 49-2-307
    required when, 49-2-102
  unlawful practices, 7-3-4415, 7-15-4207, 20-25-707, 49-2-301 — 49-2-308, 49-2-602
    exceptions, 49-2-303 — 49-2-308, 49-2-402, 49-2-403
  voter information pamphlets, advocacy improper in, 13-27-408
  wrongful discharge from employment provisions, applicability, 39-2-912
Railroad rates, charges, and classifications, 69-14-321, 69-14-560
Records
  prohibited when, 49-2-307
  required when and public availability, 49-2-102
  university system, covert, 20-25-511
Recycled materials, purchase of products containing — procurement barriers, 75-10-806
Relief from
  petitions for, 49-2-509
  temporary, 49-2-503
Religious discrimination
  adoption proceedings or agencies, 49-1-102, 49-2-308, 49-3-204, 49-3-205
  alcoholic beverage licensees, 49-2-304, 49-3-204
  cross burning prohibited, 45-5-221
  developmental disabilities, persons with
    community services, prohibited, 53-20-212

DISCRIMINATION (Continued)
Religious discrimination (Continued)
    developmental disabilities, persons with (Continued)
        protection from, 53-20-142
    educational institutions, Const., X, 7
    equal protection, Const., II, 4
    freedom from as civil right, 49-1-102
        violations, exclusive remedy, 49-2-509
    governmental agencies and officials, 7-3-4415, 49-2-308, 49-3-201 — 49-3-209, See **Government, state and local**
    health care facilities, prohibited, 50-5-105
    insurance premiums or benefits, prohibited, 33-18-210
    justification when, 49-2-303 — 49-2-308, 49-2-403
    malicious intimidation or harassment, 45-5-221
    mental health services, prohibited, 53-21-206
    motorist information signs, businesses identified on, 60-5-514, 60-5-522
    offenses committed, sentence enhancement, 45-5-222
    quota system, 49-2-307, 49-3-104
    records prohibited when, 49-2-307
    unlawful practices, 7-3-4415, 7-15-4207, 20-25-707, 49-2-301 — 49-2-308, 49-2-602
        exceptions, 49-2-303 — 49-2-308, 49-2-402, 49-2-403
    voter information pamphlets, advocacy improper in, 13-27-408
    wrongful discharge from employment provisions, applicability, 39-2-912
Remedies, 49-2-501, 49-2-503 — 49-2-510, 49-3-205, 49-3-315, 49-4-102
Residential real estate-related transactions, 49-2-305, 49-2-510, 49-2-602
Retaliation prohibited, 49-2-301, 49-3-209
Retirement systems
    married with dependents, additional contributions — nonapplicability, 49-2-303, 49-2-309, 49-3-103
    prohibited, 19-2-403, 19-3-505, 49-2-309
Right to be free from, 49-1-102; Const., II, 4
    violations, exclusive remedy, 49-2-509
"Right to sue" letter, 49-2-509
Sentencing of criminal offenders to be neutral, 46-18-101
Sewer system rates in cities and towns, 7-13-4208
Sexual discrimination
    adoption proceedings, 49-1-102, 49-2-308, 49-3-204, 49-3-205
    alcoholic beverage licensees, 49-2-304, 49-3-204
    cultural and aesthetic projects and grants, prohibited, 22-2-306
    educational institutions, Const., X, 7
    employment, 39-3-104, 39-7-103, 39-7-104, 49-2-310, 49-2-311
    equal protection, Const., II, 4
    fair campaign practices, code of — statement against, 13-35-301
    freedom from as civil right, 49-1-102
        violations, exclusive remedy, 49-2-509
    governmental agencies and officials, 49-2-308, 49-3-201 — 49-3-209, See **Government, state and local**
    health care facilities, prohibited, 50-5-105
    hospital districts, admissions, 7-34-2123
    insurance policies, prohibited, 33-1-502, 33-18-210, 49-2-309
    justification when, 49-2-303 — 49-2-308, 49-2-403, 49-2-404
    motorist information signs, businesses identified on, 60-5-514, 60-5-522
    quota system, 49-2-307, 49-3-104
    records concerning sex
        prohibited when, 49-2-307
        required when, 49-2-102
    retirement plans, prohibited, 49-2-309

DISCRIMINATION (Continued)
Sexual discrimination (Continued)

- unlawful practices, 7-15-4207, 7-34-2123, 20-25-707, 49-2-301 — 49-2-309, 49-2-602
  - exceptions, 49-2-303 — 49-2-309, 49-2-402 — 49-2-404
- voter information pamphlets, advocacy improper in, 13-27-408
- wrongful discharge from employment provisions, applicability, 39-2-912

Social origin or condition
- equal protection, Const., II, 4
- motorist information signs, businesses identified on, 60-5-514, 60-5-522

State government, See **Government, state and local**
Sterilization, refusal to participate based on religious or moral convictions not discriminatory, 50-5-502, 50-5-503
Telecommunications services
- interconnection of carriers, agreements rejected when, 69-3-839
- rates, tariffs, or fares to be nondiscriminatory, 69-3-807

Unfair trade practices, 30-14-201, 30-14-207, 30-14-208
Union membership, based on, 39-31-205, 39-31-401, 39-32-109, See also **Collective bargaining**, labor organizations
University system, See **Educational institutions**
Unlawful practices, 7-3-4415, 7-15-4207, 20-25-707, 49-2-301 — 49-2-310, 49-2-602, 49-4-101
- aiding, coercing, or attempting, 49-2-302, 49-2-602
- complaints, See **Complaints**
- exceptions, 18-1-110, 49-2-303 — 49-2-309, 49-2-311, 49-2-402 — 49-2-405, 49-3-103, 49-4-101
  - claiming, procedure for, 39-29-103, 39-30-207, 49-2-402
  - "reasonable" basis, 49-2-402
- findings of, 49-2-506 — 49-2-508
- informal settlement, 49-2-504, 49-2-510
- injunction, preliminary, 49-2-503
- malicious intimidation or harassment, 45-5-221
- maternity leave, employers, 49-2-310, 49-2-311
- penalties
  - disabilities, persons with
    - employment violations, 49-4-102
    - rights, denial or interference with, 49-4-215, 49-4-217
  - general penalty, 49-2-601
  - housing discrimination, 49-2-510, 49-2-602
  - notice containing explanation of discrimination laws, failure to post, 49-2-202
  - orders by commission for human rights, violation, 49-2-601
- quota system, 49-2-307
- remedies for violations, 49-2-510, 49-4-102
  - exclusive, 49-2-509
- retaliation prohibited, 49-2-301, 49-3-209
- sentence enhancement when, 45-5-222
- temporary relief, 49-2-503
- wrongful discharge from employment provisions, applicability, 39-2-912

Urban renewal, prohibited, 7-15-4207
Utilities
- cities and towns, sewer system rates, 7-13-4208
- electric utility industry restructuring, nondiscriminatory services and distribution facilities, 69-8-204, 69-8-208, 69-8-209, 69-8-411
  - cooperative utilities, 69-8-303, 69-8-308
- natural gas utility restructuring, availability of facilities on nondiscriminatory basis, 69-3-1402
- rates, tolls, charges, or services, 69-3-321, 69-3-330

Veterans, employment and preferences, 49-2-405, 49-3-103; Const., II, 35; Title 10, chapter 2, part 2; Title 39, chapter 29, See also **Military personnel**

DISCRIMINATION (Continued)

Voter information pamphlets, advocacy improper in, 13-27-408
Wrongful discharge from employment provisions, applicability, 39-2-912

DISEASES
Agricultural commodities, Const., XII, 1
Agricultural practices, sustainable, 20-25-233 — 20-25-236
AIDS (acquired immunodeficiency syndrome)
    citation of AIDS prevention act, 50-16-1001
    communicable diseases, treated as other, 50-16-1004
    counseling, 46-18-256, 50-16-1003, 50-16-1007
    definitions, 50-16-1003, 50-16-1007
    deviate sexual conduct, basis for prosecution — testing or treatment not, 45-5-505
    donors of organs, tissue, and semen — test requirements, 50-16-1007, 50-16-1008
    emergency services personnel, exposure, 50-16-1007; Title 50, chapter 16, part 7
    health care facilities, discrimination prohibited, 50-5-105
    midwives, client screening procedures, 37-27-312
    purpose of provisions, 50-16-1002
    rules, 50-16-1004
    sexually transmitted disease defined as, 50-18-101, See **Sexually transmitted diseases**
    sexual offenses
        convicted persons, testing, 46-18-256
        victims, counseling, 46-18-256
    testing, 45-5-505, 46-18-256, 50-16-1003, 50-16-1004, 50-16-1007 — 50-16-1009
        confidentiality, 50-16-1007, 50-16-1009, 50-16-1013
        consent for, 50-16-702, 50-16-1003, 50-16-1007
        notification of results to subject or contacts, 50-16-529, 50-16-1009
        release or disclosure of results, 50-16-529, 50-16-1003, 50-16-1007, 50-16-1009, 50-16-1013
    violations, 50-16-1007, 50-16-1008, 50-16-1009
        remedies, 50-16-1013
Alcoholism, See **CHEMICAL DEPENDENCY**
Anthracosilicosis and anthracosis, 39-72-102, See **OCCUPATIONAL DISEASE**
Autism, 20-7-401, 39-30-103, 53-20-102, 53-20-202
Bees, Title 80, chapter 6, See **ALFALFA LEAF-CUTTING BEES**; **APIARIES**
Black lung disease, Title 39, chapters 72 and 73, See **OCCUPATIONAL DISEASE**; **SILICOSIS BENEFITS**
Brain injury, traumatic, 53-6-501, 53-6-502
Brucellosis, 81-2-120, 81-2-201, 81-2-403, 81-2-703, See also **LIVESTOCK**
Cancer, 33-22-132, 33-22-134, 33-22-135, 37-3-333, 50-20-104, 50-31-303, 75-5-301, 75-10-602
Cerebral palsy, 20-7-401, 39-30-103, 53-20-102, 53-20-202
Chlamydia genital infections, See **Sexually transmitted diseases**
Clinical laboratory science practitioners, licensing, Title 37, chapter 34
Communicable, 50-1-101, 50-2-101
    AIDS or HIV-related conditions to be treated as, 50-16-1004
    barbers, affliction, 37-30-412
    buffalo or bison, management policy, 81-2-120, 81-2-121, 87-1-216, 87-3-130
    chiropractors, regulation regarding, 37-12-103
    control, 50-1-202, 50-2-116, 50-2-118
    cosmetologists, manicurists, or estheticians — affliction, 37-31-331
    cosmetology, sanitary standards, 37-31-204
    day-care facilities, protection in, 52-2-723, 52-2-735
    detention hospitals, establishment for prevention, 7-34-4101
    electrologists, sanitary standards, 37-32-201
    emergency services personnel, exposure, Title 50, chapter 16, part 7
    food handling by afflicted person prohibited, 50-50-105

DISEASES (Continued)
Communicable (Continued)

- health, local boards of — powers and duties, 50-2-116
- health officers, local — powers and duties, 50-2-118
- hearing aid dispensers, licensing qualifications, 37-16-402
- hospital for, local health officer in charge, 50-2-118
- information relating to, disclosure, 50-16-602, 50-16-603
- midwives, direct-entry — educational requirements, 37-27-201
- minors, 41-1-402
- naturopathic physicians, responsibility, 37-26-303
- prisoners, treatment or removal when infected, 50-2-121, 50-16-1007, 50-18-108
- professional and occupational licensees, unprofessional conduct when, 37-1-316
- quarantines, See **QUARANTINES**
- report requirements, 37-2-301, 37-26-303, 50-1-202, 50-2-118, 50-18-106
- sexually transmitted diseases, See **Sexually transmitted diseases**
- slanderous statements respecting, 27-1-803
- smallpox, 7-34-4101, 50-31-303
- tattooing, regulation, 50-1-202, 50-2-116
- tuberculosis, See **Tuberculosis control**

Contagious, See **Communicable**
Control by Department of Public Health and Human Services, 50-1-202, 50-16-603
Dairies selling milk or cream for public consumption, remedies for violations, 81-21-104
Day-care facilities, immunization requirements, 52-2-735
Death caused by, inquiry by coroner, 46-4-122
Diabetes, 20-7-401, 33-31-301, 50-31-303
- insulin, 50-31-306
    - consumer commodity, exclusion as, 50-31-103

Dimethyl sulfoxide (DMSO), authorization and use, 50-42-101 — 50-42-107
Diphtheria, 20-5-403, 20-5-404, 50-31-303
Down's syndrome, See **DEVELOPMENTAL DISABILITIES, PERSONS WITH**, generally
Drugs or devices, advertisements representing effect in, 50-31-303, See also **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES; PHARMACY AND PHARMACISTS**
Epidemics, eradication or control — sanitary rules for, 81-9-202
Epilepsy, 20-7-401, 39-30-103, 53-20-102, 53-20-202, 53-21-102
Fish and wildlife, See **FISH AND WILDLIFE**
Forests, See **FORESTS AND FORESTRY; TAXATION, PROPERTY**
Genetic information, testing, and traits, 33-18-901
Glaucoma, treatment by optometrists, 37-10-101
Gonorrhea, See **Sexually transmitted diseases**
HIV and HIV-related condition, See **AIDS (acquired immunodeficiency syndrome)**
Immunizations
- day-care facilities, requirements, 52-2-735
- developmental disabilities, persons with — records, 53-20-161
- families achieving independence in Montana (FAIM), family investment agreement, 53-4-606
- insurance coverage, 33-22-303, 33-22-512, 33-22-1521, 33-30-1014, 33-31-102
- medicaid managed care entities, requirements, 53-6-705
- school requirements, 20-5-109, 20-5-402 — 20-5-410

Infectious disease, exposure to, Title 50, chapter 16, part 7, See also **Communicable**
Infectious waste management, Title 75, chapter 10, part 10, See **HAZARDOUS WASTES**
Influenza, 20-5-403, 20-5-404, 52-2-735
Jurors, permanent exclusion when, 3-15-313
Kidney disease, See **Renal disease**
Laetrile, use, 50-41-101 — 50-41-107
Livestock, See **LIVESTOCK, Disease control**
Measles, 20-5-403, 20-5-404, 50-31-303
Meningitis, 50-16-701, 50-31-303, 53-6-501
Mental disease, See **MENTAL ILLNESS OR INCAPACITY**

DISEASES (Continued)

Mental retardation, See **DEVELOPMENTAL DISABILITIES, PERSONS WITH**
Mint, plant and pest diseases — information and control, 80-11-401, 80-11-403
Multiple sclerosis, medication for, 50-43-101 — 50-43-108
Mumps, 20-5-403, 20-5-404, 50-31-303
Occupational, Title 39, chapter 72; Title 50, chapter 70, See **OCCUPATIONAL DISEASE**
Ocular — diagnosis, treatment, and management, 37-10-101, 37-10-304
Parking permits, special — eligibility, 49-4-301
Parole of incarcerated persons, medical, 46-23-210
Personal injury, See **PERSONAL INJURY**
Pertussis, 20-5-403, 20-5-404
Petroleum storage tank releases, third party payments for bodily injury caused by, 75-11-302, 75-11-307, 75-11-309
Phenylketonuria (PKU)
  midwives, client screening procedures, 37-27-312
  testing for, 50-19-211
Poliomyelitis, 20-5-403, 20-7-401, 50-31-303
Pneumoconiosis, 39-72-102, 39-72-303, 39-72-509, 39-72-701, See also **OCCUPATIONAL DISEASE**
Poultry, control, 81-20-101, 81-20-102
Pregnancy, serological testing, See **PREGNANCY**
Prisoners, treatment or removal when infected, 50-2-121, 50-16-1007
Public welfare, director of — duties, 7-3-4463
Pulmonary diseases, See **Tuberculosis control**; See also **OCCUPATIONAL DISEASE**
Quarantines, See **QUARANTINES**
Rabies control in wild animals, Title 50, chapter 23, part 1, See **FISH AND WILDLIFE, Rabies control**
Renal disease
  financial assistance program, 50-44-101, 50-44-102
  health maintenance organizations, coverage for treatment, 33-31-301
  dialysis facilities, 7-34-2201, 27-6-103, 50-5-101, 50-8-101, 50-8-102, 50-8-105, See also **HEALTH CARE FACILITIES**, generally
Report requirements
  communicable diseases, 37-2-301, 37-26-303, 50-1-202, 50-2-118, 50-18-106
  occupational diseases, 50-70-107
Rubella, 20-5-403, 20-5-404, 40-1-206, 50-19-101, 50-19-104
School immunization requirements, 20-5-109, 20-5-402 — 20-5-410
Seed potato disease control, Title 80, chapter 5, part 4, See **AGRICULTURAL SEEDS, Potatoes, seed**
Sexual crimes, provisions generally applicable to, 45-5-511
Sexually transmitted diseases, 50-18-101, See also **AIDS (acquired immunodeficiency syndrome)**
  certificate or statement of freedom from disease, 50-18-111
  confidentiality of information, 50-16-603, 50-18-109
  cooperation with federal agencies, 50-18-103
  definitions, 50-18-101, 50-18-109
  deviate sexual conduct, basis for prosecution — testing or treatment not, 45-5-505
  drugs or devices
    advertisements representing effect in, 50-31-303
    dispensation unlawful when, 50-18-110
  examination of persons, 50-16-1007, 50-18-107, 50-18-108
  federal funds, 50-18-103
  infecting another person unlawful, 50-18-112
  information relating to, disclosure, 50-16-603, 50-18-109
  isolation or quarantine of infected persons, 50-18-107
  minors, 41-1-402, 41-1-403

DISEASES (Continued)
Sexually transmitted diseases (Continued)

- powers and duties of department of public health and human services, 50-18-102
- pregnancy, serological tests, 50-19-101, 50-19-102, 50-19-104, 50-19-105
- prisoners, infected, 50-16-1007, 50-18-108
- report of cases or suspected sexual activity of infected person, 50-18-106, 50-19-102, 50-19-105
- rules, 50-18-105, 50-18-113
- sexual offenses, convicted persons — testing, 46-18-256
- sources of infection, investigation, 50-18-107
- syphilis, serological test for, 50-18-104, 50-19-101
- treatment, 50-18-107, 50-18-108
- violations of provisions generally, 50-18-113

Silicosis, See **OCCUPATIONAL DISEASE; SILICOSIS BENEFITS**
Slanderous statements respecting, 27-1-803
Smallpox, 7-34-4101, 50-31-303
Syphilis, 50-18-101, 50-18-104, 50-19-101, 50-19-104, See **Sexually transmitted diseases**
Tattooing, regulation to prevent, 50-1-202, 50-2-116
Tetanus, 20-5-403, 20-5-404
Tuberculosis control, 50-17-102

- children, special education, See **SCHOOLS, Special education**, generally
- commitment for examination or treatment, 50-17-108, 50-17-110
  - consent for treatment, 50-17-110
  - costs, expenses, and fees, 50-17-114
  - emergency detainment, hearing, 50-17-115
  - order of, 50-17-109
  - release procedure, 50-17-112, 50-17-113
  - transfer to another hospital, 50-17-111
  - transportation, warrant and fees, 50-17-109, 50-17-114
- definitions, 50-17-102
- drugs or devices, advertisements representing effect in, 50-31-303
- emergency detainment of person, 50-17-115
- emergency services providers, exposure to, Title 50, chapter 16, part 7
- examination or treatment of infected persons
  - approved course of treatment, 50-17-102
  - court order for
    - adjudication of application, 50-17-107
    - application, 50-17-105, 50-17-115
    - costs, expenses, and fees, 50-17-114
    - hearing on application, 50-17-106
    - noncompliance, 50-17-108
  - witnesses in proceedings, 50-17-105, 50-17-106, 50-17-114
- federal funds, 50-17-103
- "hospital" defined, 50-5-101, See **HEALTH CARE FACILITIES**
- information relating to, disclosure, 50-16-603
- livestock, 81-2-103, 81-2-209, 81-2-601, 81-2-602, 81-2-703, See also **LIVESTOCK, Tuberculin**
- policy of state, 50-17-101
- rules, 50-17-102, 50-17-103
- silicosis complicated by, 39-72-102, 39-72-707, See also **OCCUPATIONAL DISEASE**

Tumor registration, Title 50, chapter 15, part 7
Workers' compensation, Title 39, chapter 71, See **WORKERS' COMPENSATION**

DISPLACED HOMEMAKERS
Citation of Displaced Homemaker Act, 39-7-301
Definitions, 39-7-303
Funding, 39-7-307, 39-7-310

DISPLACED HOMEMAKERS (Continued)

Grants, 39-7-304 — 39-7-307
Multipurpose service programs, 39-7-302, 39-7-304, 39-7-305
    administrators, 39-7-304
    eligibility, 39-7-303, 39-7-306
    evaluation and reports, 39-7-308
    fees for services, 39-7-306
    staff, 39-7-309
Purpose of provisions, 39-7-302
Rules, 39-7-306, 39-7-308

DISSOLUTION OF MARRIAGE
    See also **CHILD CUSTODY; CHILD SUPPORT**
Abuse, See **ASSAULT AND BATTERY, Partner or family member assault**
Administrative enforcement of support, Title 40, chapter 5, part 2, See **CHILD SUPPORT**
Alimony, See **Maintenance**
Annulment, provisions applicable when, 40-1-402
Appeal
    alternative dispute resolution/mediation, Title 25, chapter 21, M.R.App.P., Rule 54; Rule 54 Appendix, Forms 1 — 6
    decree, of, 40-4-108
    summary dissolution, waiver of rights, 40-4-130, 40-4-134
Application of laws
    purpose promoted by, 40-4-101
    uniformity, 40-4-102
Assets and liabilities, disclosure, See **Property settlement**
Attorneys at law
    child, representation when, 40-4-205
    fees, how payable, 40-4-110, 40-4-205
    representation by, 40-4-136
Basis for, 40-4-101
Certificate of, 50-15-303, See **VITAL STATISTICS**
Chemical dependency counseling or treatment, order for, 40-4-121
Children, See also **CHILD CUSTODY; CHILD SUPPORT**
    counsel for when, 40-4-205
    jurisdiction of conciliation court, 40-3-111
    legitimacy when born after dissolution of marriage, 40-6-202
    protection, restraining order for, 40-4-121 — 40-4-125
        appeal from, Title 25, chapter 30, part 2, U.M.C.R.App., Rules 4, 5, 7, 14, 15
    right to have attorney, 40-4-205
    trust fund established when, 40-4-202
    welfare of, effect on proceedings, 40-3-127
Clerk of the district court, duties, 40-4-108, 40-4-132, 40-4-206, 50-15-302
Complaint, See **Petition**
Conciliation, Title 40, chapter 3, See also **CONCILIATION**
    conference ordered when, 40-3-116, 40-4-107
    effect upon dissolution of marriage or separation proceedings, 40-3-127, 40-4-104
    jurisdiction of conciliation court, 40-3-111
    law, how affected, 40-4-107
    petition filed when, 40-3-121
    summary dissolution proceedings, 40-4-130, 40-4-136
Construction of laws, 40-4-101
Contested action, 40-3-111, 40-4-107
Costs, 25-1-201, 40-4-110, 40-4-205, 40-4-206
Counseling, Title 40, chapter 3, See **CONCILIATION**

DISSOLUTION OF MARRIAGE (Continued)

Declaration of invalidity decree, provisions applicable when, 40-1-402, 40-4-202
Decree
    effect of, 40-4-103, 40-4-108
    entered when, 40-4-104, 40-4-105, 40-4-108
        temporary order or injunction, termination, 40-4-121
    failure of party to comply, 40-4-109
    legal separation, conversion to dissolution decree when, 40-4-104, 40-4-108
    modification, 40-4-201, 40-4-208
    notice, 40-4-108
    report concerning, 50-15-302
    separation agreement — terms set forth in, when, 40-4-201
Defenses, former — abolished, 40-4-105
Division of property, See **Property settlement**
Educational program on effects on children, court ordered attendance, 25-1-201, 40-4-226
Estates and probate, 72-2-224, 72-2-812, 72-2-814
Evidence required, 40-4-104, 40-4-130; Title 26, chapter 10, M.R.Ev., Rules 803, 804
Family law mediation, Title 40, chapter 4, part 3
Family Policy Act, 41-7-101, 41-7-102
Family Support Act, Uniform Interstate, Title 40, chapter 5, part 1
Fees, 25-1-201, 40-4-110, 40-4-205, 40-4-206
Findings of court, 40-4-104, 40-4-107
Game wardens' and peace officers' retirement system benefits, effect, 19-8-801
Grandparent-grandchild contact, Title 40, chapter 9, See **CHILD CUSTODY**
Grounds for, 40-4-101, 40-4-104, 40-4-105, 40-4-107, 40-4-130
Hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rules 803, 804
Income tax, effect, 15-30-134
Indigent parties, 40-4-205
Information, duty to provide, 50-15-108
Injunction
    failure of party to comply, 40-4-109
    temporary, issuance, 40-4-121 — 40-4-125
Insurance, disability — continued coverage for spouse, See **INSURANCE, DISABILITY, Individual family members continuity of coverage**
Interstate Family Support Act, Uniform, Title 40, chapter 5, part 1
Invalidation of marriage, See **MARRIAGE, Declaration of invalidity**
Irretrievable breakdown
    basis for dissolution, 40-4-101, 40-4-130
    findings of court, 40-4-104, 40-4-107
    grounds, 40-4-107
    hearings required to determine, 40-4-107
    petition to allege, 40-4-105
    summary dissolution proceedings, 40-4-130
Judges' retirement system benefits, effect, 19-5-701
Jurisdiction
    conciliation court, 40-3-111
    district court
        requirements, 40-4-104
        summary dissolution proceedings
            brochure describing, availability, 40-4-136
            final judgment, set aside when, 40-4-135, 40-4-136
            hearing, 40-4-133
            petition, joint
                filing and form, 40-4-136
                revocation, notice — form and content, 40-4-132
Legal separation, See this category generally; See also **Separation agreement**

DISSOLUTION OF MARRIAGE (Continued)

Maintenance, See also **Property settlement**
    administrative enforcement, Title 40, chapter 5, part 2, See **CHILD SUPPORT**
    criteria to determine, 40-4-203
    damages, future — assignment of periodic payments for, 25-9-405
    declaration of invalidity decree, applicability, 40-1-402
    dissolution
        decree, how affected, 40-4-104
        petition, contents, 40-4-105
    enforcement, 40-5-207
    execution
        extent of exemption on earnings necessary for support of debtor's family, 25-13-608, 25-13-614
        veterans' and social security benefits, exemption not applicable when, 25-13-608
    failure of party to comply, 40-4-109
    income withholding, Title 40, chapter 5, part 4, See **CHILD SUPPORT**
    modification when, 40-4-208
    payments, 40-4-206
        delinquent, security or guarantee to secure, 40-4-209
        handling fees, 40-4-206
    premarital agreements, effect, 40-2-605, 40-2-608
    property settlement, effect of, 40-4-202, 40-4-203
    separation agreement, provisions and effect, 40-4-201
    summary dissolution proceedings, waiver of rights, 40-4-130, 40-4-134, 40-4-136
    "support obligation" defined, 40-5-201
    temporary orders or injunction, issuance, 40-4-121 — 40-4-125
    termination when, 40-4-208
    wage assignment when, 40-4-207
    waiver of rights, 40-4-130, 40-4-134, 40-4-136
Mausoleum-columbarium authorities, termination of vested right of interment, 35-21-827
Mediation, family law, Title 40, chapter 4, part 3
Modification of decree when, 40-4-201, 40-4-208
Name of wife, former name restored, when, 40-4-108, 40-4-131
Parenting plan, contested amendment — petition filing fee, 25-1-201
Partner or family member assault situations, order of protection, 40-15-301
Paternity
    action joined with dissolution action, 40-6-109
    presumption when, 40-6-105
Payments and handling fees, payable to court when, 40-4-206
Perpetuities, statutory rule against, 72-2-1005
Petition
    contents, 40-4-105
    filing fees, 25-1-201
    form, 40-4-103
    irretrievable breakdown alleged by, 40-4-105
    summary dissolution proceedings, 40-4-131, 40-4-132, 40-4-135
Pleadings, form, 40-4-103, 40-4-105
Proceedings, See also **CHILD CUSTODY**; **CHILD SUPPORT**
    commencement, 40-4-105
    continuance, 40-4-107
    costs, 25-1-201, 40-4-110, 40-4-205, 40-4-206
    "decree" includes "judgment", 40-1-105, 40-4-103
    initiated when, 40-4-105
    injunction, temporary, 40-4-121 — 40-4-125
    maintenance, order for, See **Maintenance**
    pleadings, 40-1-105, 40-4-103, 40-4-105

DISSOLUTION OF MARRIAGE (Continued)
Proceedings (Continued)

- rules of civil procedure, applicability, 40-1-105, 40-4-103
- separation agreement, 40-4-201
- summary dissolution, 40-4-130 — 40-4-136
- temporary orders, 40-4-121 — 40-4-125

Property settlement, See also **Maintenance**
- attorney work product privilege, 40-4-258
- criteria for determining, 40-4-202
- declaration of disclosure
  - definitions, 40-4-251
  - execution and service, 40-4-254
  - final, 40-4-253
  - income and expense, failure to disclose — penalties, 40-4-253
  - noncomplying, remedies, 40-4-255
  - preliminary, 40-4-252
  - requirements, 40-4-253, 40-4-254
- declaration of invalidity decree, applicability, 40-1-402
- default judgments, disclosure, 40-4-257
- dissolution decree, how affected, 40-4-104
- estate and probate settlement, effect, 72-2-224, 72-2-812, 72-2-814
- liquidation of marital estate assets, 40-4-256
- modification when, 40-4-208
- premarital agreements, Title 40, chapter 2, part 6, See **MARRIAGE**
- protective orders, 40-4-258
- separation agreement, provisions and effect, 40-4-201
- summary dissolution proceedings, 40-4-130, 40-4-134, 40-4-136
- tax event, division of property not a, 40-4-202
- temporary order or injunction, issuance, 40-4-121 — 40-4-125

Public assistance eligibility created by premarital agreement, support of spouse required, 40-2-608
Public employees' retirement benefits, effect, 19-3-1501
Purpose of laws, 40-4-101
Reconciliation, Title 40, chapter 3, See **Conciliation**; See also **CONCILIATION**
Regulation by state, subject to, 40-1-103
Religious records, hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
Remarriage authorized when, 40-4-108, 40-4-133
Residence requirements, 40-4-104, 40-4-130; Title 25, chapter 20, M.R.Civ.P., Rule 4D
Restraining orders, issuance, 40-4-121, 40-4-122
Rules of Civil Procedure, applicability, 40-4-103, 40-4-105, 40-4-258; Title 25, chapter 20, M.R.Civ.P., Rule 4D
Separation agreement
- conciliation proceedings
  - effect on separation proceedings, 40-3-127
  - jurisdiction of conciliation court, 40-3-111
  - petition filed when, 40-3-121
- consideration for, 40-2-304
- contract for alteration of legal relation, 40-2-303
- earnings and accumulations as liability for debts when, 40-2-206
- enforcement, 40-4-201
- estates and probate, effect on, 72-2-224, 72-2-812, 72-2-814
- grounds for dissolution, 40-4-104
- maintenance, 40-4-104, 40-4-105, See also **Maintenance**
- mutual consent as consideration for, 40-2-304
- perpetuities, statutory rule against, 72-2-1005
- premarital agreements, effect, 40-2-605, 40-2-608
- property settlement, 40-4-104, 40-4-202, See also **Property settlement**

DISSOLUTION OF MARRIAGE (Continued)
Separation agreement (Continued)

  provisions and effect of, 40-4-201
  support of spouse, financial liability for, 40-2-104, 40-2-608
  terms and effect, 40-4-201
  work and labor of married person, 40-2-207
Service of process, 25-3-504, 25-3-505, 40-4-105; Title 25, chapter 20, M.R.Civ.P., Rule 4D
Sheriffs' retirement system benefits, effect, 19-7-1001
Spousal support, 40-2-608, 40-5-103, 40-5-601
  establishment, applicability, 40-5-158
  jurisdiction, continuing exclusive, 40-5-149, 40-5-150
Summary dissolution proceedings
  brochure describing, availability, 40-4-130, 40-4-136
  conditions necessary, 40-4-130, 40-4-133, 40-4-135
  final judgment, 40-4-133
    rights and obligation of parties, as final adjudication, 40-4-134
    set aside, actions to , 40-4-135, 40-4-136
    waiver of rights upon, 40-4-130, 40-4-134
  hearing, 40-4-133
  notice of revocation of petition, 40-4-132
  petition, joint
    filing, form, and contents, 40-4-131, 40-4-135
    revocation, 40-4-132
  termination, 40-4-132
Support proceedings, See **CHILD SUPPORT**
Teachers' retirement benefits, effect, 19-20-702
Temporary orders or injunction, issuance, 40-4-121 — 40-4-125
  noncompliance, 40-4-109
Uniformity of laws, 40-4-102
Uniform Marriage and Divorce Act, Title 40, chapters 1 and 4, See **DISSOLUTION OF MARRIAGE; MARRIAGE**
Unknown parties defendant, 25-3-504, 25-3-505; Title 25, chapter 20, M.R.Civ.P., Rule 4D
Venue, 25-2-118
Wife, restoration of former name when, 40-4-108, 40-4-131

DISTRICT COURT JURISDICTION
Abortion reports, order to compel submission, 50-20-306
Acupuncture, to enjoin practice of, 37-13-315
Administrative proceedings
  contested cases, petition for judicial review, 2-4-603, 2-4-702
  subpoena enforcement or to compel testimony, 2-4-104
Administrative rules, validity or application, 2-4-506
Adoption
  certificate, information for, 50-15-311
  "court" defined, 42-1-103
AEDs (automated external defibrillators), use violations by public or private entities — action to enforce cessation orders or injunction, 50-6-504
Aeronautics
  enforcement of orders, 67-2-502
  investigations or hearings, 67-2-502
Agency decisions, set aside when, 2-3-114
Aging persons — abuse, neglect, or exploitation — order for investigation or petition for temporary guardian, 52-3-804
Agricultural associations
  errors in land description or names, effect, 35-16-102
  incorporation, petition for, 35-16-203, 35-16-204

DISTRICT COURT JURISDICTION (Continued)
Agricultural associations (Continued)

- indebtedness, creation of — procedures, 35-16-402 — 35-16-404
  - foreclosure of mortgage and tax levy, order for, 35-16-406
- orders final, 35-16-103
- preexisting associations, reorganization — dissent, appraisal remedy, 35-16-211
- withdrawal of membership lands, 35-16-304

Agricultural chemical ground water protection administrative civil penalty, recovery of amount, 80-15-412
Agricultural commodities
- dealers, order to seize commodities or business or appointment for liquidation, 80-4-612
- warehouse shortages, orders and actions, 80-4-538

Agricultural seed orders or rulings, actions regarding, 80-5-136
AIDS testing and counseling violations — action for damages, injunction, and enforcement, 50-16-1013
Air quality violations, recovery of civil penalty, 75-2-413
Alcoholic beverage code violations, 16-6-201, 41-5-203
Alcoholism treatment facilities, 53-24-208, 53-24-302
Animal and research facilities, actions against persons causing damages to, 81-30-104
Appellate jurisdiction, 3-5-301, 3-5-303; Const., VII, 4, See also generally **APPELLATE PROCEDURE**
- aeronautics licenses, denial, 67-3-104
- agricultural associations, appeals by, 35-16-103
- agricultural chemical ground water protection administrative civil penalty, assessment, 80-15-412
- air quality orders, decisions regarding, 75-2-411
- alcoholic beverage license decisions, 16-4-411
- bank liquidation, claims of creditors — allowance and order of priority, 32-1-532
- cigarette excise tax, 16-11-150
- cities and towns, annexation petitions — failure of governing body to act on, 7-2-4706
- city courts, appeal from, See **CITY COURTS**
- commercial fertilizer deficiencies, decisions, 80-10-208
- concealed weapons, permits to carry — from denial or revocation, 45-8-324
- conservation district land use regulation variances, from decisions concerning, 76-15-726, 76-15-727
- conservatorships, accounting, 72-5-438
- consumer counsel, enforcement of discovery procedures, 69-2-203
- corporations
  - decisions of secretary of state, 35-1-310, 35-1-1040, 35-1-1310
  - foreign corporations, revocation of certificate of authority, 35-1-1040
- cosmetologists, board of — from actions by, 37-31-333
- counties
  - claims, disallowed — from decisions regarding, 7-6-2424
  - emergency expenditures and liabilities, from orders for, 7-6-2343
- crime victims compensation benefits determinations, 53-9-131
- criminal, 46-17-203, 46-17-311, 46-17-404, See also **MUNICIPAL COURTS, Appeals to district court**
- dairy product licensees — from license denial, suspension, or revocation, 81-22-203
- dissolution of marriage decree, 40-4-108
- eminent domain, 70-30-304
- estate tax, 72-16-907
- forcible entry and detainer and unlawful detainer, 70-27-211, 70-27-212
- garbage feeders
  - license revocation, 81-2-508
  - restraining orders, 81-2-507
- gasoline and vehicle fuels taxes decisions, 15-70-111
- hail insurance appraisals, disputed, 80-2-243

DISTRICT COURT JURISDICTION (Continued)
Appellate jurisdiction (Continued)

- health care facilities
  - certificate of need decisions, 50-5-306
  - license denial, suspension, or revocation, 50-5-208
- heritage properties or paleontological remains, eligibility for listing on national register of historic places — findings concerning, 22-3-429
- highway patrol officers, disciplinary action, 44-1-901, 44-1-902
- income tax, appeal of determination of state tax appeal board, 15-30-148
- insurance, commissioner of
  - appeals from, 33-1-711
  - unfair practices, intervenors in actions, 33-18-1003, 33-18-1004
  - workers' compensation insurers or advisory organizations — from orders, decisions, or acts pertaining to, 33-16-1036
- insurance rating or advisory organizations, from orders regarding, 33-16-113
- insurers
  - holding company systems, from actions concerning, 33-2-1123
  - premiums owed, recovery — from actions concerning violations, 33-2-1362
  - prohibited practices, intervenors in actions, 33-18-1003, 33-18-1004
- justices' courts, appeals from, See **JUSTICES' COURTS**
- labor and industry, department of — safety orders, rules, and decisions, 50-71-334
- landlord, recovery of possession, 70-24-427
- legal separation decree, 40-4-108
- liens, applicability of rules
  - construction, 71-3-563
  - crop dusting, 71-3-909
  - farm laborers, 71-3-406
- limited liability companies
  - involuntary dissolution, denial of reinstatement, 35-8-913
  - foreign, revocation of certificate of authority, 35-8-1013
- livestock market certificates of public convenience, from decisions regarding, 81-8-255
- meat establishments
  - condemnation of carcasses, inspectors' decisions, 81-9-231
  - inspection service or establishment number — renewal, suspension, or revocation, 81-9-235
- megalandfill siting orders, stay or suspension when, 75-10-944
- mining rights-of-way, assessment of damages, 82-2-209, 82-2-210
- motor vehicles
  - driving under the influence of alcohol or drugs, drivers' license suspensions or revocations, 61-8-403
  - financial responsibility decisions or orders, 61-6-106
- municipal courts, appeals from, See **MUNICIPAL COURTS**
- municipal infractions, decisions, 7-1-4152
- municipal utility rules and rate decisions, 69-7-113
- nonprofit corporations
  - decisions of secretary of state, 35-2-834, 35-2-1110
  - foreign corporations, revocation of certificate of authority, 35-2-834
- obscene material, public display or dissemination to minors — declaratory judgment, 45-8-207
- partner or family member assault protection order, 40-15-301, 40-15-302
- paternity proceedings, 40-6-119
- pesticides, penalty assessments, 80-8-306
- planning and zoning decisions, 76-2-110
- police commission decisions, 7-32-4164
- probate, See **ESTATES AND PROBATE, Appeals**
- professional and occupational licensees, disciplinary actions or license denials, 37-1-313
- public contracts, wage disputes — hearing officer's decision, 18-2-407

DISTRICT COURT JURISDICTION (Continued)
Appellate jurisdiction (Continued)

- public safety commission decisions regarding discharge of employees, 7-32-108 — 7-32-110
- quiet title actions by heirs of deceased entrymen, 70-28-202
- recreational use of streams, portage route disagreements — from determinations by arbitration panel, 23-2-311
- rendering or disposal plant licensees, appeal to restraining authority, 81-9-303, 81-9-304
- rules of appellate procedure, applicability, Title 25, chapter 21, M.R.App.P., Rule 52
- rules of civil procedure, applicability, Title 25, chapter 20, M.R.Civ.P., Rule 81(b)
- school districts, transfer of territory
  - elementary districts, 20-6-213
  - high school districts, 20-6-320
- school property sale or disposal, resolution for, 20-6-604
- sewage disposal requirements, variance decisions by department of environmental quality, 75-5-305
- state land leases
  - easements, valuation of damages resulting from — decisions regarding, 77-2-107
  - improvement valuations, from decisions regarding, 77-6-306
- state program costs, shifting to local government — of payment, 1-2-116
- state tax appeal board decisions, 15-2-303
  - interlocutory adjudication, 15-2-305
- stream access law, portage route disagreements — from determinations by arbitration panel, 23-2-311
- street grade changes, from determination of damages, 7-14-4204, 7-14-4205
- subdivision applications, from decisions of governing body, 76-3-625
- surety on appeal, Title 25, chapter 21, M.R.App.P., Rule 8
- teachers, termination or dismissal, 20-3-210, 20-4-204
- unemployment insurance benefits, 39-51-2410
- unfair labor practices, 39-31-408, 39-31-409
- vital statistics certificates, decisions concerning
  - disclosure of information, 50-15-122
  - registration, 50-15-121
- water pollution orders, 75-5-641
- water supply, public — from orders, rules, or standards, 75-6-111
- water use
  - appropriation permit application decisions, 85-2-125
  - upper clark fork river basin, application for appropriation change approval — final decision, 85-2-125
- water well contractors, drillers, and monitoring well constructors — disciplinary orders, 37-43-310
- zoning and planning decisions, 76-2-110

Arbitration, 27-5-322
- applications to, generally — how made, 27-5-321, 27-5-323
- arbitrators, duties of court, 27-5-211, 27-5-213, 27-5-312
- award, duties of court, 27-5-216, 27-5-311 — 27-5-314, 27-5-322
- proceedings, order to compel or stay, 27-5-115
- rehearing, 27-5-312
- subpoenas, enforcement, 27-5-215

Architects, Board of — action to restrain violations by architects, 37-65-323
Architects' violations, prosecution, 37-65-322
Asbestos-related occupations and projects, assessment of civil penalties, 75-2-514
Assignment for benefit of creditors, power of court, Title 31, chapter 2, part 2
Attachment
- sureties of plaintiff, justification, 27-18-716
- undertaking of defendant, approval, 27-18-301

Attorneys at law as surety on bond, consent, 37-61-419
Autopsies, order for, 50-21-103

DISTRICT COURT JURISDICTION (Continued)

Ballot issues, challenges — grounds and limitations, 3-5-302
Banks and trust companies
  advertisement of banking business without certificate, injunction to restrain, 32-1-403
  closed bank
    application to borrow money, approval, 32-1-507
    recourse of aggrieved bank, proceedings, 32-1-516
  commerce, department of — obedience to subpoena, enforcement, 32-1-211
  common trust funds, accounting, 32-1-704
  corporate name restrictions, injunction to restrain violations, 32-1-402
  directors or officers
    removal, suspension, or prohibition from participation — enforcement of notices or orders, 32-1-912
    suspension or prohibition from participation, stay, 32-1-907, 32-1-908
  liquidating agents, attorneys, and accountants — approval of compensation, 32-1-518
  liquidation
    assets and property
      inventory to be filed, 32-1-553
      remaining, procedure, 32-1-538
    claims of creditors, rejection or lower order of priority, 32-1-532
    proceedings, 32-1-515
    report and accounting to be filed, 32-1-553
  subsidiary trust companies, transfer of fiduciary relationships
    between affiliated banks, 32-1-808
    from affiliated bank to subsidiary trust company, 32-1-807
  unsafe or unsound practices
    enforcement of notices or orders, 32-1-912
    temporary cease and desist orders, injunction, 32-1-904
Birth certificate, order establishing, 50-15-222
Birth date, judicial determination, 27-32-101, 27-32-103
Bond election challenges, hearings, 7-7-106
Building and loan associations, liquidation proceedings, 32-2-309
Building code violations, injunction, 50-60-109
Campground violations, injunction — petition for, 50-52-106
Capital companies, enforcement of subpoenas, 90-8-313
Cemetery association permanent care and improvement fund
  trustees
    annual accounting filed with, 35-20-307
    annual report, 35-20-315
    appointment, 35-20-302, 35-20-305, 35-20-307
    bond, approval, 35-20-304
    deposit of money, bonds, or securities — order to pay out or deliver, 35-20-304
    removal, 35-20-303, 35-20-304
  title to fund vests in court when, 35-20-307
Cemetery districts, permanent care and improvement fund
  rights and powers vested in court when, 7-35-2142
  trustees
    appointment, 7-35-2133, 7-35-2136, 7-35-2142
      applications for, 7-35-2132, 7-35-2142
    bank as trustee, appointment, 7-35-2134
    bonds, approval, 7-35-2139
    deposits of money or securities, order for payment or delivery — countersignature, 7-35-2141
    removal from office, 7-35-2135, 7-35-2140
    vacancies, filling, 7-35-2133, 7-35-2136
Certiorari, writ of, 3-5-302, 3-5-311, 27-25-102

DISTRICT COURT JURISDICTION (Continued)

Chemical dependency treatment facilities, 53-24-208
Child abuse and neglect, 40-4-211, 41-3-103, 41-3-106
Child custody determination, registration, 40-7-305, See also **CHILD CUSTODY, Jurisdiction of courts**
Child parenting plan
  determination, 40-4-211
  residence of child, determination, 1-1-215
Child support proceedings, See also **CHILD SUPPORT**, **Duty of support**
  case registry information, 40-5-906
  contempt for nonsupport, petition filed with, 40-5-601
  delinquency denied, hearing, 40-5-307
  distraint, warrant for — filed with, 40-5-247, 40-5-248
  fee, order for — when, 40-5-210
  income deductions, remittance, 40-5-314
  judicial review, briefing and oral argument, 40-5-253
  nondelinquency, determination, 40-5-303
  nonresident parent, jurisdiction, 40-4-210
  paternity, establishment, 40-5-232, 40-5-234, 40-5-236, 40-5-237
    blood test, order for, 40-5-233, 40-5-237
  service of process, consideration, 40-6-116
Chiropractors, prosecution of violations by, 37-12-324
Cigarette seizures, claim of ownership or right of possession — return of property, 16-11-147
Cities and towns
  annexation
    judicial review, 7-2-4742, 7-2-4751, 7-2-4752
      appeal from, 7-2-4744
      petition for, 7-2-4741
    petitions, failure of governing body to act on — appeals from, 7-2-4706
  bondholders
    application to compel sufficient tax levy for bond issues, 7-7-4266
    refunding revenue bonds, receiver's appointment and role, 7-7-4630 — 7-7-4632
  councilmen, approval of bonds, 7-3-4217
  initiative and referendum petitions, action to determine validity and constitutionality, 7-5-135
  service consolidation or transfer, judicial review of validity of procedures, 7-11-310
  smoke abatement contract modifications, approval, 7-31-105
  undertakings, appointment of receiver, 7-7-4428
Civil rights enforcement, 49-2-503, 49-2-505, 49-2-508, 49-2-509, 49-4-102
Close corporations
  death of shareholder, compulsory purchase of shares — action to compel, 35-9-207
  dissolution, 35-9-207, 35-9-503, 35-9-504
  relief
    extraordinary relief, 35-9-503, 35-9-504
    ordinary relief, 35-9-502
    petition by shareholders, 35-9-501
Collective bargaining, public employees, 39-31-106, 39-31-408, 39-31-409, See also **Public officers or employees**
Commercial feeds
  judicial review of decisions regarding, 80-9-303
  seizure and condemnation orders, 80-9-302
Commercial fertilizers
  complaints and condemnation orders, 80-10-302
  judicial review of acts, orders, or rulings concerning, 80-10-303
Commitment
  alcoholics, 53-24-302

DISTRICT COURT JURISDICTION (Continued)
Commitment (Continued)

  developmental disabilities, persons with, See **Developmental disabilities, persons with**
  mentally ill persons, See **Mentally ill persons**
Community college district trustees, complaints concerning, 20-15-227
Conciliation
  court, 40-3-111
  laws, determination of applicability, 40-3-104
Concurrent jurisdiction, Const., VII, 4
  city court, 40-4-123, 40-15-301
  justices' courts, 3-5-302, 3-10-302, 3-10-303, 16-6-201, 40-4-123, 40-15-301
  municipal courts, 3-6-103, 40-4-123, 40-15-301
  trust provisions, 72-35-101
  youth court, when, 41-3-103
Conservation district land use regulations, enforcement, 76-15-709, 76-15-710
Conservators and conservatorship, See **ESTATES AND PROBATE**, **Conservators and conservatorship**, court
Construction blasting and blasters, injunction to restrain violations, 37-72-102
Consumer counsel, violation of discovery procedure, 69-2-203
Consumer loan businesses
  commerce, department of — subpoena, production of evidence and testimony, 32-5-404
  violations, injunction or appointment of receiver, 32-5-405
Consumer reports, 31-3-151
Contracts, public
  construction, wage disputes, 18-2-407, 18-2-421, 18-2-432
  disputes with state, 18-1-401
Cooperative associations, dissolution, 35-15-412
Corporations
  directors, removal, 35-1-425
  dissenting shareholders' claims, payment of shares upon, 35-1-838
  dissolution
    decree, 35-1-942, 35-1-944
    grounds for, 35-1-938
    involuntary, 35-6-102
    procedure for, 35-1-940
    receivership or custodianship, 27-20-103, 35-1-940, 35-1-941
    relief other than, 35-1-939
  filing of documents, refusal by secretary of state, 35-1-1310
  foreign corporations, appeal of revocation of certificate of authority, 35-1-1040
  list of shareholders, inspection — application of shareholder, 35-1-523
  meetings of shareholders, order to hold, 35-1-518
  name, registration — contest of, 35-1-310
  records, inspection — application of shareholder, 35-1-1109
Cosmetics
  detained or embargoed adulterated or misbranded articles, condemnation order 50-31-509
  injunction to restrain unlawful practices, 50-31-508
Cosmetology provisions, restraining and enjoining violations concerning, 37-31-334
Counties
  abandonment and consolidation
    lease of property, approval of petition, 7-2-2755
    property appraisers, appointment and compensation, 7-2-2756 — 7-2-2758
  claims, order for payment — when, 7-6-2407
  general obligation bonds, insufficient tax levies for payment, 7-7-2266
  initiative and referendum petitions, action to determine validity and constitutionality, 7-5-135
  name change, petition for, 7-2-2502
    hearing, 7-2-2506

DISTRICT COURT JURISDICTION (Continued)
Counties (Continued)

- new
  - officers' bonds, approval, 7-2-2227
  - transfer of court files and actions, 7-2-2255, 7-2-2411
- property
  - appraisers, appointment, 7-2-2756 — 7-2-2758, 7-8-2202, 7-8-2215
  - reappraisal, application for, 7-8-2215
- records, order for destruction when, 7-4-2222
- service consolidation or transfer, judicial review of validity of procedures, 7-11-310
- smoke abatement contract modifications, approval, 7-31-105
- vacation of portion of village or townsite, hearings on petitions, 7-5-2502

County attorney, declaration of vacancy in office, 77-1-114

County Commissioners, Board of
- districts
  - certificate designating, signing, 7-4-2103
  - review of actions determining, 7-4-2102
- election, tie vote, 13-16-505
- emergency appointment, 10-3-603
- school debt service fund deficiency, failure to fix and make levy for, 20-9-439
- weed board, district — appeal to, petition to set aside or modify commissioners' decision on, 7-22-2110

County land advisory board, appointment of members, 7-8-2704

County officers, investigation of sureties on official bonds, 7-4-2213

County sheriff's deputies, termination of employment — right to appeal, 7-32-2109

County superintendent of schools, educational impact statement requirements — enforcement, 20-1-209

Credit reports, 31-3-151

Credit unions, involuntary liquidation — stay of action, 32-3-205

Crime victims reparation proceedings, 53-9-106

Criminal justice information
- agent, authorization order to obtain, 44-5-214
- dissemination, 44-5-302, 44-5-303
- enforcement of provisions, 44-5-111

Criminal offenses, 3-5-302, 46-2-201; Const., VII, 4
- appeals, 46-17-203, 46-17-311, 46-17-404, See also **MUNICIPAL COURTS, Appeals to district court**
- charge, public access to information following dismissal — order when, 46-18-204
- detainers, interstate agreement, 46-31-102
- extradition, extension of time for bail or confinement, 46-30-304
- habeas corpus, 3-5-302, 3-5-311, 46-22-202; Const., VII, 4
- information, leave to file, 46-11-201
- postconviction hearing, 46-21-101

Dairies and dairy products
- milk price control violations and remedies, 81-23-405, 81-23-406
- milk producers, producer-distributors, distributors, and jobbers — proceedings to collect civil penalty, 81-23-204, 81-23-405
- rules, new or amended — decisions regarding, 81-22-103

Day-care facilities, actions concerning, 52-2-741

Deaf and Blind, Montana School for the — orders concerning indigent children, 20-8-108

Deferred deposit lender violations, injunction to restrain, 31-1-713

Dentists, hearings regarding violations by, 37-4-328

Depositions, issuance of subpoenas, Title 25, chapter 20, M.R.Civ.P., Rule 28(d)

Detainers, interstate agreement, 46-31-102

Developmental disabilities, persons with
- abuse, neglect, or exploitation — order for investigation or petition for temporary guardian, 52-3-804

DISTRICT COURT JURISDICTION (Continued)
Developmental disabilities, persons with (Continued)

- residential facilities, commitment
    - community-based treatment, order for — prohibited when, 53-20-132
    - conservator, appointment, 53-20-141
    - counsel, appointment, 53-20-125
    - "court" defined, 53-20-102
    - emergency admission, 53-20-129
    - legal disabilities or forfeiture of rights, order stating, 53-20-141
    - length of time of admission, determination, 53-20-126
    - noncompliance of facilities, notice to, 53-20-104
    - order for treatment in residential facility, 53-20-125 — 53-20-129, 53-20-141
    - out-of-state facility, placement in, 53-20-131
    - photographs of residents, release, 53-20-144
    - recommitment, 53-20-128
    - records release, 53-20-161
    - release or transfer, hearing, 53-20-127
    - residential facility screening team, referrals to and determinations by, 53-20-133
    - responsible person, appointment, 53-20-113, 53-20-114, 53-20-125, 53-20-126
    - screening requirement for placement and habilitation, 53-20-133
    - transfers to other facilities, 53-20-127, 53-20-131
    - venue, 53-20-118

Disabilities, persons with — employment preference, enforcement, 39-30-207
Discrimination

- complaints, filing, 49-2-509
- contested case hearings, actions for attorneys' fees, 49-2-505
- enforcement of laws respecting, 49-2-503, 49-2-508, 49-2-510, 49-4-102
- relief, claims or requests and exclusive remedy, 49-2-509

Disease prevention or control, disclosure of health care information, 50-16-603
Dissolution of marriage, 40-4-104

- educational program on effects on children, attendance order, 40-4-226
- restraining orders, 40-4-121 — 40-4-125
- summary dissolution proceedings
    - brochure describing, availability, 40-4-136
    - final judgment, set aside when, 40-4-135, 40-4-136
    - hearing, 40-4-133
    - petition, joint
        - filing and form, 40-4-131
        - revocation, notice — form and content, 40-4-132

Distraint, warrant for, 15-1-704, 40-5-247, 72-16-432
Drainage districts

- alterations or additions to, 85-8-402, 85-8-403
- annual report, 85-8-368
- assessments, 85-8-347, 85-8-368, 85-8-611 — 85-8-613, 85-8-615 — 85-8-619, 85-8-622, 85-8-623, 85-8-702
- attorneys for, compensation, 85-8-321
- bond issues, refunding indebtedness, 85-8-505
- commissioners
    - appointment, 85-8-121, 85-8-301
    - bond, 85-8-308, 85-8-314
    - compensation, 85-8-314
    - oath, 85-8-308
    - supervision, 85-8-314
    - vacancy, filling, 85-8-307
- creation of district, 85-8-101 — 85-8-103, 85-8-111, 85-8-114 — 85-8-119, 85-8-121
- dissolution of district, 85-8-201
- division of districts, 85-8-121, 85-8-802

DISTRICT COURT JURISDICTION (Continued)
Drainage districts (Continued)
- drained lands outside district, inclusion and assessment, 85-8-421, 85-8-422, 85-8-424
- exclusion of lands, 85-8-405, 85-8-406, 85-8-409, 85-8-410
- flood control agreements and programs, additional powers for, 85-8-702, 85-8-703
- plan for works, modification, 85-8-343
- preexisting districts, division, 85-8-802
- preliminary report on proposed work, 85-8-321, 85-8-323, 85-8-324, 85-8-327, 85-8-328, 85-8-351
- report on proposed work, 85-8-341, 85-8-344 — 85-8-349
- service of notice, defective — waiver, 85-8-803

Drugs
- addicts or habitual users, complaints against, 37-2-111
- dangerous drug offenses, seizure of property, 44-12-103
- detained or embargoed adulterated or misbranded articles, condemnation order, 50-31-509
- injunction to restrain unlawful practices, 50-31-508
- treatment facilities, 53-24-208

Elder abuse, neglect or exploitation — order for investigation or petition for temporary guardian, 52-3-804
Elections, 13-35-108
- ballot issues, review of attorney general statements and determination of legal sufficiency, 13-27-316
- campaign violations, 13-37-113, 13-37-122
- contest, 13-36-102, 13-36-103, 13-36-206, 13-37-113
- county commissioners, tie vote, 13-16-505
- criminal actions, 13-35-108, 13-37-113
- nominations, injunction when improper, 13-35-221
- recounts under court order, 13-16-301, 13-16-304
- registration of elector, to compel, 13-2-602

Emergency medical service transportation or treatment service violations, injunction or restraining order, 50-6-326
Eminent domain proceedings, 70-30-102, 70-30-202, 70-30-207, 70-30-304, 70-30-312
- powers of court, 70-30-206

Employment preferences, enforcement
- disabilities, persons with, 39-30-207
- veterans, 39-29-104

Environmental impact statements, actions challenging or seeking review of agency decisions, 75-1-201
Environmental Quality Council, contempt proceedings, 75-1-312
Escrow businesses
- investigations, examinations, or hearings, 32-7-123
- violations, injunction or other relief, 32-7-122

Estates and probate, See **ESTATES AND PROBATE**, **Court**
Exclusive jurisdiction, 3-5-302
- close corporations
  - death of shareholder, compulsory purchase of shares — action to compel, 35-9-207
  - relief, shareholders' petition for, 35-9-501
- corporations, dissenting shareholders' claims, 35-1-838
- official misconduct, actions for, 45-7-401
- probate matters, 72-3-111
- professional corporations, determination of fair value of shares, 35-4-311
- trust provisions, 72-35-101

Execution
- homestead, execution on, 70-32-203
- judgment debtor, release from imprisonment, 25-14-302

Extent, 3-5-312; Const., VII, 4
Extradition, extension of time for bail or confinement, 46-30-304

DISTRICT COURT JURISDICTION (Continued)

Facility siting
  decision by board, judicial review, 75-20-406
  requirements or rules, enforcement, 75-20-404
  violations, actions concerning, 75-20-408
Family law mediation
  appointment of mediator, 40-4-301
  fees, establishment, 40-4-308
  mediation agreement, adoption, 40-4-305
  mediator list, establishment and maintenance, 40-4-306
  rules for implementation, 40-4-301
Family Support Act, Uniform Interstate, Title 40, chapter 5, part 1
Farm animal and research facilities, actions against persons causing damages to, 81-30-104
Fetal, infant, and child mortality review teams — information and material obtained by
  subpoena, review and order for when, 50-19-404
  unauthorized disclosure, actions for damages, 50-19-405
Firearms, convicted person's application for permit to purchase and possess, 45-8-314
Fire hazards, order to repair hazardous condition or demolish structure, 50-62-103
Firewardens, vacancy in office declared when, 77-5-106
Food
  detained or embargoed adulterated or misbranded articles, condemnation order, 50-31-509
  hamburger or beef patty mix, injunction to restrain unlawful practices, 50-31-508
  honey, injunction to restrain unlawful practices, 50-31-508
Forcible entry and detainer and unlawful detainer, 3-6-103, 70-27-101
  reentry, action for, 70-27-107
Foreign capital depositories
  civil penalties, petition to enforce, 32-8-602
  subpoenas, to enforce obedience, 32-8-303
Forest fire
  hazard reduction or management, enforcement proceedings, 76-13-410
  protection amount, collection, 76-13-211
Gambling violations
  actions for relief, 23-5-136
  orders concerning, judicial review, 23-5-137
Generally, Const., VII, 4; Title 3, chapter 5, part 3
Governmental entities, claims against, 2-9-311
  approval of compromise or settlement, 2-9-303
  attorneys' fees, approval, 2-9-314
  filing, 2-9-301
Grandparent-grandchild contact, 40-9-102
Grazing districts, trespassing livestock — recovery of excess charge for damage by, 76-16-314
Guardians and guardianship, 72-5-102
  acceptance of appointment, filing, 72-5-211, 72-5-302
  appointment of guardian, 52-3-804, 72-5-201, 72-5-211, 72-5-301
  objection to testamentary appointment of guardian, 72-5-213
  proceedings subsequent to appointment, 72-5-232, 72-5-323
  removal or resignation of guardian, 72-5-233, 72-5-325
  reports by guardian, 72-5-231
  successor guardian, appointment, 72-5-325
  treatment of ward, order for, 72-5-322
  visitor, appointment, 72-5-313
Habeas corpus, 3-5-302, 3-5-311, 46-22-202; Const., VII, 4
Hail Insurance, Board of — suits against, 80-2-243
Hazardous chemical trade secrets, injunction to prevent disclosure, 50-78-205

DISTRICT COURT JURISDICTION (Continued)

Hazardous or deleterious substances, remedial action upon release
  consent decree, filing, 75-10-723
  contribution, action for, 75-10-711
  injunction by court, 75-10-707
  liability allocation, appeal of decision, 75-10-751
  liability for costs, declaratory judgment, 75-10-722
  orders
    enforcement actions, 75-10-711
    review, 75-10-711
    testimony or production of documents, requiring, 75-10-707, 75-10-711
    validity, to determine, 75-10-711
  recovery of costs, damages, or penalties, 75-10-711, 75-10-715, 75-10-720
  relief, legal or equitable — action for, 75-10-711
Hazardous substances, misbranded or banned — petition for condemnation, 50-30-307
Hazardous waste violations
  administrative penalties, 75-10-424
  civil penalty, recovery, 75-10-417
  facilities, release of waste — for relief, 75-10-425
  order to compel compliance with subpoena or giving of testimony, 75-10-413
Health care facilities
  assessment of penalty for violation, 50-5-112, 50-5-113
  certificates of need
    decisions, appeal, 50-5-306
    mandamus for decision on application, 50-5-302
    violations, imposition and recovery of penalty, 50-5-307
  cooperative agreements, mergers, or consolidations — certificates of public advantage, enforcement, 50-4-621
  license denial, suspension, or revocation — appeal, 50-5-208
  receivership, complaint for, 50-5-115
Health care information, disclosure for disease prevention or control, 50-16-603
Health maintenance organizations
  certificate of authority, review of denial of application or suspension or revocation, 33-31-404
  injunction, action for, 33-31-405
Health service corporations, injunction to restrain violations, 33-30-113
Highway patrol officers, disciplinary action, 44-1-901, 44-1-902
HIV-related testing and counseling violations — action for damages, injunction, and enforcement, 50-16-1013
Homestead, execution, 70-32-203
Horseracing, Board of — judicial review of cases concerning, 23-4-202
Hospital districts, review of orders for withdrawal of land, 7-34-2158
Hotel and lodging establishment violations, injunction to restrain, 50-51-402
Human rights enforcement, 49-2-503, 49-2-505, 49-2-508, 49-2-510, 49-4-102
Indians, agreements under treasure state endowment program — proceedings concerning terms, 90-6-709
Inheritance tax, See **Taxation**
Injunctions, 3-2-205, 3-5-302, 3-5-311; Const., VII, 4
Insurance
  commissioner of
    appeals from, 33-1-711
    foreign insurers, application for liquidation of property, 33-2-1911
    medical communications, interference — prohibitions against, collection of civil penalty for violations, 33-1-804
    stay of action, 33-1-702
  examinations, investigations, or hearings — witnesses' disobedience to subpoenas, 33-1-315
  information and privacy protection violations, relief, 33-19-407

DISTRICT COURT JURISDICTION (Continued)
Insurance (Continued)

  managed care plan network adequacy and quality assurance contract actions, 33-36-402
  minor's estate, approval of premium payments when, 33-15-103
  motor vehicle liability — assigned risk plans, review of orders or acts concerning, 61-6-144
Insurers regulation generally
  cease and desist orders, violations — petition for recovery of penalty, 33-18-1005
  holding company systems
    appeals, 33-2-1123
    criminal proceedings, institution, 33-2-1120
    injunction, order for, 33-2-1118, 33-2-1119
    mandamus, writ of — order for, 33-2-1123
    sequestration of voting securities, 33-2-1119
  unauthorized, actions concerning surplus lines coverages, 33-2-314
Insurers supervision, rehabilitation, and liquidation, 33-2-1305, 33-2-1306
  ancillary receiver
    appointment, petition and order for, 33-2-1379, 33-2-1382
    claims, recommendations, 33-2-1385
  ancillary receivership, petition for, 33-2-1381
  conservation
    order for, petition, 33-2-1381
    termination, petition and order for, 33-2-1379
  conservator, petition and order for appointment, 33-2-1379
  delinquency proceedings, venue, 33-2-1308
  dissolution, order for, 33-2-1344
  domiciliary liquidator
    ancillary receiver, petition to act as, 33-2-1380
    transfer of titles to, approval for, 33-2-1381
  injunctions and restraining orders, 33-2-1309, 33-2-1321, 33-2-1348
  insolvency, judicial declaration, 33-2-1342
  liquidation
    appeal pendency plans, 33-2-1342
    assessment of members of insurer, levy and judgment, 33-2-1360
    assets
      disbursement, submission for, 33-2-1350
      distribution, 33-2-1350, 33-2-1363, 33-2-1373
      foreign or alien insurers, order for, 33-2-1380
    attorney's services, examination for payment transactions, 33-2-1356
    claims
      allowance and amendments to, 33-2-1367, 33-2-1385
      disputed, hearing, 33-2-1368
      foreign or alien insurers, payment to residents — order for, 33-2-1380
      liquidator's report and recommendations, 33-2-1372
      reciprocal states, residents against insurers domiciled in, 33-2-1385
    foreign or alien insurer's assets, 33-2-1379
    funds, order to transfer, 33-2-1375
    lien or security title, order for preservation, 33-2-1353
    order for, petition, 33-2-1336, 33-2-1341, 33-2-1381
    personnel, approval of compensation for, 33-2-1345
    preferences and liens, voidable — summary jurisdiction, 33-2-1354
    premiums owed, recovery — appeals from actions concerning violations, 33-2-1362
    property, judicial sale, 33-2-1352
    receiver's books, audit, 33-2-1378
    records, disposition — recommendations for, 33-2-1377
    reopening, petition for, 33-2-1374, 33-2-1376
    secured creditors, determination of security held by, 33-2-1370
    transfer or obligation, order for preservation, 33-2-1351

DISTRICT COURT JURISDICTION (Continued)
Insurers supervision, rehabilitation, and liquidation (Continued)

- liquidator
  - accounting by, 33-2-1342
  - actions against, settlement — approval, 33-2-1394
  - assets, administration — supervision, 33-2-1342
  - claims
    - recommendations, 33-2-1367
    - report, 33-2-1372
  - discharge, application for and granting, 33-2-1375
  - substitution for insurer as plaintiff, 33-2-1345
- out-of-state proceedings, stay pending, 33-2-1307
- rehabilitation
  - litigation pending and potential, stay of proceedings, 33-2-1334
  - order, petition for, 33-2-1331
  - plans, hearings, 33-2-1333
  - termination, order for, 33-2-1336
- rehabilitator
  - accounting by, 33-2-1332
  - actions against, settlement — approval, 33-2-1394
  - assets, administration — supervision, 33-2-1332
  - expenses, approval, 33-2-1333
- restoration of possession of property and control of business, order for, 33-2-1336, 33-2-1379
- summary orders, review, 33-2-1321, 33-2-1323
- supervision proceedings
  - confidentiality of records, 33-2-1323
  - orders, review and penalty for violations, 33-2-1321, 33-2-1323
  - seizure order, petition for, 33-2-1322

Irrigation districts
- addition of lands to district, 85-7-1808 — 85-7-1810, 85-7-1934
- adjudicated streams, districts of, 85-7-202, 85-7-203, 85-7-208
- appointment of commissioners, 85-7-1703
- bond issues, confirmation of validity of proceedings, 85-7-2015 — 85-7-2018, 85-7-2114, 85-7-2115
- bond of commissioner
  - actions on, 85-7-1506
  - approval, 85-7-1501
- correction of errors and omissions in orders or decrees, 85-7-1811
- creation of district or subdistrict, 85-7-103 — 85-7-107, 85-7-110, 85-7-404
- dissolution of district or subdistrict, 85-7-208, 85-7-412, 85-7-1001, 85-7-1002, 85-7-1005 — 85-7-1008
- exclusion of land from district, 85-7-1802 — 85-7-1807
  - united states, when indebtedness to, 85-7-1822 — 85-7-1825
- irrigable area, commissioners' determination — confirmation, 85-7-2112, 85-7-2114, 85-7-2115
- irrigated lands, inclusion of already irrigated lands in district, 85-7-1934
- preexisting districts, reorganization, 85-7-110
- state, contracts with — approval, 85-7-1975
- taxable acreage, determination — petition by landowners, 85-7-1842 — 85-7-1845
- taxes and assessments, refunds or cancellations — confirmation, 85-7-2112
- undertakings, appointment of receiver, 85-7-1419
- united states
  - contracts with, approval, 85-7-1957, 85-7-2016 — 85-7-2018
  - exclusion of lands when indebtedness to, 85-7-1822 — 85-7-1825
  - withdrawal of lands for cooperation with, 85-7-1831

Judges' power at chambers, 3-5-311, 3-5-312
Junkyards, injunction to abate nuisance, 75-15-205

DISTRICT COURT JURISDICTION (Continued)

Justices' courts, transferred action, 25-31-102
Kinds enumerated, 3-5-301
Lakes, construction projects — actions arising from, 75-7-205, 75-7-215
Landlord and tenant actions, 3-6-103, 70-24-103
Legal separation, 40-4-104
    restraining orders, 40-4-121 — 40-4-125
Legislative appropriations, complaints regarding unlawful expenditure, 17-8-104
Legislative statutory or interim committee subpoena, obedience to, 5-11-107
Liens
    foreclosure, 71-3-124
    loggers' liens, 71-3-611, 71-3-612, 71-3-614 — 71-3-616
    nonconsensual common-law, petition to remove, 27-1-1505
    oil and gas wells and pipelines, labor and materials liens, 71-3-1010
Limited liability companies
    dissolution, 35-8-902, 35-8-903
        involuntary, 35-8-209
            reinstatement, appeal of denial, 35-8-913
    filing by judicial act when, 35-8-218
Limited partnerships
    certificates, execution — petition for, 35-12-605
    dissolution, 35-12-1202
    winding up, 35-12-1203
Livestock
    markets and dealers
        certificates of public convenience, appellant's bonds — approval, 81-8-255
        injunction proceedings, 81-8-236
    owners' bonds, approval, 81-4-307
    trespassing, actions to recover damages by, 81-4-307
Livestock, Board of — injunction, 81-9-236
Lobbying violations, 5-7-305
Local government
    alteration of existing form, petition for judicial review, 7-3-154
    ethics violations, imposition of fines, 2-2-144
    initiative and referendum petitions, action to determine validity and constitutionality, 7-5-135
    new duties, statutes imposing — action to prevent application, 1-2-115
Long-term care facilities, violation of ombudsman's access provision — petition for imposition or recovery of penalty, 52-3-605
Mandamus, writ of, 3-5-302, 3-5-311, 27-26-102; Const., VII, 4
Marriage
    counseling for, when, 40-1-213
    invalidity, declaration of — decree issued when, 40-1-402
    license, issuance ordered by — when, 40-1-213
    proxy, authorization and petition for, 40-1-213, 40-1-301
    putative spouse, apportionment of rights, 40-1-404
Mausoleum-columbarium authorities
    dedication of property, removal, 35-21-822
    endowment care fund reports, filing, 35-21-847
    removal of remains, permission, 35-21-812
Mayors, approval of bonds, 7-3-4217
Medical assistance secured by lien, recovery, 53-6-175, 53-6-178
Medical Examiners, Board of — witnesses, failure to obey subpoenas, 37-3-328
Megalandfill siting
    decisions, judicial review, 75-10-942

DISTRICT COURT JURISDICTION (Continued)
Megalandfill siting (Continued)

- order, stay or suspension, 75-10-944
  - surety bond required when, 75-10-945
- requirements or rules, action of mandamus to enforce, 75-10-940
- violations, recovery of penalty or injunction to restrain, 75-10-944

Mentally ill persons
- admissibility of previous commitment, 53-21-190
- commitment, 53-21-121
  - admissibility of previous commitment, 53-21-190
  - alternative placement, 53-21-127, 53-21-128, 53-21-133
  - change of venue, 53-21-126
  - closing of trial, 53-21-126
  - detention prior to commitment, 53-21-120, 53-21-124
  - emergency detention, 53-21-129
  - examination of respondent, 53-21-123
  - extension of commitment period, 53-21-128
  - friend of respondent, appointment, 53-21-102, 53-21-122, 53-21-148
  - guardian ad litem, appointment, 53-21-119
  - initial hearing, 53-21-122
  - legal disabilities of respondent, order, 53-21-141
  - posttrial disposition hearing, 53-21-127
  - private trial, order, 53-21-126
  - professional person, appointment, 53-21-118, 53-21-122, 53-21-123
  - release, 53-21-181, 53-21-182
  - request for, 53-21-111
  - sealed records, opening, 53-21-103
  - transfers
    - nonstate facilities, 53-21-133, 53-22-105
    - petition for hearing, 53-21-413, 53-21-414
- conditional release
  - extension of conditions for, petition and hearing, 53-21-198
  - rehospitalization, petition, 53-21-195
- "court" defined, 53-21-102
- medication, involuntary administration, 53-21-127
- mental health facility, notice of noncompliance, 53-21-104
- photographs of committed person, release, 53-21-144
- records disclosure, 53-21-166
- release, 53-21-181, 53-21-182
- treatment, hazardous or extraordinary procedures, 53-21-148

Midwives, injunction to restrain violations, 37-27-212
Milk price control violations, 81-23-405, 81-23-406, See also **Dairies and dairy products**
Mines and mining
- inspection and survey of mining claim, 70-19-204
- metal mine reclamation
  - costs, recovery, 82-4-305, 82-4-341
  - lien disputes, 82-4-372
  - violations, 82-4-354
    - recovery of penalties, review of penalty orders, or injunction, 82-4-361
- metal mines
  - environmental emergencies, recovery of abatement costs, 82-4-357
  - impact plan decisions or amendments, judicial review, 90-6-307, 90-6-311
- opencut mine reclamation
  - lien disputes, 82-4-446
  - violations, injunction or recovery of penalties, 82-4-441
- rights-of-way, proceedings to obtain, 82-2-203 — 82-2-207, 82-2-209 — 82-2-211
- royalties, accounting and recovery of payment or delivery, 82-10-101

DISTRICT COURT JURISDICTION (Continued)
Mines and mining (Continued)

- safety and health violations, injunction or other relief, 50-72-103, 50-73-104
- strip and underground mine reclamation violations, 82-4-252, 82-4-254
- strip and underground mine siting violations, 82-4-141, 82-4-142
- trusts for unlocatable owners, petition for trust and appointment of trustee, 82-1-302
- wage violations, 39-3-503, 39-3-506, 39-3-509, 39-3-511 — 39-3-514

Minors
- abused, neglected, and dependent, 40-4-211, 41-3-103, 41-3-106
- aftercare violation hearing decisions, appeal from, 52-5-129
- assault with a bodily fluid, offense of, 45-5-214
- custody, See **Child custody**
- day-care facilities, actions concerning, 52-2-741
- grandparent visitation rights, 40-9-102
- interstate compacts
  - juveniles, Title 41, chapter 6, See **MINORS**, **Interstate Compact on Juveniles**
  - placement of children, Title 41, chapter 4, part 1, See **MINORS**, **Interstate Compact on the Placement of Children**
- interstate placement, 41-4-108
- partition, consent to action, 70-29-102
- residence, determination, 1-1-215
- support, See **CHILD SUPPORT**, **Duty of support**
- toys and children's articles, review of determination as hazardous, 50-30-102, 50-30-220
- youth court, See **Youth court**

Misconduct, official — actions for, 45-7-401
Montana quality label violations, 81-8-705
Mortgages, attorneys' fees for sale of real estate, 71-1-234
Motor carriers — recovery of excess rates, fares, or charges paid to, 69-12-511
Motor vehicles
- assigned risk plans, review of orders or acts concerning, 61-6-144
- commercial driver's license, suspension hearings, 61-8-808
- dealers and wholesalers, action to restrain and enjoin, 61-4-107
- drivers' license cancellation, suspension, or revocation — appeal hearings, 61-5-211
- franchise termination or cancellation, court orders to enforce provisions, 61-4-206
- habitual traffic offenders, petition challenging declaration as and revocation of license, 61-11-210
- manufacturers, distributors, importers, or dealers — action to restrain and enjoin, 61-4-209
- wrecking facilities and graveyards, action for injunction or collection of penalties, 75-10-541

Municipal infractions, 7-1-4152
- proceedings, 7-1-4151

Names, change of
- natural person, 27-31-101, 27-31-103
- nonprofit corporation, 27-31-102, 27-31-103
- watercourses, 85-2-131 — 85-2-133

Naturalization, 3-5-302; Const., VII, 4
Naturopathic physicians, injunction to restrain violations, 37-26-401
Nonprofit corporations
- derivative proceedings, 35-2-1301 — 35-2-1306
- directors
  - conflict of interest transactions, approval, 35-2-418
  - removal, 35-2-423
- dissolution
  - grounds, 35-2-728
  - involuntary, 35-6-102
  - procedure, 35-2-729
  - receivership or custodianship, 35-2-729, 35-2-730
- inspection of records, 35-2-909

DISTRICT COURT JURISDICTION (Continued)
Nonprofit corporations (Continued)

  list of members, order for inspection and copying, 35-2-535
  meetings, order for, 35-2-130, 35-2-528
  merger, approval and consent, 35-2-609
Nurses, violations by, 37-8-443
Occupational diseases, disputes concerning termination of or employment preference for worker, 39-71-317
Occupational safety hearings before Department of Labor and Industry
  judicial review, 50-71-334
  witness, compelling of, 50-71-303
Official misconduct, actions for, 45-7-401
Oil and gas
  board of oil and gas conservation
    civil actions, 82-11-142
    decisions, adjudication, 82-11-144
  injunction, action for, 82-11-144
  royalties
    accounting and recovery of payment or delivery, 82-10-101
    payment, enforcement of obligation, 82-10-103
  surface owner, damage to property — compensation, 82-10-508
  trusts for unlocatable owners, petition for trust and appointment of trustee, 82-1-302
  underground gas storage reservoirs, eminent domain procedure, 82-10-304, 82-10-305
  violations, actions concerning, 82-11-147
  wage violations, 39-3-503, 39-3-506, 39-3-509, 39-3-511 — 39-3-514
Open meeting provisions, voidability of decisions made in violation of, 2-3-213
Optometrists' violations
  injunction to restrain, 37-10-301
  prosecution, 37-10-312
Original jurisdiction, 3-5-301, 3-5-302; Const., VII, 4
Partition
  complaint, filing, 70-29-109
  estates, for purposes of distribution, 72-3-914
  minors, consent to action by, 70-29-102
Partner or family member assault or stalking victims, order for protection, 40-15-103, 40-15-201, 40-15-203, 40-15-301, 46-6-602
Partnerships, winding up of business — supervision, 35-10-609
Paternity proceedings, 40-5-232, 40-5-233, 40-5-236, 40-5-237, 40-6-109
  blood test or appearance at hearing, default — effect, 40-6-115
  judgment, modification or revocation, 40-6-118
Pen register or trap and trace device, order for use, 46-4-403
Pesticides
  condemnation, 80-8-303
  injunction to restrain violations, 80-8-306
  penalties, collection or appeal from assessment, 80-8-306
  pesticide cleanup special revenue account, recovery of funds, 80-8-117
Police commission
  appeal of commission decision, 7-32-4164
  appeals by police officers, review of commission decisions, 7-32-4161
  subpoenas, punishment for disobedience to — review, 7-32-4159
Pregnancy, waiver of serological test requirements, 50-19-109
Probate proceedings, See **ESTATES AND PROBATE**, **Court**
Process, extent, 3-5-304; Const., VII, 4
Procurement, state — contract solicitation or award made in violation of law, judicial review, 18-4-242
Produce, stop sale order — enforcement, 80-3-305

DISTRICT COURT JURISDICTION (Continued)

Professional and occupational licensing and regulatory boards, enforcement of fines, 37-1-315
Professional corporations, determination of fair value of shares, 35-4-311
Professional employer organizations and groups, enforcement of order to cease operations, 39-8-203
Prohibition, writ of, 3-5-302, 3-5-311, 27-27-102; Const., VII, 4
Property, personal — unclaimed, action to establish claim, 70-9-816
Property, real — right of reentry, action for possession under, 70-16-402, 70-27-107
Psychology, to enjoin practice of, 37-17-313
Public assistance, notice of assigned interest of support obligation, 53-2-613
Public health laws, rules, or orders — actions to enjoin violations, 50-1-103
Public officers or employees
  appropriations, complaints pertaining to unlawful expenditure, 17-8-104
  classification or compensation grievance proceedings, 2-18-1013
  collective bargaining, 39-31-106, 39-31-408, 39-31-409
  ethics violations
    administrative appeals from decisions concerning, costs and fees awarded, 2-2-137
    fines, for imposition, 2-2-144
  records, delivery, 2-6-107
  unfair labor practices, 39-31-408, 39-31-409
Public Service Commission proceedings, restraining order, 27-19-203
Quieting title
  entry townsite land, deeds, 70-28-302, 70-28-304
  personal property, 70-2-201
  real property, 70-28-201
Quo warranto, writ of, 3-5-302, 3-5-311, 27-28-105; Const., VII, 4
Radioactive substances — violation of provisions, rules, or orders — recovery of penalties, 50-79-407
Railroads
  actions by public service commission
    court review, 69-14-401
    enforcement, 69-14-134
      appeals from, 69-14-135
    reasonableness, to determine, 69-14-402
  charter, forfeiture, 69-14-537
  excess charges, recovery actions, 69-14-322
  fireguard maintenance violations, actions regarding, 69-14-722
  grade crossing interlocking plants and structures, hearings for construction and use, 69-14-239
  grain elevators or warehouses
    compensation for right, privilege, and easement — action to resolve differences, 69-14-903, 69-14-904
    location for, determination, 69-14-901
  investigations, petition for attendance of witnesses, 69-14-113
  rates, charges, and classifications — actions to determine reasonableness, 69-14-402
Real estate broker and salesperson violations, conviction, 37-51-323
Recall petitions, sufficiency, 2-16-615
Research and farm animal facilities, actions against persons causing damages to, 81-30-104
Residence of child, 1-1-215
Rules of Civil Procedure, applicability, Title 25, chapter 20, M.R.Civ.P., Rule 82
Sales finance companies, investigations and complaints, 31-1-211
School districts, statutes imposing new duties — action to prevent application, 1-2-115
Schools
  attendance, compulsory — excused when, 20-5-102
  debt service fund deficiency, county commissioners' failure to fix and make levy for, 20-9-439

DISTRICT COURT JURISDICTION (Continued)
Schools (Continued)

  immunization requirements, enforcement, 20-5-410
School trustees' decisions, actions concerning, 20-3-210
Septage collection or disposal operations, petition for injunction to enjoin operation or maintenance, 75-10-1220
Sexual or violent offender registration
  duty to register, petition for relief from, 46-23-506
  register information, petition for release, 46-23-508
Small business investment capital companies, enforcement of subpoenas, 90-8-313
Small claims court created within, 3-12-102, See **SMALL CLAIMS COURTS**
Solid waste management
  enforcement actions, 75-10-231
  violations — civil penalty imposition, assessment, and recovery, 75-10-228
Special improvement districts, determination of validity of proceedings
  decision of court, 7-12-4256
  hearing, 7-12-4254
  petition, filing, 7-12-4252, 7-12-4254
Speech-language pathology and audiology, to enjoin practice of, 37-15-323
State Tax Appeal Board decisions, 15-2-303 — 15-2-305
Streambed alteration or modification project arbitration panels, selection, 75-7-114
Subdivisions, streets and alleys — vacation of plats, 7-5-2502, 76-3-305
Support tribunal, 40-5-103, 40-5-143
Sureties on appeal, Title 25, chapter 21, M.R.App.P., Rule 8
Swimming pools and swimming areas
  enforcement actions, recovery of costs, 50-53-104, 50-53-217
  injunction to restrain violations, 50-53-104, 50-53-216
  penalties, assessment, 50-53-104
Taxation
  assessment rule or procedure challenges, declaratory judgment actions, 15-1-406, 15-15-101
  corporation taxes, production of evidence, 15-31-505
  distraint, warrant for, 15-1-704
  erroneous taxation, declaratory judgment, 15-1-406 — 15-1-408
  estate tax
    appeal, 72-16-907
    extension of time for payment, 72-16-910
  excess tax refund agreement refunds, issues relating to, 15-30-195
  gasoline and vehicle fuels taxes, appeal of decisions, 15-70-111
  income tax, individual
    appeal of state tax appeal board determination, 15-30-148
    failure of employer to report, order requiring payment of penalties, 15-1-302
    failure of taxpayer to file returns or reports, petition for order to show cause, 15-30-316
  inheritance tax, 72-16-102
    appraisal, 72-16-411
    collection, enforcement, 72-16-443
    contempt, 72-16-204
    determination of tax, 72-16-403, 72-16-424, 72-16-804
    insurance, commissioner of — request for valuation by, 72-16-417
    nonresident decedents, appeal from determination of department of revenue, 72-16-804
    reports from department of revenue, 72-16-208
  investigations, witnesses — to compel testimony and evidence, 15-1-302, 15-2-201
  military personnel, stay of enforcement against, 15-30-314
  protest payments, actions to recover, 15-1-402
  public officers, removal from office, 15-1-202
  railroad car company tax, collection, 15-23-216
  refunds
    denial, review, 15-16-604

DISTRICT COURT JURISDICTION (Continued)
Taxation (Continued)
  refunds (Continued)
    order for, 15-16-603
  state tax appeal board decisions
    appeal, 15-2-303
    interlocutory adjudication, 15-2-304, 15-2-305
Teacher's, administrator's, or specialist's certificate suspension or revocation — release of confidential information relevant to investigation, 20-4-113
Telecommunications services, interconnection of carriers — contributions to universal service fund, enforcement, 69-3-844
Timeshare sales violations, injunctions, 37-53-505
Tort actions against governmental entities, 2-9-311
  attorneys' fees, approval, 2-9-314
  compromise or settlement of claims, approval, 2-9-303
  filing of claim, 2-9-301
Toys and children's articles, review of determination as hazardous, 50-30-102, 50-30-220
Trailer court violations, petition for injunction, 50-52-106
Transportation, Department of — personnel grievances, 2-18-1003
Trust indentures, foreclosure, 71-1-316
Trusts, See also **TRUSTS**, **Court**
  administration of trust, 72-35-314
  basis of, 72-35-105
  beneficiaries and trustees, subject to, 72-35-104
  internal affairs of trust, 72-35-101, 72-35-102
  subject matter, 72-35-101
  testamentary trusts, 72-35-301, 72-35-312
  trust property — disposition upon termination of charitable trust, private foundation, or split-interest trust, 72-34-207
Tuberculosis control
  commitment for examination or treatment
    order for, 50-17-108, 50-17-109
    release, procedure, 50-17-112, 50-17-113
    transfer to another hospital, notification, 50-17-111
  costs, expenses, and fees, 50-17-114
  emergency detainment, petition for, 50-17-115
  order for examination or treatment, application for, 50-17-105
    adjudication, 50-17-107
    hearing on, 50-17-106
Underground storage tanks
  closure, recovery of costs constituting lien, 75-11-517
  violations
    subpoenas or testimony in hearings or investigations, to compel compliance, 75-11-512
    penalty imposition, assessment, and recovery, 75-11-223, 75-11-516
Unemployment insurance benefits, appeals, 39-51-2404, 39-51-2406, 39-51-2410
Unfair labor practices, public employees, 39-31-408, 39-31-409
Unfair trade practices
  commerce, department of — application for enforcement orders, 30-14-134
  complaint hearings, transcripts and departmental orders — review, 30-14-220
  compliance, voluntary — assurance, approval, 30-14-112
  corporate franchise, order for dissolution or forfeiture, 30-14-141
  damages, actions to recover, 30-14-133
  injunction or restraining order issued by court, retention of jurisdiction, 30-14-142
  investigative demand, petition for extension of return date or modification or set aside, 30-14-113
  restoration orders or judgments, 30-14-131
  restraint, actions for, 30-14-111
  subpoenas, disobedience — order to compel obedience, 30-14-221

DISTRICT COURT JURISDICTION (Continued)

Unions, 39-31-106, 39-31-408, 39-31-409, See also **Public officers or employees**, collective bargaining
Utilities
  electric facilities providers
    complaints concerning, 69-5-111
    disputes, 69-5-110
    engineer, consultant — selection, 69-5-105, 69-5-106
  fines or penalties, actions for recovery, 69-3-110
  orders by public service commission
    challenges, 69-3-402
    injunction to stay and suspend, 69-3-403
    review, 69-3-404
  overhead lines, relocation, 69-4-402, 69-4-403
Veterans
  employment preference, enforcement, 10-2-214, 10-2-226, 39-29-104
  reemployment with full benefits, enforcement, 10-2-214, 10-2-226
Veterinarians, injunction to restrain or prosecution of violations by, 37-18-501, 37-18-502
Wages
  mineral and oil industry violations, 39-3-503, 39-3-506, 39-3-509, 39-3-511 — 39-3-514
  unpaid wage claims
    enforcement of administrative decision, 39-3-212
    judicial review of administrative decision, petition, 39-3-216
Water and wastewater authorities, regional — revenue bonds, to enforce and compel performance, 75-6-324
Water conservancy districts, 85-9-103
  annexation of lands, 85-9-502
  annual report, 85-9-411
  directors, appointment, 85-9-401, 85-9-501
  dissolution, 85-9-301 — 85-9-305
  exclusion of lands, 85-9-504
  merger or inclusion of districts, 85-9-501
  organization of district, 85-9-205, 85-9-206, 85-9-401
  receiver, appointment, 85-9-303, 85-9-304
Water quality
  emergencies, action for injunction, 75-5-622
  violations, actions for injunctions, 75-5-614
Water supply, public — injunction for compliance with orders, rules, or standards, 75-6-111
Water use
  abandonment of appropriation right, determination, 85-2-405
  adjudication of rights, 3-7-212, 85-2-212, 85-2-216, 85-2-221, 85-2-222, 85-2-406, See also **WATER COURTS**
  appropriation objections, hearings in cases certified to district court, 85-2-309
  distribution
    request for judicial supervision, 85-2-114
    supervision, 85-2-406
  fines, collection, 85-2-122, 85-2-123
  ground water, injunction to enforce order for controlled ground water area, 85-2-507
  mediator, appointment and payment of costs, 85-5-110
  names of watercourses, change, 85-2-131 — 85-2-133
  renewable resource grant and loan agreements with tribal governments, proceedings concerning terms of, 85-1-605
  transfer of water right, failure to file certificate — collection of penalty, 85-2-431
  upper clark fork river basin, application for appropriation permit or change approval — costs and attorney fees, 85-2-125
  violations, injunction to restrain, 85-2-114

DISTRICT COURT JURISDICTION (Continued)
Water use (Continued)

- water commissioners
  - appointment, 3-7-211, 85-5-101, 85-5-102, 85-5-401, 85-5-402, 85-5-407
  - bond, designation of amount, 85-5-103
  - chief commissioner, appointment, 85-5-102
  - complaint by dissatisfied user, hearing, 85-5-301
  - distribution of water by, order, 85-5-101, 85-5-403, 85-5-407
  - ditches under joint or corporate control, 85-5-401, 85-5-403, 85-5-405, 85-5-407, 85-5-408
  - ditch repair or maintenance, 85-5-106, 85-5-202
  - emergency instructions, 85-5-203
  - expenses
    - assessment against land, 85-5-201 — 85-5-203
    - ditches under joint or corporate control, apportionment of expenses, 85-5-405, 85-5-408
    - hearing, 85-5-205
  - hearings, 85-5-205, 85-5-301
  - term of office, designation, 85-5-104
- water users' associations — complaint involving operation, repair, or maintenance of water project, 85-6-109

Workers' compensation
- disputes concerning termination of or employment preference for worker, 39-71-317
- uninsured or underinsured employers
  - cease operation order, injunction to enforce, 39-71-507
  - independent cause of action by employee, 39-71-516

Writs, 3-5-302, 3-5-311, 27-25-102, 27-26-102, 27-27-102, 27-28-105, 46-22-202; Const., VII, 4
Youth court
- concurrent when, 41-3-103, 41-5-203
- correctional facilities, report concerning capacity and approval for alternate placements, 41-5-355
- criminally convicted youth, 41-5-2503, 41-5-2510
- extended jurisdiction juvenile prosecution, 41-5-1601 — 41-5-1607
- jurisdiction, 41-5-203, 41-5-205, 41-5-2503, 45-8-318, 52-5-127
- local citizen review board, 41-3-1002
- preliminary inquiry, filing information, 41-5-1205
- transferred from, 41-5-204 — 41-5-206, 45-5-214, 45-8-403, 46-18-201, 52-5-127, 53-21-506

DISTRICT COURT RULES, UNIFORM, Const., VII, 2; Title 25, chapter 19
- See **DISTRICT COURTS**, generally

DISTRICT COURTS
- See also **COURTS GENERALLY**

Adjournment, 3-5-401, 3-5-402, 3-5-407
Appeals
- from district court, See **APPELLATE PROCEDURE**
- to district court, See **DISTRICT COURT JURISDICTION**, **Appellate jurisdiction**

Appellant defender system, 2-15-1020, 3-5-901, 46-8-210 — 46-8-213
Attorneys
- death or removal, Title 25, chapter 19, M.U.Dist.Crt.Rule 10
- not admitted to practice in Montana, regulation, Title 25, chapter 19, M.U.Dist.Crt.Rule 13

Audit, 7-6-2352
Briefs, filing, Title 25, chapter 19, M.U.Dist.Crt.Rules 1, 2, 3, 6
Budget, 7-6-2351
- estimates, 7-6-2311, 7-6-2312

Calendar, See also **Docket**
- placement on, procedure, Title 25, chapter 20, M.R.Civ.P., Rule 40

DISTRICT COURTS (Continued)
Calendar (Continued)

- precedence
  - administrative proceedings, application for subpoena enforcement or to compel testimony, 2-4-104
  - child abuse and neglect, petitions alleging, 41-3-401
  - chilld custody proceedings, questions of jurisdiction, 40-7-125
  - child parenting plan proceedings, 40-4-216
  - corporate records, inspection — application for, 35-1-1109
  - criminal proceedings, 46-16-101
  - declaratory judgment, Title 25, chapter 20, M.R.Civ.P., Rule 57
  - elections
    - campaign orders of noncompliance, review, 13-37-122
    - contests, 13-36-206, 13-36-208
  - electric facilities providers, hearings on omissions or violations, 69-5-111
  - eminent domain proceedings, 70-30-206
  - initiative and referendum
    - challenges to manner of election, Const., IV, 7
    - petitions, actions to determine validity and constitutionality, 7-5-135
  - injunction hearings, 27-19-318, 27-19-319
  - lobbying violations, trials, 5-7-305
  - mental illness, commitment, 53-21-125
  - nonprofit corporation records, inspection — application for, 35-2-909
  - oil and gas conservation, board of — adjudication of decisions, 82-11-144
  - public service commission orders, actions to challenge, 69-3-402
  - quo warranto proceedings, 27-28-106
  - railroad proceedings, 69-14-131, 69-14-132, 69-14-134
  - recall petitions, sufficiency, 2-16-615
  - restraining orders without notice, motion to dissolve or modify, 27-19-319
  - school property sale or disposal, appeal of resolution for, 20-6-604
  - statutes, given by, Title 25, chapter 20, M.R.Civ.P., Rule 40
  - unemployment insurance benefits, appeals, 39-51-2410
  - unfair trade practices proceedings, 30-14-220
  - veterans' reemployment, 10-2-226
  - workers' compensation cases, 39-51-2410
  - youth court adjudicatory hearing, 41-5-1502

Certiorari, writ of, Title 27, chapter 25, See also **Writs**
Child support
- cooperative agreements, 40-5-908
- uniform guidelines, notice to, 40-5-209

City attorney, duties, 7-4-4604
Clerk of the district court, See **CLERK OF THE DISTRICT COURT**
Conciliation court, district court as, 40-3-111, See **CONCILIATION**
Correctional institutions, emergency capacity exceeded — notice, 53-30-106
Counties, name change — effect, 7-2-2512
County attorney, duties, 7-4-2716
Court of justice, enumeration as, 3-1-101
Court of record, enumeration as, 3-1-102
Crier of the court, 3-5-407
Criminal proceedings, charges upon defendant's conviction — imposition and disposition, 46-18-251
Criminal reimbursement program, See **Reimbursement program**
Depositions
- filing not required, Title 25, chapter 19, M.U.Dist.Crt.Rule 4
- judge, power to take and certify, 3-1-404

Disabilities, persons with — employment preference, Title 39, chapter 30
Discovery, Title 25, chapter 19, M.U.Dist.Crt.Rules 4, 5

DISTRICT COURTS (Continued)

Districts, See **Judicial districts**
Docket, 3-5-508, 3-5-509, See also **Calendar**, precedence
Evidence
  custody and disposal, Title 25, chapter 19, M.U.Dist.Crt.Rule 12
  proposed findings and conclusions, failure to file — effect, Title 25, chapter 19, M.U.Dist.Crt.Rule 8
  reporter's transcript as, 3-5-612; Title 25, chapter 20, M.R.Civ.P., Rule 80
  standing masters, proceedings before, 3-5-124 — 3-5-126
Exhibits, custody and disposal, Title 25, chapter 19, M.U.Dist.Crt.Rule 12
Ex parte matters, 3-5-125, 3-5-311, 3-5-312; Title 25, chapter 19, M.U.Dist.Crt.Rule 3
Expenses, See also **Reimbursement program**
  court reporters, salary, 3-5-602
  levy to fund, 7-6-2352, 7-6-2511
Facilities, provisions for, 3-5-117, 3-5-404; Title 25, chapter 20, M.R.Civ.P., Rule 77(b)
Findings of fact and conclusions of law, Title 25, chapter 19, M.U.Dist.Crt.Rule 8
  standing masters, 3-5-124, 3-5-126
First Special Service Force Memorial Monument permanent trust fund and corporate trustee, duties, 10-2-701 — 10-2-703
Funding, See **Reimbursement program**; **Supreme court**, administrator; **COUNTY FINANCE**
Grand jury, See **CRIMINAL PROCEDURE**
Grants, state, 3-5-901, 7-6-2352
Habeas corpus, writ of, Title 46, chapter 22, See also **Writs**
Hours court open, Title 25, chapter 20, M.R.Civ.P., Rule 77(a)
Indian child welfare specialist, advice by, 52-2-117
Inquest, jury of, See **COUNTY CORONER**
Interrogatories, filing not required, Title 25, chapter 19, M.U.Dist.Crt.Rule 4
Judges, 1-1-202, See also **JUDGES AND JUSTICES**
  acknowledgments, power to take and certify, 3-1-404
  affidavits, power to take and certify, 3-1-404
  appeals
    record on appeal, motion for extension of transmittal time, Title 25, chapter 21, M.R.App.P., Rule 10
    statement of evidence, approval, Title 25, chapter 21, M.R.App.P., Rule 9
    undertakings when appeal from court of limited jurisdiction, approval, 25-33-207
  appellant defender system, responsibilities, 2-15-1020, 46-8-212
  building code violation, writ of mandamus, 50-60-302
  chambers, 3-5-404
    new trial, decision on, Title 25, chapter 20, M.R.Civ.P., Rule 59(d)
    parenting proceedings, interview of child, 40-4-214
    powers at, 3-5-311, 3-5-312; Title 25, chapter 20, M.R.Civ.P., Rule 77(b)
  conciliation court, 40-3-104, 40-3-112, 40-3-113, 40-3-124
  construction liens, substitution of bond — approval, 71-3-551
  depositions, power to take and certify, 3-1-404
  detention centers in contiguous counties, appointment for use or revocation of designation, 7-32-2202
  disqualification, 3-1-803, 3-1-805
    appeals, approval of statement of evidence, Title 25, chapter 21, M.R.App.P., Rule 9
    election recounts, action for, 13-16-304
    motions and orders
      effect upon, 25-4-101
      required for disqualification, Title 25, chapter 20, M.R.Civ.P., Rule 12(b)
  districts, assignment to, 3-5-102, 3-5-112; Const., VII, 6
  driver rehabilitation and improvement program, referrals to, 61-2-302
  election, 3-5-201; Const., VII, 8, See **ELECTIONS**, **District court judges**

DISTRICT COURTS (Continued)
Judges (Continued)

- escheated estates
  - disbursement by public administrator, countersigning, 72-14-202
  - investment of deposited money, order, 72-14-203
  - sale of property, order, 72-14-204
- executive clemency, copy of notice and order to, 46-23-303
- expenditures, limitations, 7-6-2324
- expenses, 3-5-211, 3-5-213 — 3-5-216; Const., VII, 9
- filing of papers with, Title 25, chapter 19, M.U.Dist.Crt.Rule 1; Title 25, chapter 20, M.R.Civ.P., Rule 5(e)
- first special service force memorial monument permanent trust fund and corporate trustee, duties, 10-2-701 — 10-2-703
- forfeiture of position, 3-1-607, 3-1-608
- information against, 46-11-201
- investigative subpoenas, 46-4-301
- judgments, powers, 3-5-311, 3-5-312; Title 25, chapter 19, M.U.Dist.Crt.Rule 11
- judicial nomination commission, appointment to, 3-1-1001
- judicial standards commission, appointment to, 3-1-1101, 3-1-1102; Const., VII, 11
- juries and jurors, See **Juries and jurors**; See also **CRIMINAL PROCEDURE, Grand jury**; **JURIES AND JURORS**
- law, practice by — prohibited, Const., VII, 9
- liabilities, incurring — limitations, 7-6-2324
- masters, appointment by, Title 25, chapter 20, M.R.Civ.P., Rule 53(a)
- military service, acting officer to replace, 10-2-227
- multijudge districts, 3-5-102, 3-5-403
  - chief district judge, selection and rotation, Title 25, chapter 19, M.U.Dist.Crt.Rule 14
- nonjudicial office, candidacy for — resignation required, 3-1-607, 3-1-608
- oath of office, 3-5-201
- official bonds
  - lien on real estate of surety, order regarding payment of purchase price, 2-9-528
  - statement for release of surety filed with, 2-9-523
- other employment prohibited, Const., VII, 9
- police commission, subpoena authority, 7-32-4159
- political party office, may not hold, Const., VII, 9
- pretrial order, disputes, Title 25, chapter 19, M.U.Dist.Crt.Rule 5
- prison, state — offense committed in, certification of trial expenses, 53-30-110
- process, power to issue, 3-5-311
- public administrator
  - accounting, 72-15-207, 72-15-208
  - bond, additional, 72-15-208
  - deposited money, countersignature for withdrawal, 72-15-205
  - deposit of money, order, 72-15-213
  - sale of property, order, 72-15-212
- qualifications and residence requirements, 3-5-202; Const., VII, 9
- referees, appointment by, Title 25, chapter 20, M.R.Civ.P., Rule 53(a)
- reporters — appointment, salary, and bids for work performed by, 3-5-601, 3-5-602
- resignations, 3-1-607, 3-1-1010
- retired judges, 3-5-114, 3-5-122, 3-7-201, 19-5-103
- retirement, Title 19, chapter 5
- review division of supreme court, appointment to, 46-18-901
- rules of civil procedure, appointment to advisory committee on, 3-2-702
- salary, 3-5-116, 3-5-211; Const., VII, 9
- search warrants, issuance, 46-5-220
- sentences imposed by, review — interested judge not to act, 46-18-902
- sentencing data to supreme court, 46-18-604
- session laws, copies to, 5-11-203

DISTRICT COURTS (Continued)
Judges (Continued)

- sitting outside assigned district, 3-5-111, 3-5-112, 3-5-213; Const., VII, 6
- small claims court
  - duties, 3-12-103, 3-12-105, 3-12-201
  - referral of action to, 3-10-1004
- standing masters
  - appointment and compensation, 3-5-123
  - reference, 3-5-124
- streambed alteration or modification project arbitration panels, selection, 75-7-114
- substitution, 3-1-804, 3-1-805, 3-5-111 — 3-5-113, 3-5-402; Const., VII, 6
- supreme court
  - decisions to, 3-2-604
  - original proceedings in, notice, Title 25, chapter 21, M.R.App.P., Rule 17
  - substitute justice, Const., VII, 3
- term of office, 3-5-203, 3-5-204
- terms of court, fixing — when, 3-5-401
- undertaking on appeal from justice's or city court
  - approval, 25-33-207
  - justification of sureties, 25-33-203
  - money in lieu of, transmittal, 25-33-205
  - stay of execution, 25-33-204
- vacancy in office, Const., VII, 8
  - forced, 3-1-608
- venue, power to change, 3-5-405
- water adjudication advisory committee, membership, 3-7-103
- water judges, 3-7-201
- water mediators, appointment, 85-5-110
- writs, powers respecting, 3-5-302, 3-5-311
- youth court, Title 41, chapter 5, part 2

Judges pro tempore or special masters, 19-5-501
- appeals from judgments by, 3-5-118
- appointment, 3-5-115, 3-5-122
- authority, scope, 3-5-113
- compensation and expenses, 3-5-116, 46-18-201
- criminal cases, 3-5-113, 3-5-122, 46-18-201
- election, exception, 3-5-201
- qualifications, 3-5-114
- records, 3-5-113, 3-5-117
- restrictions, 3-1-601, 3-1-603
- rooms, 3-5-117

Judgment Book, 3-5-507

Judgments and decrees, Title 25, chapter 19, M.U.Dist.Crt.Rule 11, See **JUDGMENTS AND DECREES**

Judicial districts, 3-5-101; Const., VII, 6
- boundaries, Const., VII, 6
- city-county consolidated government, attachment, 7-3-1202
- list to secretary of state, 13-1-204
- multicounty districts, special provisions, 3-5-215, 3-5-216, 3-5-401, 3-5-402
- multijudge districts, special provisions, 3-5-102, 3-5-403; Title 25, chapter 19, M.U.Dist.Crt.Rule 14
- number of judges assigned, 3-5-102; Const., VII, 6
- sitting outside assigned district, judges may when, 3-5-111, 3-5-112, 3-5-213; Const., VII, 6

Judicial power vested in, Const., VII, 1

Juries and jurors, See also **CRIMINAL PROCEDURE**; **JURIES AND JURORS**
- instructions and verdict forms, Title 25, chapter 19, M.U.Dist.Crt.Rule 7
- pretrial procedure, Title 25, chapter 19, M.U.Dist.Crt.Rule 5

DISTRICT COURTS (Continued)
Juries and jurors (Continued)

  questionnaire, completion by jurors, Title 25, chapter 19, M.U.Dist.Crt.Rule 9
Jurisdiction, See **DISTRICT COURT JURISDICTION**
Local rules allowed, Title 25, chapter 19, M.U.Dist.Crt.Rule 15
Mandamus, writ of, Title 27, chapter 26, See also **Writs**
Masters, appointment by, 3-5-122, 3-5-123; Title 25, chapter 20, M.R.Civ.P., Rule 53(a), See **Judges pro tempore or special masters**; **Standing masters**; See also **COURTS GENERALLY, Masters**
Minute book, 3-5-501
  findings of fact and conclusions of law, entry of consent to waiver, 25-7-601
  judgment, default, 3-5-311
  jurors, drawing, 3-15-503, 25-7-206
  jury list, omission of names — entry, 3-15-403
  multijudge districts, order apportioning judicial business, 3-5-403
  naturalization, order, 3-5-514
  new trial, motion on, 25-11-104; Title 25, chapter 20, M.R.Civ.P., Rule 59(d)
  reporter, order for excuse from duty, 3-5-611
Motions and orders, Title 25, chapter 19, M.U.Dist.Crt.Rule 2
  chambers, judge's power at, 3-5-311
  entry by clerk of the court, 3-5-501
  ex parte orders, 3-5-311, 3-5-312; Title 25, chapter 19, M.U.Dist.Crt.Rule 3
  extent of order, 3-5-312
  filing, Title 25, chapter 19, M.U.Dist.Crt.Rules 2, 4
  substitution of judge, motion for, 3-1-804
Municipal courts, applicability of rules, 25-30-101, 25-30-106, 25-30-107, 46-17-401
Papers presented for filing, form, Title 25, chapter 19, M.U.Dist.Crt.Rule 1
Pleadings, extension of time, Title 25, chapter 19, M.U.Dist.Crt.Rule 3
Pretrial conference, Title 25, chapter 19, M.U.Dist.Crt.Rule 5
Pretrial order, Title 25, chapter 19, M.U.Dist.Crt.Rules 4, 5, 7
Procedure, Title 25, chapter 20, M.R.Civ.P., Rule 1, See generally **CIVIL PROCEDURE**
Process
  clerk of the court, duties, 3-5-501
  extent, 3-5-304; Const., VII, 4
  issuance at chambers, 3-5-311
Prohibition, writ of, Title 27, chapter 27, See also **Writs**
Quo warranto, writ of, Title 27, chapter 28, See also **Writs**
Recesses, 3-5-401, 3-5-402, 3-5-407
Records of the court
  arraignment proceedings, 46-12-205
  clerk of the court, duties, 3-5-501
  criminal actions, 3-5-505, 3-5-506
  docket, 3-5-508, 3-5-509
  indexes, 3-5-501 — 3-5-503, 3-5-506, 3-5-513
  judge pro tempore or special master, 3-5-113, 3-5-117
  judgment book, 3-5-507; Title 25, chapter 19, M.U.Dist.Crt.Rule 11
  jurors' warrants, 3-5-510
  minute book, See **Minute book**
  naturalization records, 3-5-514
  probate and guardianship records, 3-5-513
  registers of actions, 3-5-501, 3-5-504, 3-5-505
  witness book, 3-5-510 — 3-5-512
Referees, appointment by, Title 25, chapter 20, M.R.Civ.P., Rule 53(a), See **COURTS GENERALLY, Referees**
Reimbursement program, 3-5-901
  assigned counsel, compensation, 46-8-201
  county, costs charged against when, 7-6-2427

DISTRICT COURTS (Continued)
Reimbursement program (Continued)

  court information technology account, 3-1-317, 3-5-904
  fiscal administration for payment of expenses, 3-5-902
  juror and witness fees, 3-5-511, 3-5-901, 3-5-903, 46-11-319, 46-15-116
  local option vehicle tax, first priority of, 61-3-537
  mental disease or defect of defendant, examination to determine fitness or mental condition, 3-5-901, 46-14-202, 46-14-221
  motor vehicles, district court fee — use, 3-5-901, 61-3-509
  public defender's office, 46-8-202
  sentencing fines and costs collected, disposition, 46-18-235
  transcript of proceedings, fees, 3-5-604, 3-5-901
Reporter pro tempore, 3-5-611, 3-5-612
Reporters
  appointment and oath of office, 3-5-601
  bids for work performed by, 3-5-602
  duties, 3-5-603
  fees, 3-5-604, 25-10-201
  jury requests for further information, recording, 25-7-405
  official notes of proceedings, 3-5-603
  salary and expenses, 3-5-116, 3-5-602, 3-5-611, 3-5-901, 7-6-2511, 25-1-202
  transcript of proceedings, 3-5-604, See also **CIVIL PROCEDURE**, **Transcript of proceedings**; **CRIMINAL PROCEDURE**, **Transcript of proceedings**
    appeal, duties, Title 25, chapter 21, M.R.App.P., Rule 9
    prima facie evidence, as, 3-5-612; Title 25, chapter 20, M.R.Civ.P., Rule 80
Retired judges or justices, assistance by, 19-5-103
Rules of Appellate Procedure, applicability, Title 25, chapter 21, M.R.App.P., Rule 52
Rules of Civil Procedure, applicability, Title 25, chapter 20, M.R.Civ.P., Rule 1
Rules, Uniform District Court, 3-1-112, 3-2-704; Const., VII, 2; Title 25, chapter 19; Title 25, chapter 20, M.R.Civ.P., Rule 83
  calendar, placement of actions on, Title 25, chapter 20, M.R.Civ.P., Rule 40
  criminal proceedings, jury instructions — conformance, 46-16-410
  judge pro tempore or special master, proceedings before, 3-5-113
  rules of civil procedure, consistency with, 3-2-704; Title 25, chapter 20, M.R.Civ.P., Rule 83
Seal of the court, 3-1-201, 3-1-203
  clerk of the court, duties, 3-1-203, 3-1-204
  irrigation districts
    correction of errors and omissions in orders or decrees, certification of order for, 85-7-1811
    creation, certification of petition and notice of hearing, 85-7-105
    exclusion of lands, certification of notice of hearing, 85-7-1805
  subpoenas, upon, 31-1-211; Title 25, chapter 20, M.R.Civ.P., Rule 45(a)
  summons, upon, 70-28-207
  writ of execution, upon, 25-13-301
Sentencing data to supreme court, 46-18-604
Small claims court, See **SMALL CLAIMS COURTS**
Standing masters
  appointment, removal, compensation, and qualifications, 3-5-123
  findings of fact and conclusions of law, 3-5-124, 3-5-126
  orders, 3-5-126
  powers, 3-5-124
  proceedings before, evidence, and witnesses, 3-5-124 — 3-5-126
  reference, order of, 3-5-124, 3-5-125
  statements of account, 3-5-125
Supervisory control, Const., VII, 2, See **SUPREME COURT**, **Jurisdiction**, district court

DISTRICT COURTS (Continued)

Supreme court
    administrator
        grants to counties, 3-5-901, 7-6-2352
        reimbursement program, duties, 3-1-702, 3-5-901 — 3-5-903
        reporter's salary and expenses, payment, 3-5-602
        transcripts of proceedings and reporter's certificate, payment, 3-5-604
        witness and juror fees, reimbursement procedures, 3-5-903, 46-15-116
    decisions to, 3-2-604
    original proceedings in, notice, Title 25, chapter 21, M.R.App.P., Rule 17
Tax levy to fund, 7-6-2352, 7-6-2511
Terms of court, 3-5-401 — 3-5-403
    clerk of the court, attendance, 3-5-501
United States district court, enforceability of orders issued concerning liability risk retention groups, 33-11-124
Venue, See also **VENUE**
    emergency change, 3-5-405, 3-5-406
    rules of civil procedure, applicability, Title 25, chapter 20, M.R.Civ.P., Rule 82
Verdict forms, Title 25, chapter 19, M.U.Dist.Crt.Rule 7
Water commissioners and water mediators, development of educational program for, 85-5-111
Writs, See also specific writ; **WRITS**, generally
    contempt judgment subject to writ of certiorari when, 3-1-523, 3-2-212
    court's power, 3-5-302; Const., VII, 4
    judge at chambers, powers, 3-5-311
Youth court, Title 41, chapter 5

DISTRICTING AND APPORTIONMENT COMMISSION, Const., V, 14; Title 5, chapter 1

DITCHES
    See **CANALS, DITCHES, AND FLUMES**

DIVORCE
    See **DISSOLUTION OF MARRIAGE**

DOCUMENTS OF TITLE
    See also **UNIFORM COMMERCIAL CODE, GENERAL PROVISIONS; WAREHOUSES AND WAREHOUSEMEN**
Actions
    bills of lading
        provisions contained in, 30-7-309
        through bills, recovery on, 30-7-302
    interpleader, 30-7-603
    warehouse receipts, provisions contained in, 30-7-204
Airbill, 30-1-201
Attachment of goods, 30-7-602, See also **Liens**
Bailee, 30-7-102, See also **PROPERTY, PERSONAL, Bailment**
    adverse claims, 30-7-603
    attachment of goods, 30-7-602
    bill of lading
        change of instructions, effect, 30-7-303
        court order for, 30-7-601
        set of parts, delivery in accordance with, 30-7-304
    delivery
        good faith, 30-7-404
        obligation of, 30-7-403
    "document of title" defined, 30-1-201

DOCUMENTS OF TITLE (Continued)
Bailee (Continued)

- endorser, nonliability, 30-7-505
- indemnification for stoppage, 30-7-504
- ownership of goods by, irregularity, 30-7-401
- rights to goods, 30-7-502
- transfer, notice, 30-7-504
- uniform commercial code, effect, 30-1-111

Bearer, 30-1-201, 30-7-202, 30-7-501
Bills of lading, special provisions, 30-1-201

- acceptance by passenger, consignor, or consignee — effect, 69-11-105
- agricultural seeds, 61-10-141, 80-5-130
- alcoholic beverages, inspection, 16-6-108
- altered bills, 30-7-306
- care, duty of carrier, 30-7-309
- cigarette shipments, 16-11-104
- claims, presenting, 30-7-309
- connecting carrier on through bills of lading, liability, 30-7-302
- consignee, 30-7-102, 30-7-301, 30-7-303, 30-7-504, 69-11-105
- consignor, 30-7-102, 30-7-303, 30-7-305, 30-7-307, 30-7-309, 30-7-504, 69-11-105
- conversion, 30-7-308, 30-7-309
- damages
  - limitation, 30-7-309
  - loading, improper, 30-7-301
  - misdating of bill, 30-7-301
  - nonreceipt or misdescription of goods, 30-7-301
  - sale of goods to enforce lien, violations, 30-7-308
  - set of parts, violations, 30-7-304
- delivery
  - diversion, 30-7-303, 30-7-403, 30-7-504
  - lien, carrier loses when, 30-7-307
  - obligation of bailee, 30-7-304, 30-7-403, 30-7-503
  - through bills of lading, 30-7-302
- destination bills, 30-7-305
- enforcement, 30-7-306, 30-7-308
- foreign shipment, 30-7-302, 30-7-304
- freightage, apportionment, 69-11-408
- goods
  - lien of carrier, 30-7-307
  - nonreceipt or misdescription, 30-7-301
  - sale, 30-7-307, 30-7-308
  - substitute bills, 30-7-305
  - through bills of lading, 30-7-302
- holder, 30-7-301, 30-7-303, 30-7-304, 69-11-421
- indemnification, 30-7-301
- inland carrier, 69-11-421
- instructions, change, 30-7-303, 30-7-504
- lessor's stoppage of delivery, effect, 30-2A-526
- liability, 30-7-301, 30-7-302, 30-7-304, 30-7-308, 30-7-309
  - between carriers, 69-11-427
  - inland carrier, 69-11-421
  - valuable cargo, carrier of, 69-11-429
- lien of carrier, 30-7-307, 30-7-308, 30-7-403
- loading, improper, 30-7-301
- motor carrier, 69-12-203
- negotiability, 30-7-104
- nonnegotiable, 30-7-104, 30-7-504

DOCUMENTS OF TITLE (Continued)
Bills of lading, special provisions (Continued)

- nonreceipt or misdescription, 30-7-301
- notice
  - consignor's or bailor's lack of authority, 30-7-307
  - sale of goods, 30-7-308
- overseas trade, 30-7-302, 30-7-304
- power of attorney, statutory — authority, 72-31-234
- purchaser, good faith — lien of carrier and goods sold to enforce lien, 30-7-307, 30-7-308
- railroads, 69-14-215, 69-14-216
- reconsignment, 30-7-303, 30-7-403
- "said to contain", 30-7-301
- sale of goods, 30-7-307, 30-7-308
- sales, specific provisions, See **SALES**
- set of parts, 30-7-304, 30-7-402
- "shipper's weight, load and count", 30-7-301
- substitute bill, 30-7-305
- third-party documents, prima facie evidence, 30-1-202
- through bills of lading, 30-7-302, 69-11-421
- title to goods, 30-7-503, 30-7-504

Cancellation, 30-7-403
Citation of Uniform Commercial Code—Documents of Title, 30-7-101
Classification, applicability, 30-7-103, 30-7-601
Collecting bank, warranty, 30-7-508
Conservatorships, documents relating to — applicability, 72-5-426
Construction against negative implication, 30-7-105
Contract for sale or credit, fulfillment of conditions for, 30-7-509
Damages, 30-7-402
Definitions, 30-1-201, 30-7-102

- code, 30-1-101
- duly negotiated, 30-7-501
- index of definitions, 30-7-102
- person entitled under the document, 30-7-403

Delivery, 30-1-201

- conflicting claims, 30-7-603
- court order for, 30-7-601
- document, without, 30-7-601
- endorsement, without, 30-7-506
- good faith, liability, 30-7-404, 30-7-601
- judicial process to compel, 30-7-602
- negotiation by, 30-7-501
- obligation of, 30-7-403, 30-7-502
- partial, notation, 30-7-403
- person entitled under the document, 30-7-403
- stoppage, 30-7-403, 30-7-502, 30-7-504
- title to goods defeated when, 30-7-503

Delivery order, 30-7-102, 30-7-502, 30-7-503
Duplicate documents, 30-7-402, 30-7-601, 30-7-703
Endorsement, 30-7-501, 30-7-505, 30-7-506
Endorser, 30-7-502, 30-7-505
Federal law, applicability, 30-7-103
Foreign trade, 30-7-104, 30-7-302, 30-7-304
Form, 30-7-401
Good faith

- bills of lading, 30-7-301, 30-7-304
- collecting bank, 30-7-508
- delivery, 30-7-404, 30-7-601

DOCUMENTS OF TITLE (Continued)
Good faith (Continued)

  purchaser, See **Purchaser, good faith**
  transfer of nonnegotiable document, bailee, 30-7-504
  warehousemen, termination of storage, 30-7-206
Goods, 30-7-102
  attachment, 30-7-602
  delivery, See **Delivery**
  duplicate documents, effect, 30-7-402
  title to, 30-7-502 — 30-7-504, 30-7-603
Holder, 30-1-201, 30-7-403, 30-7-501, 30-7-502, 30-9-309, 30-9-351
Indemnification, 30-7-504, 30-7-601
Intermediary, warranty, 30-7-508
Irregularities, 30-7-401
Issuer, 30-7-102, See also **Bailee**
  acceptance by bailee, procurement, 30-7-502
  conduct, irregularities, 30-7-401
  duplicate documents or overissue, 30-7-402
Leases, specific provisions, 30-2A-103, 30-2A-526
Letters of credit, applicability, 30-5-122, 30-7-509
Liability
  cancellation of document or notation of partial delivery, 30-7-403
  delivery, good faith, 30-7-404
  endorser, 30-7-505
  missing document, delivery under, 30-7-601
  overissue or failure to identify duplicate document, 30-7-402
Liens
  carrier, of, 30-7-307, 30-7-308, 30-7-403
  judicial process, by, 30-7-602
  warehousemen, of, See **Warehouse receipts, special provisions**
Lost, stolen, or destroyed document, 30-7-402, 30-7-502, 30-7-601, 30-7-703
Negotiable when, 30-7-104
Negotiation
  due negotiation
    requirements, 30-7-501
    rights acquired by, 30-7-502, 30-7-504
    unaccepted delivery order, effect, 30-7-503
  endorsement required, 30-7-506
  form of, 30-7-501
  injunction, 30-7-602
  warranties, 30-7-507
Nonnegotiable when, 30-7-104
Notice, 30-1-201
  claim, of — filing after delivery, 30-7-601
  duly negotiated documents, pertaining to, 30-7-501
  judicial process or injunction, 30-7-602
  stop delivery, 30-7-504
  transfer, 30-7-504
Omissions, implications, 30-7-105
Overissue, 30-7-402
Overseas trade, 30-7-104, 30-7-302, 30-7-304
Possession, multiple claimants, 30-7-603
Precious metals, exempt securities transactions, 30-10-105
Purchaser, good faith
  due negotiation, 30-7-501
  sales, applicability of laws, 30-2-403
  warranty, 30-7-507

DOCUMENTS OF TITLE (Continued)

Rights acquired by negotiation, 30-7-502, 30-7-504
Sales, specific provisions, See **SALES**
Secured transactions, specific provisions, See **SECURED TRANSACTIONS**
Security for, when, 30-7-601
Security interest, title to goods defeated when, 30-7-503, See also **SECURED TRANSACTIONS, Documents**
Short title, 30-7-101
Statutes, applicability, 30-7-103
Substitute document, 30-7-402, 30-7-601
Tariffs, applicability, 30-7-103, 30-7-309, 30-7-403, 30-7-601
Title to document, 30-7-502, 30-7-507
Title to goods
  acquisition, 30-7-502, 30-7-504
  defeated when, 30-7-503, 30-7-504
  multiple claimants, 30-7-603
Transfer, warranties, 30-7-507
Treaty, applicability, 30-7-103
Unclaimed property, applicability of laws, 70-9-401
Warehouse receipts, special provisions, 30-1-201
  agricultural commodities, 30-7-201, See also **AGRICULTURAL COMMODITIES, Warehouses and warehousemen**, receipts
  alcoholic beverages, 30-7-201
  altered receipts, 30-7-208
  care, duty of warehouseman, 30-7-202, 30-7-204
  conversion, 30-7-204, 30-7-210
  damages
    loss of or injury to goods, 30-7-204
    nonreceipt or misdescription of goods, 30-7-203
    warehouseman, liability, 30-7-202, 30-7-210
  delivery of goods
    lien, warehouseman loses when, 30-7-209
    not delivered, issuance of receipt unlawful, 30-7-701
    obligation of, 30-7-202, 30-7-206, 30-7-403
    obtaining outstanding receipt, without — unlawful, 30-7-705
    sale of goods to enforce lien, proceeds, 30-7-210
    separation of goods in storage, 30-7-207
    statement of terms, 30-7-202
  duplicate, issuance without marking — unlawful, 30-7-703
  form, 30-7-202
  goods, 30-7-102
    description, 30-7-202, 30-7-203, 30-7-210
    deterioration, 30-7-206
    fungible goods, 30-7-205, 30-7-207, 30-7-402, 30-7-502
    hazardous, 30-7-206, 30-7-705
    loss of or injury to, 30-7-204
    nonreceipt or misdescription, 30-7-203
    sale, 30-7-206, 30-7-209, 30-7-210, 30-7-705
    separation in storage, 30-7-207
  holder, 30-7-207
  insurance against loss, 33-1-211, See **SURETYSHIP AND SURETIES, Surety insurance**
  issuance, 30-7-201, 30-7-202
    duplicate, without marking — unlawful, 30-7-703
    fraudulent, 30-7-702
    goods not delivered, 30-7-701

DOCUMENTS OF TITLE (Continued)
Warehouse receipts, special provisions (Continued)
  issuance (Continued)
    ownership of goods by warehouseman, unlawful when, 30-7-704
  liability, 30-7-202 — 30-7-204, 30-7-206, 30-7-207, 30-7-210
  lien of warehouseman, 30-7-209
    enforcement, 30-7-206, 30-7-210, 30-7-403
    negotiation concealing, unlawful, 30-7-706
    priority, 71-3-904
    sale of goods, 30-7-206, 30-7-210, 30-7-705
    satisfaction, 30-7-206, 30-7-210
    statement in warehouse receipt, 30-7-202
  lost, stolen, or destroyed receipts, 30-7-703, 30-7-705
  negotiation with defective title unlawful, 30-7-706
  nonreceipt or misdescription of goods, 30-7-203
  notice
    altered receipt, lack of authority, 30-7-208
    sale of goods, 30-7-210
    termination of storage or sale of goods, 30-7-206
  offenses and penalties
    defective title, negotiation with, 30-7-706
    delivery, issuance of receipt without, 30-7-701
    delivery without obtaining outstanding receipt, 30-7-705
    duplicate receipt, issuance without marking, 30-7-703
    fraudulent issuance, 30-7-702
    ownership of goods by warehouseman, issuance when, 30-7-704
  overissue, 30-7-207, 30-7-402
  ownership of goods by warehouseman, issuance unlawful when, 30-7-704
  power of attorney, statutory — authority, 72-31-228
  precious metals, depository for, 30-10-105
  purchaser, good faith
    altered receipts, 30-7-208
    goods sold to enforce lien, 30-7-210
    lien or security interest, effectiveness, 30-7-209
    nonreceipt or misdescription of goods, damages, 30-7-203
  sale of goods, 30-7-206, 30-7-209, 30-7-210, 30-7-705
  security interest of warehouseman, 30-7-202, 30-7-209
  storage
    government bond, under, 30-7-201
    lien of warehouseman, 30-7-209
    separation of goods, 30-7-207
    statement of terms, 30-7-202
    termination, 30-7-206, 30-7-403
  terms, 30-7-202, 30-7-204
  title to goods
    defective, negotiation with, 30-7-706
    fungible goods, 30-7-205
  "warehouseman" defined, 30-7-102, 30-7-401, See also **Bailee**
Warranties, 30-7-507, 30-7-508

DOGS
  See also **ANIMALS**
Adoption or sale, requirements, 7-23-4201 — 7-23-4203
Barking dog control, 7-23-2110
Blind persons, guides for, 49-4-214, 49-4-216, 49-4-217
City or town control, 7-23-101, 7-23-4101 — 7-23-4103
Collars, requirements, 7-23-101, 7-23-2108, 7-23-4103
County control, 7-23-101, 7-23-2108 — 7-23-2110

DOGS (Continued)

County poundmaster, 7-23-102
Deaf persons, hearing dogs for, 49-4-214
Destruction of dogs, 7-23-2108, 7-23-2109, 7-23-4102
Farm animal and research facilities protection, Title 81, chapter 30, part 1
Field trials, 87-3-124, 87-4-915
Fighting exhibitions unlawful, 45-8-210
Fines, disposition, 7-23-105
Game or fur-bearing animals, dogs killing or attacking — destruction allowed when, 87-3-124
Game preserves, dogs chasing animals or birds unlawful, 87-5-401
Hunting or tracking with, 87-3-124, 87-3-134
  fighting exhibition provisions, nonapplicability, 45-8-210
Importation prohibited when, 81-2-112, See also **LIVESTOCK, Importation**, permits and health certificates
Impoundment, 7-23-102, 7-23-2108, 7-23-4101
Licensing, 7-23-101, 7-23-2108, 7-23-4102, 7-23-4103
Livestock, destroying or injuring, 7-23-2109, 81-7-401 — 81-7-403, See also **PREDATORS AND PREDATOR CONTROL**
Police dog, harming, 45-8-209
Poultry, destroying or injuring, 81-7-401 — 81-7-403, See also **PREDATORS AND PREDATOR CONTROL**
Pounds, 7-23-103
Quarantines, 7-23-2109
Research and farm animal facilities protection, Title 81, chapter 30, part 1
Running at large, 7-23-101, 7-23-102, 7-23-2108, 7-23-4101, 7-23-4102
Service districts for control, Title 7, chapter 11, part 11, See **INTERLOCAL COOPERATION, Multijurisdictional service districts**, generally
Vicious dogs, 7-23-2109, 27-1-715

DOMESTIC ABUSE
  See **ASSAULT AND BATTERY, Partner or family member assault**

DO NOT RESUSCITATE, NOTIFICATION
Definitions, 50-10-101
Emergency medical services personnel, 50-10-101 — 50-10-103
Forms, 50-10-103, 50-10-107
Health care facilities, 50-10-101 — 50-10-104
Identification, 50-10-101 — 50-10-107
Immunities, 50-10-102
Insurance, effect on, 50-10-104
Medical records, inclusion of order, 50-10-101
Mercy killing not authorized by, 50-10-104
Order, 50-10-101 — 50-10-103
Penalties for violations, 50-10-106
Physicians or health care providers, 50-10-101 — 50-10-103, 50-10-106
Protocol, 50-10-101, 50-10-104, 50-10-105
  adherence to, 50-10-103
Rules, 50-10-101, 50-10-105
Transfer of patients when, 50-10-103, 50-10-106

DOUBLE JEOPARDY, Const., II, 25
  See **CRIMINAL PROCEDURE, Former prosecutions**

DRAINAGE DISTRICTS
Acknowledgments, 85-8-622, 85-8-803

DRAINAGE DISTRICTS (Continued)

Actions
    bond of commissioners, on, 85-8-314
    capacity, 85-8-328
    exclusion of lands, 85-8-406, 85-8-407
    railroads, failure to open right-of-way, 85-8-366
Advertising, 85-8-361, 85-8-503
Alterations or additions to, 85-8-101, 85-8-326, 85-8-344, 85-8-401 — 85-8-404, 85-8-421 — 85-8-424
Assessments, See **Taxes and assessments**
Audits, Title 2, chapter 7, part 5
Bids for contracts, 85-8-361
Bond issues, 85-8-501 — 85-8-505, See also **BONDS AND BOND ISSUES**, generally
    assessment changes, effect, 85-8-620
    flood control projects, for, 85-8-702
    interest, 17-5-101 — 17-5-104, 85-8-501, 85-8-502, 85-8-505
    payment, 85-8-312
    redemption, 17-5-105
    sale, 17-5-106, 85-8-503
    validation, Title 17, chapter 5, part 2
Boundaries, 85-8-101, 85-8-111, 85-8-328
    alteration, 85-8-344
    flood control projects, for, 85-8-702, 85-8-704
    preliminary report on proposed work, 85-8-321
    report on proposed works, 85-8-341, 85-8-344
City-county consolidation provisions, nonapplicability, 7-3-1101
Commissioners, See also **PUBLIC OFFICERS OR EMPLOYEES**, generally
    acts, official — presumption of regularity, 85-8-315
    alterations or additions to district, 85-8-401 — 85-8-404
    appointment, 85-8-101, 85-8-121, 85-8-301, 85-8-307
    bond, 85-8-121, 85-8-308, 85-8-314, 85-8-347
    bond issues, 85-8-501 — 85-8-505
    borrowing, authority, 85-8-501
    boundaries fixed by, 85-8-321, 85-8-344
    compensation, 85-8-201, 85-8-314
    conflict of interest, 85-8-362
    contracts let by, 85-8-361, 85-8-362
    corporate authority, 85-8-328
    dissolution of district, 85-8-201
    drained lands outside district, inclusion and assessment, 85-8-421 — 85-8-424
    election, 85-8-301, 85-8-302, 85-8-304, 85-8-306, 85-8-307
    emergency powers, 85-8-367, 85-8-368
    entry, right of, 85-8-363, 85-8-364
    exclusion of lands, party to action, 85-8-406, 85-8-408
    expenses, 85-8-314
    flood control, additional powers — request for, 85-8-703
    indebtedness, authority to incur, 85-8-501
    minutes, 85-8-304, 85-8-311
    nomination, 85-8-306
    oath, 85-8-308
    organization, 85-8-321
    plan for work, selection, 85-8-322, 85-8-343
    preexisting districts, commissioners of, 85-8-301, 85-8-302, 85-8-801, 85-8-802
    preliminary report on proposed work, 85-8-321, 85-8-322, 85-8-350, 85-8-351
    qualifications, 85-8-121, 85-8-302
    quorum, 85-8-308

DRAINAGE DISTRICTS (Continued)
Commissioners (Continued)

- railroad lands, right of construction on, 85-8-366
- records and vouchers, 85-8-311
- removal, 85-8-314
- report on proposed work, 85-8-341, 85-8-346, 85-8-348
- reports by, See **Reports of commissioners**
- service of notice and petitions on, 85-8-101, 85-8-201
  - defective, waiver, 85-8-803
- supervision, 85-8-314
- taxes and assessments, See **Taxes and assessments**
- term of office, 85-8-301, 85-8-302, 85-8-304, 85-8-307
- vacancies, 85-8-307
- warrants drawn by, 85-8-312, 85-8-350

Construction, repair, or maintenance of works, See also **WATER USE**, **Projects and works**

- annual report, inclusion in, 85-8-368
- bond issues for, See **Bond issues**
- contracts, 85-8-361, 85-8-362
- costs, 60-4-109, 85-8-341, 85-8-342, 85-8-366, 85-8-501, 85-8-615, 85-8-702
- creation of district
  - petition, plans in, 85-8-101
  - purpose, 85-8-702
- damages, See **Damages**
- dissolution of district, effect, 85-8-201
- drained lands outside district, inclusion in district, 85-8-423
- emergency work, 85-8-367, 85-8-368
- entry on lands, 85-8-363, 85-8-364
- flood control projects, for, 85-8-702
- location of drains, 85-8-365, 85-8-366
- plan, selection, 85-8-322, 85-8-343
- railroad lands, on, 85-8-366
- reports on proposed work, See **Preliminary report on proposed works**; **Report on proposed works**

Contracts for work, 85-8-361, 85-8-362
Corporate authority, 85-8-328, 85-8-329
Costs

- alterations or additions to districts, 85-8-401, 85-8-402, 85-8-404
- apportionment, 85-8-341, 85-8-342
- assessments for, See **Taxes and assessments**
- attorney's expenses, 85-8-321
- construction, 60-4-109, 85-8-341, 85-8-342, 85-8-366, 85-8-501, 85-8-615, 85-8-702
- creation of district, dismissal of petition, 85-8-121
- dissolution of district, incurrence of further expense prohibited, 85-8-201
- engineer's expenses, 85-8-321
- preliminary report on proposed work, court proceedings, 85-8-327, 85-8-350 — 85-8-352
- railroad property, construction on, 85-8-366

Creation

- affidavits, 85-8-112, 85-8-113, 85-8-119
- contest by landowners, 85-8-117, 85-8-118
- costs, 85-8-341, 85-8-342
- flood control, for, 85-8-702 — 85-8-704
- fraudulent deeds, 85-8-120
- hearing, 85-8-111, 85-8-115 — 85-8-118, 85-8-121
- notice of
  - contest, 85-8-117
  - hearing on petition, 85-8-111

DRAINAGE DISTRICTS (Continued)
Creation (Continued)
    notice of (Continued)
        nonresident owners, to, 85-8-112
    petition, 85-8-101, 85-8-102
        dismissal, 85-8-121
        nonresident owners, affidavit to accompany, 85-8-112
        sufficiency, 85-8-118, 85-8-119, 85-8-121
    preliminary proceedings required, 85-8-329
    preliminary report, 85-8-328, See **Preliminary report on proposed works**
    service of notice, 85-8-111
        adjourned day, procedure on, 85-8-116
        defective, waiver, 85-8-803
        insufficient service, 85-8-115
        jurisdiction conferred by personal service, 85-8-114
        proof of service and publication, 85-8-113
    territory to be included, 85-8-103
Damages
    benefits of project to exceed, 85-8-103, 85-8-321, 85-8-327, 85-8-341
    costs, consideration in apportionment, 85-8-342
    drained lands outside district, inclusion in district, 85-8-423, 85-8-424
    omissions, 85-8-616, 85-8-622
    payment, 85-8-364
    preliminary report on proposed work, statement in, 85-8-327
    railroads, set off when delay by, 85-8-366
    report on proposed work, 85-8-341, 85-8-345
Discontinuance, 85-8-350
Dissolution, 85-8-201
Divisions
    creation of district, upon, 85-8-121
    preexisting district, 85-8-301, 85-8-302, 85-8-802
    vacancy in office of commissioner, 85-8-307
Drained lands outside district, inclusion, 85-8-421 — 85-8-424, 85-8-618
Drains, location, 85-8-365, 85-8-366
Elections, 13-1-104, 13-1-107, 13-1-301, 13-1-302, 13-1-401
    commissioners, of, 85-8-301, 85-8-302, 85-8-304, 85-8-306, 85-8-307
    electors, 85-8-305, 85-8-624
    improvements, assessments on, 85-8-624
Emergencies, 85-8-367, 85-8-368
Engineers, employment, 85-8-321
Evidence
    alterations or additions to, hearing, 85-8-403
    commissioners' acts and reports, presumptions and burdens, 85-8-315
    creation
        contest by landowners, 85-8-117
        notice of hearing, proof of service and publication, 85-8-113
        petition, sufficiency, 85-8-121
            affidavit, 85-8-119
Exclusion of lands, 85-8-405 — 85-8-411
Flood control
    additional powers granted for, 85-8-701 — 85-8-704
    assessments for construction, nonassessment of flood control projects when, 85-8-342
    water conservancy district, creation to improve drainage, 85-9-102
Funds, 85-8-311, 85-8-312
    accounting, 85-8-308
    annual report, 85-8-313
    assessments, void or illegal — payment for deficit created by, 85-8-617
    bond issues, See **Bond issues**

DRAINAGE DISTRICTS (Continued)

Highways
  benefits of construction, assessment for, 85-8-342
  district land acquired for, construction costs, 60-4-109
  location of drains, 85-8-365
Indebtedness, 85-8-501, 85-8-505
  annual report, 85-8-368
  bond issues, See **Bond issues**
  dissolution of district, effect, 85-8-201
  exclusion of lands from district, effect, 85-8-405
Interpretation of laws, 85-1-103
Judgments
  assessments, effect, 85-8-619
  creation of district, dismissal of petition for — against petitioners for costs, 85-8-121
  dissolution of district, for, 85-8-201
  preliminary report, dismissal of petition or proceedings — assessment of costs, 85-8-327, 85-8-350 — 85-8-352
Landowner's liability to recreationists, 70-16-302
Legal counsel, 85-8-321, 85-8-341, 85-8-403
Liens
  bond issues, lien of bond, 85-8-503
  damages, payment when lien against property, 85-8-364
  preliminary report on proposed work, costs on dismissal, 85-8-350
  taxes and assessments, lien of, 85-8-612, 85-8-619
Maintenance of works, See **Construction, repair, or maintenance of works**
Organization, 85-8-328, 85-8-704, See **Creation**; **Preliminary report on proposed works**
Owner of water, 85-1-102
Perpetual succession, 85-8-328
Preexisting districts
  continuation of district, 85-8-801
  divisions, 85-8-301, 85-8-302, 85-8-802
  improvements, election for assessments on, 85-8-624
Preliminary report on proposed works, 85-8-321
  addition of lands, 85-8-326
  confirmation, order of, 85-8-328
  costs, 85-8-327, 85-8-350 — 85-8-352
  dismissal, 85-8-350 — 85-8-352
  hearing, 85-8-323 — 85-8-325, 85-8-327, 85-8-351
  judgment, 85-8-327, 85-8-350 — 85-8-352
  necessity of proceedings, 85-8-329
  notices, 85-8-323, 85-8-326, 85-8-351
  remonstrances, 85-8-315, 85-8-325, 85-8-327
Railroad lands, construction on, 85-8-366
Records, 85-8-311
Repair of works, See **Construction, repair, or maintenance of works**
Report on proposed works, 85-8-341
  boundary alteration, 85-8-344
  confirmation, 85-8-347, 85-8-348
  hearing, 85-8-345, 85-8-349
  modification of order, 85-8-348
  modification of report, 85-8-346, 85-8-349
  notices, 85-8-345, 85-8-348, 85-8-349
  remonstrances, 85-8-315, 85-8-345
  supplemental report, 85-8-349
Reports, financial, Title 2, chapter 7, part 5

DRAINAGE DISTRICTS (Continued)

Reports of commissioners, 85-8-321
  annual report, 85-8-313, 85-8-368
  dissolution of district, final report, 85-8-201
  drained lands outside district, inclusion and assessment, 85-8-421, 85-8-424
  duties and exercise of powers, relating to, 85-8-314
  presumption of regularity of commissioners' acts, 85-8-315
  reports on proposed work, See **Preliminary report on proposed works**; **Report on proposed works**
Seal, 85-8-328, 85-8-502
Service of notice or petitions, 85-8-101, 85-8-201, 85-8-803
Taxation of district, 15-1-101, 15-6-201, 15-6-206
Taxes and assessments
  additional levies, 85-8-615 — 85-8-617, 85-8-622
  alterations or additions to district, 85-8-404, 85-8-421 — 85-8-424
  annual report, inclusion in, 85-8-368
  apportionment, 85-8-342, 85-8-368, 85-8-404
  assessment roll, 85-8-342, 85-8-368, 85-8-404, 85-8-601, 85-8-624
  bonds not affected by assessment changes, 85-8-620
  certification of assessment, 85-8-601, 85-8-614
  collection, 85-8-601 — 85-8-603, 85-8-623
  confirmation by court, 85-8-347, 85-8-368, 85-8-404, 85-8-424, 85-8-611, 85-8-619, 85-8-623
  construction assessments, 85-8-611, 85-8-612, 85-8-615, 85-8-702
  corporations, assessments against, 85-8-613
  defects, 85-8-616, 85-8-622, 85-8-623
  dissolution of district, final assessment, 85-8-201
  drained lands outside district, inclusion and assessment, 85-8-421 — 85-8-424, 85-8-618
  exclusion of lands, effect, 85-8-410
  flood control projects, for, 85-8-702
  illegal or void assessments, 85-8-617
  improvements, assessment on, 85-8-624
  judgment, assessment to have the effect of, 85-8-619
  omissions in assessment, 85-8-616, 85-8-622, 85-8-623
  preliminary report on proposed works, costs of proceedings, 85-8-350
  report on proposed work, inclusion in, 85-8-341, 85-8-345
  several counties, when lands in, 85-8-602

DRAM SHOP LAW, 27-1-710

DRINKING WATER, 50-31-103, 50-31-236
  See **BOTTLED WATER**; See also generally **WATER**; **WATER SUPPLY, PUBLIC**; **WATER WELLS AND WATER WELL CONTRACTORS**

DRINKING WATER STATE REVOLVING FUND ACT, Title 75, chapter 6, part 2
  See **WATER SUPPLY, PUBLIC**

DRIVERS' LICENSES
  See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**

DROUGHT ADVISORY COMMITTEE, 2-15-3308

DRUG ABUSE
  See **CHEMICAL DEPENDENCY**

DRUG ABUSE RESISTANCE EDUCATION (D.A.R.E.) PROGRAM
Costs of program, 44-2-701, 44-2-704
Gifts and grants, 44-2-703
Income tax checkoff contributions, 15-30-158 — 15-30-160

DRUG ABUSE RESISTANCE EDUCATION (D.A.R.E.) PROGRAM (Continued)

Montana drug abuse resistance education trust fund account, 15-30-121, 15-30-158, 15-30-160, 44-2-701 — 44-2-705
Services and activities, 44-2-701, 44-2-702

DRUG PARAPHERNALIA ACT, MODEL, Title 45, chapter 10
  See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Paraphernalia**

DRUG PRODUCT SELECTION ACT, Title 37, chapter 7, part 5
  See **PHARMACY AND PHARMACISTS**

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES
  See also specific medical profession; **PHARMACY AND PHARMACISTS**
Abuse of, See **CHEMICAL DEPENDENCY**
Additives
  agricultural chemicals, 50-31-110
  color additives, 50-31-103, 50-31-108, 50-31-109, 50-31-305, 50-31-306
  use, 50-31-109
Adulterated articles, 50-31-305
  additives, as adulteration when, 50-31-109
  commercial feeds, 80-9-204
  condemnation, 50-31-509
  detainer or embargo, 50-31-501, 50-31-509
  guaranty or undertaking against, 50-31-501, 50-31-507
  unlawful practices, 50-31-501, 50-31-506, 50-31-509
Advertisement, 50-31-103
  antiseptics, 50-31-302
  drug paraphernalia, 45-10-102, 45-10-106
  false or misleading, 50-31-107, 50-31-303, 50-31-501, 50-31-507
  imitation dangerous drugs, unlawful, 45-9-114
  practitioners, to, 50-31-303, 50-31-501
  prescription drugs, 50-31-306, 50-31-501
  self-medication, for, 50-31-303
  unlawful practices, 50-31-501
Aircraft, operation under the influence, 67-1-204, 67-1-211
Alcoholic beverages
  drug label to state alcohol content, 50-31-306
  medicines or preparations containing alcohol, 16-1-202, 16-1-203, 16-6-301, 16-6-308
Amusement ride operators or passengers not to be under the influence, 27-1-743, 27-1-744
Anabolic steroids, 45-9-102, 50-32-226, 50-32-233, See also **Dangerous drugs**
Antibiotic drugs, 50-31-301, 50-31-306, 50-31-312
Antiseptics as germicides, 50-31-302
Blind persons, vocational rehabilitation — physical restoration, 53-7-301
Blood, See **BLOOD, TISSUE, ORGANS, AND BONES**
Boating, waterskiing, or surfboarding under the influence, 23-2-523, 23-2-535
Brain injury, traumatic — definition, 53-6-501
Calcium-EAP, harnosal, and phosetamin
  authorization, 50-43-103
  definitions, 50-43-102
  dietary supplement, as, 50-43-107
  endorsement, provisions not to be, 50-43-107
  health care facilities, 50-43-104, 50-43-105
  not required as medication, 50-43-108
  physicians not subject to disciplinary action, 50-43-106
  purpose of provisions, 50-43-101

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)

Carriers
  forfeiture of vehicle when, 44-12-102
  inspection of vehicle when introducing drug in commerce, 50-31-106, 50-31-501
  precursors to dangerous drugs, report of loss or theft, 50-32-404
  registration of manufacturer, distributor, or dispenser requirements — exemption, 50-32-302
Chemical dependency, See **CHEMICAL DEPENDENCY**
Cocaine, See also **Dangerous drugs**
  drug paraphernalia, 45-10-101
  labeling requirements, 50-31-306
  practitioners, restrictions upon sale or prescription, 37-7-401, 37-7-402
  veterinarians — refusal, suspension, or revocation of license, 37-18-311
Coca leaves, 50-32-101, See also **Dangerous drugs**; **Narcotics generally**
  habitual users or drug addicts, prescriptions issued to — reporting, 37-2-111
  labeling requirements, 50-31-306
  scheduling, 50-32-224
Codeine, See also **Dangerous drugs**
  labeling requirements, 50-31-306
  optometry, practice of — use, 37-10-101
  practitioners, restrictions upon sale or prescription, 37-7-401, 37-7-402
  scheduling, 50-32-222, 50-32-224, 50-32-226, 50-32-232
Commercial feeds containing
  adulterated feed, as — when, 80-9-204
  "drug" defined, 80-9-101
  labeling, 80-9-202
Concealed weapon, carrying while under the influence, 45-8-327
Consumer protection, 50-31-105, 50-31-306, 50-31-501, 50-31-509
Containers
  adulterated, 50-31-305
  counterfeit drugs, 50-31-103, 50-32-101
  dangerous drugs, 50-32-101
  forfeiture, 44-12-102
  hazardous substances, drug containers reused for, 50-30-202, 50-30-301
  labeling requirements, 50-31-306, 50-31-501
  paraphernalia, 45-10-101
Contaminated drugs, 50-31-103, 50-31-305, See also **Adulterated articles**
Contraceptives
  children's health insurance program, payment prohibited, 53-4-1005
  dispensation, 37-2-104, 37-7-103, 37-26-301, 50-31-307
Counterfeit drugs, 50-31-103, 50-31-501, 50-32-101
Dangerous drugs
  administration of provisions, 50-32-103
  authority of board of pharmacy, limitation, 50-32-104, 50-32-314
  commercial vehicle operators, felonies involving — effect, 61-8-804
  construction of provisions, 50-32-102
  continuing criminal enterprise, penalty, 45-9-125
  counterfeit substance, 50-32-101
  criminal distribution, 41-5-206, 45-9-101
    minors charged as adults in district court, 41-5-2502, 41-5-2503, 41-5-2510
    school property, on or near, 45-9-109, 46-18-231
  criminal forfeiture, property subject to — offense of use or possession, 45-9-206
  criminal investigation agents, authority, 44-2-115
  criminal possession, 45-9-102, 46-18-231
    paraphernalia, 45-10-103
    precursors, of, 45-9-107, 45-9-108
    research participants, exemption, 50-32-106

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)
Dangerous drugs (Continued)
  criminal possession (Continued)
    toxic substances, 45-9-121
    trains, carrying drugs on, 45-9-127
  criminal possession with intent to distribute, 45-9-103, 46-18-231
  criminal proceedings, release of defendant — conditions to include refraining from use without prescription, 46-9-108
  criminal production or manufacture, 41-5-206, 41-5-2502, 41-5-2503, 41-5-2510, 45-9-110
  definitions, 44-12-101, 45-9-110, 45-9-111, 45-9-206, 45-10-101, 50-32-101, 50-32-222, 50-32-226
  designation, 50-32-202, 50-32-203
  education programs, 50-32-105
  enforcement, 50-32-106
  evidence
    criminal possession, presumption of deferred sentence when offender 21 years of age or less, 45-9-102
    imitation dangerous drugs, possession with purpose to distribute — presumption of deferred sentence when offender 21 years of age or less, 45-9-113
    paraphernalia, 45-10-102
    registration of manufacturers, distributors, or dispensers — federal registration, 50-32-308
    research subjects, identity privileged, 50-32-106
    seizure of conveyance related to criminal forfeiture, 45-9-206
    seizures related to controlled substances
      answer, failure to — effect, 44-12-202
      presumption of forfeiture, 44-12-203, 44-12-204
  felony offenses, sentencing
    alternatives, 45-9-202 — 45-9-205
    continuing criminal enterprise, 45-9-125
    criminal distribution of dangerous drug to minors, 45-9-101
    criminal forfeiture, use or possession of property subject to, 45-9-206
    deferred, presumption when offender 21 years of age or less, 45-9-102, 45-9-113
  fine for possession and storage, mandatory, 45-9-130
  forfeitures, 45-9-206, 50-32-311; Title 44, chapter 12
  fraudulently obtaining, offense of, 45-9-104, 45-9-106
  imitation dangerous drugs
    criminal advertisement, 45-9-114
    criminal distribution, 45-9-112
    criminal manufacture, 45-9-115
    criminal possession with purpose to distribute, 45-9-113
    definitions, 45-9-111
    exemptions to provisions, 45-9-116
    rulemaking authority, 45-9-116
  indian clinics, urban — restrictions on stocking or dispensing, 37-2-104
  intoxicated condition, criminal responsibility, 45-2-203
  “intoxicating substance” defined, 45-2-101
  labels, alteration unlawful, 45-9-105, 45-9-106
  manufacture, 45-9-104, 45-9-106, 45-9-110, 45-9-115, 50-32-101, 61-8-804, 77-6-210, 77-6-212
  minors, See **Minors**
  misdemeanor offenses, dangerous drug information course mandatory, 45-9-208
  parent-child legal relationship termination, criteria, 41-3-609
  paraphernalia
    advertising, 45-10-102, 45-10-106
    criminal possession, 45-10-103
    definitions, 45-10-101
    delivery or manufacture unlawful, 45-10-104, 45-10-105
    exemptions, 45-10-107

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)
Dangerous drugs (Continued)
- paraphernalia (Continued)
  - forfeiture, 44-12-102
  - misdemeanor offenses, dangerous drug information course mandatory, 45-10-108
  - what constitutes, 45-10-102
- precursors to
  - criminal possession and exceptions, 45-9-107, 45-9-108
  - immediate precursors, 50-32-101, 50-32-201, 50-32-204, 50-32-224
  - report of sale or transfer, 50-32-401, 50-32-402
    - enumeration of substances, 50-32-401
    - exceptions, 50-32-402
    - exemptions, 50-32-401
    - failure to report, 50-32-405
    - form and contents, 50-32-403
    - theft or loss, 50-32-404
- prescription requirements, 50-32-208, 50-32-222
  - precursors, 50-32-401
- prisoners, smuggling to, 45-7-307
- registration of manufacturers, distributors, or dispensers
  - ambulatory surgical facilities, 50-32-314
  - appeals, 50-32-311
  - criteria, 50-32-306, 50-32-308
  - denial or refusal to renew, 50-32-312
  - exceptions, 50-32-302
  - federal registration, effect, 50-32-303, 50-32-306, 50-32-308, 50-32-311
  - fees, 50-32-103
  - imitation dangerous drugs, exclusion from criminal provisions when, 45-9-116
  - inspections, 50-32-310
  - inventories, 50-32-309
  - practitioners
    - criteria, 50-32-308
    - failure to register, 50-32-313
    - separate registration when, 50-32-305, 50-32-308
    - waiver, 50-32-303
  - records, 50-32-309
  - required, 50-32-301
  - schedules I and II drugs
    - order forms for, 50-32-207
    - restrictions, 50-32-307
  - separate registration required when, 50-32-305, 50-32-308
  - suspension or revocation, 50-32-311, 50-32-312
  - waiver, 50-32-303, 50-32-304
- research, 50-32-101, 50-32-105, 50-32-106, 50-32-301, 50-32-308
  - imitation dangerous drugs, exclusions from criminal provisions, 45-9-116
  - precursors, 45-9-108, 50-32-401
- rulemaking authority, 45-9-108, 50-32-103, 50-32-208, 50-32-227, 50-32-230, 50-32-301, 50-32-304, 50-32-309, 50-32-314, 50-32-401
- scheduling and schedules
  - additions, 50-32-103, 50-32-203, 50-32-209
  - criteria, 50-32-201
  - definitions, 50-32-101
  - deletions, 50-32-103, 50-32-203, 50-32-209
  - emergency scheduling, substances subject to, 50-32-222
  - federal laws, applicability, 50-32-203
  - immediate precursors, 50-32-101, 50-32-201, 50-32-204
  - names used, 50-32-206
  - nonprescription drugs not to be scheduled, 50-32-205

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)
Dangerous drugs (Continued)
- scheduling and schedules (Continued)
  - publication of schedules, 50-32-209
  - rescheduling, 50-32-103, 50-32-203
  - schedule I
    - criminal distribution of drugs, 45-9-101, 46-18-231
    - criminal production or manufacture of drugs, 45-9-110
    - criteria, 50-32-221
    - enumeration of drugs, 50-32-222
    - manufacture and distribution restrictions, 50-32-307
    - order forms, 50-32-207
  - schedule II
    - criminal distribution of drugs, 45-9-101, 46-18-231
    - criminal production or manufacture of drugs, 45-9-110
    - criteria, 50-32-223
    - enumeration of drugs, 50-32-224
    - hallucinogenic drugs rescheduled when, 50-32-222
    - manufacture and distribution restrictions, 50-32-307
    - order forms, 50-32-207
    - prescription requirements, 37-20-404, 50-32-208
  - schedule III
    - criteria, 50-32-225
    - enumeration of drugs, 50-32-226
    - exemptions, 50-32-227
    - prescription requirements, 37-20-404, 50-32-208
  - schedule IV
    - criteria, 50-32-228
    - enumeration of drugs, 50-32-229
    - exemptions, 50-32-230
    - prescription requirements, 37-20-404, 50-32-208
  - schedule V
    - criteria, 50-32-231
    - distribution and dispensation restriction, 37-20-404, 50-32-208
    - enumeration of drugs, 50-32-232
    - registration of manufacturers, distributors, or dispensers not required, 50-32-302
- school property, criminal distribution on or near, 45-9-109, 46-18-231
- seizures related to controlled substances
  - answer to allegations concerning use of property, 44-12-202, 44-12-203
  - definition of controlled substance, 44-12-101
  - federal law, forfeiture under — use of property and money by state, 44-13-103
  - disposition of
    - criminal forfeiture, use or possession of property subject to — applicability, 45-9-206
    - property, 44-12-205
    - sale proceeds, 44-12-206
  - petition and summons to institute forfeiture proceedings, 44-12-201
  - presumption of forfeiture, 44-12-203, 44-12-204
  - registration of manufacturers, distributors, or dispensers — revocation, forfeiture of dangerous drugs, 50-32-311
  - summary forfeiture, 44-12-104
  - things subject to forfeiture, 44-12-102
  - when property may be seized, 44-12-103
- “serious juvenile offender” defined, 41-5-103, See **YOUTH COURT**, generally
- state land lessees, conviction of felony offense involving dangerous drugs and use of land — effect, 77-6-210, 77-6-212
- street gang activity, pattern of — when, 45-8-405
- toxic substances, criminal possession, 45-9-121
- trains, carrying on, 45-9-127

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)
Dangerous drugs (Continued)

  uniformity of provisions, 50-32-102
  water project land leases, cancellation when, 85-1-808
D.A.R.E. Program, 15-30-158; Title 44, chapter 2, part 7
Death penalty, composition of lethal injection, 46-19-103
Definitions
  calcium-EAP, harnosal, and phosetamin, 50-43-102
  dangerous drug provisions, 44-12-101, 45-9-110, 45-9-111, 45-10-101, 50-32-101, 50-32-222, 50-32-226
  DMSO, 50-42-101
  drugs and devices generally, 50-30-202, 50-31-103, 50-31-301
  laetrile, 50-41-101
  workforce drug and alcohol testing provisions, 39-2-206
Depressants, scheduling, 50-32-222, 50-32-224, 50-32-226, 50-32-227, 50-32-229, 50-32-230, See also **Dangerous drugs**
Developmental disabilities, persons with — restrictions concerning, 53-1-103, 53-20-142, 53-20-145, 53-20-204
Dimethyl sulfoxide (DMSO), 50-42-101
  authorization, 50-42-102
  endorsement, provisions not to be, 50-42-106
  hospitals, health care facilities, or pharmacies, 50-42-103, 50-42-104
  new drug requirements, exclusion, 50-31-311
  optional use, 50-42-107
  physicians not subject to disciplinary action, 50-42-105
Dispensers or distributors, See **Manufacturers, distributors, or dispensers**
DMSO, See **Dimethyl sulfoxide (DMSO)**
Driving under the influence, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
Drug Abuse Resistance Education (D.A.R.E.) Program, 15-30-158; Title 44, chapter 2, part 7
Drug forfeiture accounts, 3-10-601, 44-12-206, 46-5-308, 46-18-235
Education programs, 20-25-601 — 20-25-604, 44-12-206, 50-32-105; Title 44, chapter 2, part 7
Employment, testing requirements, 39-2-205 — 39-2-211
Enforcement of laws, 44-12-206, 44-13-103, 50-31-104, 50-32-106
Established name, 50-31-301, 50-31-306
Experimental drugs, 50-31-312
Federal laws
  adoption by reference, 50-31-104
  applicability, 50-31-103, 50-31-108, 50-31-301, 50-31-304 — 50-31-307, 50-31-309 — 50-31-312, 50-31-501, 50-32-203, 50-32-205, 50-32-207, 50-32-208, 50-32-222, 50-32-303, 50-32-306, 50-32-309, 50-32-311
  forfeitures under, use of property and money by state, 44-13-103
  registration of manufacturers, distributors, or dispensers — effect of federal registration, 50-32-303, 50-32-306, 50-32-308, 50-32-311
Feeds containing, See **Commercial feeds containing**
Food, Drug, and Cosmetic Act
  applicability, 50-31-102, See this heading generally; See also **COSMETICS**; **FOOD AND FOOD PRODUCTS**
  citation, 50-31-101
Food warehouse, 50-50-102, See **FOOD ESTABLISHMENTS**, generally
Generic drugs, Title 37, chapter 7, part 5
Germicides, antiseptics as, 50-31-302
Hallucinogenic drugs, scheduling, 50-32-222, 50-32-224, See also **Dangerous drugs**
Harnosal, See **Calcium-EAP, harnosal, and phosetamin**
Hashish, 45-9-102, 45-10-101, 50-32-101, See also **Dangerous drugs**
Hazardous chemical information provisions, nonapplicability, 50-78-103
Hazardous substances, applicability of laws, 50-30-201, 50-30-202, 50-30-301

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)

Health care information, "health care provider" defined, 50-16-504
Health care providers, utilization reviews, Title 33, chapter 32, See **INSURANCE, DISABILITY, Utilization reviews**
Health service corporations, health services, 33-30-101
Heroin, See also **Dangerous drugs**
  labeling requirements, 50-31-306
  practitioners, restrictions upon sale or prescription, 37-7-401, 37-7-402
  scheduling, 50-32-222
Innkeepers, eviction of guests or refusal of services when, 70-6-511, 70-6-512
Inspections
  premises where sold, compounded, dispensed, or manufactured, 50-31-106, 50-31-501
  registered manufacturers, distributors, dispensers — applicants or establishments, 50-32-310
Institutional patients or inmates generally
  ancillary charges, payment, 53-1-401, 53-1-501, 53-1-502
  distribution to, 53-1-103
Insulin, 50-31-306
  consumer commodity, exclusion as, 50-31-103
Intoxicated condition
  criminal responsibility, 45-2-203, 46-18-222
  mental disorder, exclusion from definition, 53-21-102
Investigations
  criminal investigation agents, authority, 44-2-115
  new drugs, 50-31-103, 50-31-311, 50-31-312
  publication of results, 50-31-105
Judgments, decrees, and court orders — publication, 50-31-105
Labels and labeling, 50-31-103, See also **Misbranded articles**
  additives, information on, 50-31-108
  adulterated or misbranded articles, correction, 50-31-509
  antiseptics, 50-31-302
  compliance with requirements, 50-31-111
  contents, 50-31-305, 50-31-306
  "counterfeit drug" defined, 50-31-103
  "counterfeit substance" defined, 50-32-101
  dangerous drugs, 50-32-101
    alteration unlawful, 45-9-105, 45-9-106
  exemptions, 50-31-304, 50-31-306
  false or misleading, 50-31-107, 50-31-306
  new drugs, 50-31-311, 50-31-312, 50-31-501
  prescription drugs, 50-31-306, 50-31-308, 50-31-501
  requirements, 50-31-111, 50-31-306
  standard of strength, quality, or purity — statement on, 50-31-305
  unlawful practices, 50-31-501
Laetrile, 50-41-101
  authorization, 50-41-102
  dietary supplement, as, 50-41-106
  endorsement, provisions not to be, 50-41-106
  hospitals and health care facilities, 50-41-103, 50-41-104
  optional use, 50-41-107
  physicians not subject to disciplinary action, 50-41-105
Legend drugs, 37-7-702, 37-26-301, 50-31-301, 50-31-313 — 50-31-315, 50-31-506
Manufacturers, distributors, or dispensers, 50-31-301, 50-32-101
  calcium-EAP, harnosal, and phosetamin, 50-43-103, 50-43-108
  "counterfeit drug" defined, 50-31-103
  "counterfeit substance" defined, 50-32-101

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)
Manufacturers, distributors, or dispensers (Continued)

- dangerous drugs, 45-9-104, 45-9-106, 45-9-110, 45-9-115, 50-32-101, 61-8-804, 77-6-210, 77-6-212
  - precursors to, 45-9-108, 50-32-401 — 50-32-405
- dimethyl sulfoxide (DMSO), 50-42-102, 50-42-107
- food, drug, and cosmetic act — applicability, 50-31-102
- forfeitures related to controlled substances, 44-12-102, See also **Dangerous drugs**, seizures related to controlled substances
- inspection of premises, 50-31-106, 50-31-501
- laetrile, 50-41-102, 50-41-107
- legend drugs, 50-31-301
  - code imprinting, 50-31-301, 50-31-313 — 50-31-315, 50-31-506
- paraphernalia, 45-10-101 — 45-10-107
- registration, See **Dangerous drugs**, registration of manufacturers, distributors, or dispensers

Marijuana, 50-32-101, See also **Dangerous drugs**
- criminal distribution, 45-9-101
- criminal possession, 45-9-102
- criminal production or manufacture, 45-9-110
- forfeitures related to controlled substances, exclusions, 44-12-102
- labeling requirements, 50-31-306
- paraphernalia, 45-10-101
- prescription drugs, 50-31-310
- scheduling, 50-32-222

Marriage
- invalid, declared when, 40-1-402
- licenses not issued to applicants under the influence, 40-1-210

Medicaid
- managed care entities, education services, 53-6-705
- payment, 53-6-101, 53-6-104, See also **PUBLIC ASSISTANCE**

Medical practitioners, See **Practitioners**

Mentally ill persons
- mental disorder, addiction or intoxication excluded from definition, 53-21-102
- right to be free from, 53-21-115, 53-21-145
- supplying to patients unlawful, 53-1-103

Minors
- dangerous drugs
  - charged as adults in district court when, 41-5-206, 41-5-2502, 41-5-2503, 41-5-2510, 46-18-201
  - criminal distribution to minor, 45-9-101
  - criminal possession, 45-9-102
  - detention when, 41-5-341
  - endangering the welfare of children, 45-5-622
  - imitation dangerous drugs, 45-9-112, 45-9-113
  - paraphernalia, delivery to — unlawful, 45-10-105
  - possession unlawful, 45-5-624
  - unlawful transactions with children, 45-5-623
- labeling requirements to warn or protect, 50-31-306
- offense related to, urinalysis ordered, 41-5-1503
- ritual abuse of minor, 27-2-217, 45-1-205, 45-5-627, 46-18-111, 46-18-219

Misbranded articles, 50-31-306, See also **Labels and labeling**
- condemnation, 50-31-509
- consumer commodity, exclusion as, 50-31-103
- detainer or embargo, 50-31-501, 50-31-509
- guaranty or undertaking against, 50-31-501, 50-31-507
- prescription drugs, 50-31-306, 50-31-307, 50-31-310

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)
Misbranded articles (Continued)

  unlawful practices, 50-31-501, 50-31-506, 50-31-509
Morphine, See also **Dangerous drugs**
  labeling requirements, 50-31-306
  "opiate" defined, 50-32-101, See **Opium and opiates**
  practitioners, restrictions upon sale or prescription, 37-7-401, 37-7-402
  scheduling, 50-32-222, 50-32-224, 50-32-226, 50-32-232
Multiple sclerosis, treatment, See **Calcium-EAP, harnosal, and phosetamin**
Narcotics generally, 50-32-101, See also **Dangerous drugs**; **Opium and opiates**
  criminal distribution, 45-9-101, 46-18-231
  criminal production or manufacture, 45-9-110
  disability insurer, liability concerning insured's use, 33-22-231
  fish, unlawful taking, 87-3-206
  "general anesthetic" defined, 37-4-101
  illegal transportation, highway patrol officers' jurisdiction, 44-1-1001
  labeling requirements, 50-31-306
  marriage licenses not issued to applicants under the influence, 40-1-210
  parent-child legal relationship termination, criteria, 41-3-609
  physical therapists — refusal, suspension, or revocation of license when, 37-11-321
  prescription drugs, 50-31-307, 50-31-309, 50-31-310
    refilling prohibited, 37-7-401, 37-7-402
  scheduling, 50-32-226, 50-32-229, 50-32-232
New drugs, 50-31-103, 50-31-311
  exemption from application requirements, 50-31-312
  labeling, 50-31-311, 50-31-312, 50-31-501
  prescription drugs, 50-31-309
  unlawful practices, 50-31-501
Offenses, See **Unlawful practices**
Official compendium, 50-31-103, 50-31-301, 50-31-305, 50-31-306, 50-32-101
Opium and opiates, 50-32-101, See also **Dangerous drugs**
  city or town regulation, 7-31-4102
  criminal distribution, 45-9-101, 46-18-231
  criminal possession, 45-9-102, 46-18-231
  criminal possession with intent to distribute, 45-9-103, 46-18-231
  criminal production or manufacture, 45-9-110
  habitual users or drug addicts, prescriptions issued to — reporting, 37-2-111
  labeling requirements, 50-31-306
  practitioners, restrictions on sale or prescription, 37-7-401, 37-7-402
  scheduling, 50-32-222, 50-32-224, 50-32-226, 50-32-232
Packaging, See **Labels and labeling**
Paraphernalia, See **Dangerous drugs**
Personal care facilities, operating standards, 50-5-226
Pharmacy, Board of — duties, 45-9-108, 45-9-116, 50-31-307, 50-31-314, 50-31-315; Title 50, chapter 32
Phosetamin, See **Calcium-EAP, harnosal, and phosetamin**
Practitioners
  advertisement of drugs or devices, dissemination to profession, 50-31-303, 50-31-501
  calcium-EAP, harnosal, and phosetamin — authorization and use, 50-43-101 — 50-43-108
  dangerous drugs
    criminal distribution, exemption, 45-9-101
    criminal possession, exemption, 45-9-102
    criminal possession with intent to distribute, exemption, 45-9-103
    criminal production or manufacture, exemption, 45-9-110
    definitions, 50-32-101
    ephedrine, accessibility for use, 50-32-229
    fraudulently obtaining, 45-9-104, 45-9-106

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)
Practitioners (Continued)
- dangerous drugs (Continued)
  - paraphernalia, criminal provisions — exemption, 45-10-107
  - precursors, exemption from reporting requirements, 50-32-401
  - restrictions upon sale or prescription, 37-7-401, 37-7-402, 37-20-404
- dimethyl sulfoxide (DMSO), authorization and use, 50-42-101 — 50-42-107
- laetrile, authorization and use, 50-41-101 — 50-41-107
- prescription drugs, dispensing, 50-31-307, See **Prescriptions and prescription drugs**
- registration of manufacturers, distributors, or dispensers
  - criteria, 50-32-308
  - failure to register, 50-32-313
  - separate registration when, 50-32-305, 50-32-308
  - waiver, 50-32-303

Precursors to dangerous drugs, See **Dangerous drugs**
Prescriptions and prescription drugs, general provisions
- advertising, 50-31-306, 50-31-501
- consumer commodity, exclusion as, 50-31-103
- dangerous drugs, 50-32-208, 50-32-222
  - fraudulently obtaining, 45-9-104, 45-9-106
  - precursors to, 50-32-401
- dimethyl sulfoxide (DMSO), distribution or sale by, 50-42-102
- dispensing, 50-31-307, 50-31-308, 50-32-101
- exemption from certain provisions, 50-31-308, 50-31-310
- generic drugs, Title 37, chapter 7, part 5
- insurance coverage for expense
  - children's health insurance program, 53-4-1005
  - comprehensive health association plan, covered expenses, 33-22-1521
  - insured's choice of pharmacist, 33-22-111
  - small employer health insurance, basic health benefit plan requirements, 33-22-1827
- labeling, 50-31-306, 50-31-308, 50-31-501
- marijuana, applicability of laws, 50-31-310
- misbranding, 50-31-306, 50-31-307, 50-31-310
- narcotics, 37-7-401, 37-7-402, 50-31-307, 50-31-309, 50-31-310
- product selection, Title 37, chapter 7, part 5
- removal from requirements, 50-31-309, 50-31-310
- weighing and measuring, exclusion from customer observation provisions, 30-12-504
- wholesale drug distributors' licensing, Title 37, chapter 7, part 6

Professional and occupational licensees, unprofessional conduct when, 37-1-316
Publication of information by Department of Public Health and Human Services, 50-31-105
Rulemaking authority, 50-31-104, 50-32-103
Sale of, general provisions
- calcium-EAP, harnosal, and phosetamin, 50-43-103, 50-43-108
- dangerous drugs, precursors to — report of sale or transfer, 50-32-401 — 50-32-405
- dimethyl sulfoxide (DMSO), 50-42-102, 50-42-107
- food, drug, and cosmetic act — applicability, 50-31-102
- laetrile, 50-41-102, 50-41-107
- unlawful when, 50-31-501, 50-31-509

Samples
- examination, 50-31-106, 50-31-501
- new drugs, 50-31-311

Seizures related to controlled substances, See **Dangerous drugs**
Sexually transmitted diseases, for cure or alleviation — dispensation unlawful when, 50-18-110
Standards, 50-31-305, 50-31-306
Stimulants, scheduling, 50-32-222, 50-32-224, 50-32-226, 50-32-227, 50-32-229, 50-32-232, See also **Dangerous drugs**

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)

Testing
  drug paraphernalia, 45-10-101 — 45-10-107
  employment purposes, 39-2-205 — 39-2-211
  new drugs, 50-31-311
  private correctional facility inmates, 53-30-605
  probation, condition of, 45-9-202
  strength, quality, or purity — determination, 50-31-305
Toxic substances, criminal possession, 45-9-121
Trade secrets, disclosure, 50-31-501
Tuberculin, See **LIVESTOCK**
Undercover agents, 44-13-103
Unlawful practices, 50-31-501, 50-31-506, 50-31-507
  adulterated or misbranded articles, removal or disposal when detained or embargoed, 50-31-509
  dangerous drugs
    criminal distribution, 41-5-206, 45-9-101, 45-9-109
      sentencing, 46-18-205, 46-18-231
    criminal forfeiture, use or possession of property subject to, 45-9-206
    criminal possession, 45-9-102, 46-18-231
      sentencing, 46-18-205, 46-18-231
    criminal possession with intent to distribute, 45-9-103
      sentencing, 46-18-205, 46-18-231
    criminal production or manufacture, 41-5-206, 45-9-110
    fines, disposition, 46-18-235
    fraudulently obtaining, 45-9-104, 45-9-106
    imitation dangerous drugs
      criminal distribution, 45-9-112
      criminal possession with purpose to distribute, 45-9-113
    labels, altering, 45-9-105, 45-9-106
    paraphernalia
      advertisement, 45-10-106
      criminal possession, 45-10-103
      manufacture or delivery, 45-10-104, 45-10-105
    precursors to
      criminal possession and exemptions, 45-9-107, 45-9-108
      report of distribution, failure to make, 50-32-405
    scheduled drugs, prescription and medical requirement violations, 50-32-208
  dimethyl sulfoxide (DMSO), sale without prescription, 50-42-102
  fines generally and disposition, 46-18-235
  highway patrol officers, jurisdiction, 44-1-1001
  injunction to restrain, 50-31-508
  minors
    charged as adults in district court when, 41-5-206, 41-5-2502, 41-5-2503, 41-5-2510, 46-18-201
    detention when, 41-5-341
    drug paraphernalia, delivery to, 45-10-105
    endangering the welfare of children, 45-5-622
    possession, 45-5-624
    unlawful transactions with children, 45-5-623
  minor violations, prosecution not required, 50-31-503
  narcotic drugs, illegal transportation — highway patrol officers' jurisdiction, 44-1-1001
  prosecution, 50-31-503, 50-31-505
    notice and hearing prior to, 50-31-504
  registration of manufacturers, distributors or dispensers — failure of practitioner to register, 50-32-313

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)
Unlawful practices (Continued)

seizure, procedure, See **Dangerous drugs**, seizures related to controlled substances
Users
    AIDS test results, notification to contacts, 50-16-529, 50-16-1009
    court reports concerning, 46-9-203
    dangerous drugs, ultimate user, 50-32-101
        registration of manufacturers, distributors, or dispensers — exemption, 50-32-302
    prescriptions issued to, reporting, 37-2-111
Violations, See **Unlawful practices**
Vocational rehabilitation, physical restoration, 53-7-101, 53-7-301
Warehouses
    "food warehouse" defined, 50-50-102
    inspection, 50-31-106, 50-31-501
    registration not required, 50-32-302
Workforce drug and alcohol testing, 39-2-205 — 39-2-211

DUE PROCESS OF LAW, Const., II, 17

DURESS
Aged persons, exploitation by means of, 52-3-803
Contracts, consent obtained by, 28-2-402, 28-2-403, See **CONTRACTS, Consent**
Criminal acts, consent of victim ineffective when under duress, 45-2-211
Defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
Developmental disabilities, persons with — exploitation by means of, 52-3-803
Dissolution of marriage, summary dissolution — judgment, action to set aside, 40-4-135, 40-4-136
Documents of title, applicability of laws, 30-7-502
Electors, 13-35-218, 13-35-226
Foreign-money claims, supplementary principles of law, 25-9-714
Fraudulent transfers, applicability of laws, 31-2-342
Homicide, mitigated deliberate, 45-5-103
Landlord and tenant, applicability of laws, 70-24-105
Marriage entered by, validity, 40-1-402
Menace, threat of duress constitutes, 28-2-403
Negotiable instruments
    defense of obligor, 30-3-305
    negotiation by, effectiveness, 30-3-209
Paternity, presumption of — setting aside for, 40-6-105
Sentencing, effect on, 46-18-222, 46-18-304
Sterilization, interference with right of refusal by, 50-5-504
Uniform Commercial Code, applicability of laws, 30-1-103
Wills, contested cases, 72-3-310

E

EARTHQUAKES
Banks, emergency closure, 32-1-561
City and town purchases, exemption from bid requirements, 7-5-4303
Counties
    emergency expenditures and liabilities, 7-6-2341
    purchases, exemption from bid requirements, 7-5-2304
"Disaster" defined, 10-3-103, See **EMERGENCIES AND EMERGENCY POWERS**, generally
Insurance against loss or damage by, 33-1-209, See **INSURANCE, MARINE**

EARTHQUAKES (Continued)

Insurers
  farm mutual, limit of risk, 33-4-502
  reinsurance, limit of risk, 33-2-1201
Nuclear facility siting, requirements for issuance of certificate, 75-20-1203
Property tax reduction for property destroyed by, 15-16-611
Schools, emergency closure, 20-9-802

EASEMENTS
  See **ENVIRONMENTAL CONTROL EASEMENTS**; **LAND USE PLANNING**; **PROPERTY, REAL**

EASTERN MONTANA VETERANS' HOME, 53-1-102, 53-1-103; Title 10, chapter 2, part 4
  See **VETERANS, Montana Veterans' Homes**

EASTMONT HUMAN SERVICES CENTER, Title 53, chapter 20, part 5
  See **DEVELOPMENTAL DISABILITIES, PERSONS WITH, Residential facilities**

ECONOMIC DEVELOPMENT
  See also **LAND USE PLANNING**
Aeronautics, purpose of laws, 67-1-102
Agricultural Loan Authority Act, Title 80, chapter 12
Agriculture, Title 90, chapter 9
Bonds, Title 17, chapter 5, parts 15 and 16
Business
  development generally, 90-1-105
  incubators, 15-24-1801, 15-24-1802, 90-9-202
Capital companies, Title 90, chapter 8
Census and Economic Information Center, 90-1-109
Certified communities program, 90-1-116
Coal severance tax funds, investment, Title 17, chapter 6, part 3
Commerce, Department of — functions, Title 90, chapter 1, part 1
Community development generally, 90-1-103, 90-8-201, See also **INDUSTRIES AND INDUSTRIAL DEVELOPMENT, Development projects**; **LAND USE PLANNING**
Cooperation of governmental agencies, 90-1-107
Development corporations, Title 32, chapter 4
Economic Development Bond Act of 1983, Title 17, chapter 5, part 15
Electronic records and signatures, Title 2, chapter 20, part 1, See **ELECTRONIC RECORDS AND SIGNATURES**
Environmental Policy Act, Title 75, chapter 1, parts 1 — 3
Environmental rules, applicability, 90-1-101
Facility Siting Act, Title 75, chapter 20
Federal community development block grant program, administration and implementation, 90-1-103
Flathead Basin, See **LAKES, Flathead Basin Commission**
Funding, 90-1-102, 90-1-116
Housing development generally, 90-1-106
Indian tribal governments, cooperation for promotion, 90-1-105, 90-1-132
Industrial development, See **INDUSTRIES AND INDUSTRIAL DEVELOPMENT**
Industrial parks, taxation, 15-24-1901, 15-24-1902, 90-5-112
Infrastructure development projects
  secondary, value-adding industries, See **URBAN RENEWAL, Industrial districts**
  treasure state endowment program, Title 90, chapter 6, part 7
Insurance, group — for employees of private, nonprofit organizations when, 2-18-702
Job investment program, Title 17, chapter 6, part 5
Job training and employment needs, 53-2-1109

ECONOMIC DEVELOPMENT (Continued)

Local development projects, See **INDUSTRIES AND INDUSTRIAL DEVELOPMENT, Development projects**
Local economic development organization, building and land tax exemption, 15-24-2001, 15-24-2002
Microbusinesses, Title 17, chapter 6, part 4
Planning boards, Title 76, chapter 1
Planning generally, 90-1-102
Policy of state, 90-1-101
Port authorities, purpose and activities, 7-14-1104, 7-14-1111, 7-14-1133, 7-14-1137
Recreation, development, 90-1-103 — 90-1-105
Research and commercialization, See **RESEARCH AND COMMERCIALIZATION**
State-Tribal Economic Development Commission, 90-1-131 — 90-1-135, 90-11-102, See **INDIANS, Economic Development Commission**
Subdivisions, Title 76, chapter 4
Tax increment financing industrial development, 7-15-4297 — 7-15-4299
Tax levy for, 90-5-112
Tourism, 90-1-104, 90-1-105, See **TOURISM**
Transportation facilities and services, policy of state, 2-15-2505
Unemployment insurance, 39-51-102
Venture capital, Title 32, chapter 4; Title 90, chapter 8
Water conservancy districts to promote, 85-9-101
Water projects, See **WATER USE, Development of resources**
Zoning districts created for, Title 76, chapter 2

EDUCATION
Adult education, Title 20, chapter 7, part 7
Agricultural Experiment Station, See **MONTANA STATE UNIVERSITY-BOZEMAN, Agricultural Experiment Station**
Agricultural research centers, 20-25-224
Agriculture in Montana schools program, 15-30-151, 15-30-152
Agriculture research and education, sustainable, 20-25-233 — 20-25-236
Community colleges, See **COMMUNITY COLLEGE DISTRICTS AND TRUSTEES**
Constitutional provisions, Const., X
Continuing
  adults, Title 20, chapter 7, part 7
  building codes, 50-60-116
  chemical dependency counselors, 37-35-103
  county assessor, 7-4-3007
  county coroner, 7-4-2905
  deaf and blind, Montana school for the — vocational programs at, 20-8-116
  dietitians, 37-21-302
  engineers and land surveyors, 37-67-315
  fire protection equipment — persons selling, installing, or servicing, 50-39-102
  hearing aid dispensers, 37-16-407
  insurance producers and consultants, 33-17-1201 — 33-17-1207
  mentally ill persons, certification of professional persons, 53-21-106
  physical therapists and assistants, 37-11-201, 37-11-307
  physicians supervising physician assistants-certified, 37-20-101
  professional and occupational licensees, 37-1-134, 37-1-306, 37-1-319
  respiratory care practitioners, 37-28-104
  social workers, 37-22-201
  tax appraisers, 15-7-107
  timeshare salespersons or brokers, 37-53-104
  title insurance agents, 33-25-201
  veterinarians, 37-18-104, 37-18-307

EDUCATION (Continued)
Continuing (Continued)

  water and wastewater treatment plant operators, 37-42-202
  water well contractors, drillers, and monitoring well constructors, 37-43-202
County superintendent of schools, See **COUNTY SUPERINTENDENT OF SCHOOLS**
Deaf and Blind, School for, See **DEAF AND BLIND, MONTANA SCHOOL FOR THE**
Disabilities, children with, See **DEAF AND BLIND, MONTANA SCHOOL FOR THE; SCHOOLS, Special education**
Discriminatory practices, See **DISCRIMINATION, Educational institutions**
Equal opportunity in education, 20-9-307; Const., X, 1; X, 7
Experimental farms, 20-25-225
Fire Services Training School, Title 20, chapter 31
Forest and Conservation Experiment Station, 17-7-102, 20-25-241 — 20-25-245
Forestry school, 20-25-205, 20-25-243, 20-25-244
General provisions, Title 20
Gifted and talented children programs, Title 20, chapter 7, part 9
Higher education, See **HIGHER EDUCATION, COMMISSIONER OF; UNIVERSITY SYSTEM**
Home schools, 20-5-102, 20-5-109, 20-5-111, 53-30-607
Land-grant university, See **MONTANA STATE UNIVERSITY-BOZEMAN**
Lands for
  public school fund, Const., X, 2; X, 3; X, 5
  tax exemption, 15-6-201; Const., VIII, 5
Nondiscrimination in, Const., X, 7
Physicians, rural — incentive program, 20-26-1501 — 20-26-1503
Private schools, See **PRIVATE SCHOOLS**
Public Education, Board of, See **PUBLIC EDUCATION, BOARD OF**
Regents of Higher Education, Board of, See **REGENTS OF HIGHER EDUCATION, BOARD OF**
School districts and trustees, See **SCHOOL DISTRICTS AND TRUSTEES**
School elections, See **SCHOOL ELECTIONS**
School finance, See **SCHOOL FINANCE**
School lands, Const., X, 2; X, 4; X, 5
Schools generally, See **SCHOOLS**
School transportation, See **SCHOOL TRANSPORTATION**
Sectarian schools, aid prohibited, Const., X, 6
Special education for exceptional children, See **SCHOOLS, Special education**
State Board of Education, 2-15-104, 2-15-1501, 20-1-101; Const., X, 9, See also **EXECUTIVE BRANCH**
  advisory councils, creation, 2-15-122
  agencies allocated to, 2-15-1511
  composition, budget review, officers, and meetings, 20-2-101
  governor, duties, 2-15-201, 20-2-101
  indian studies, instruction in — requirements, 20-1-501 — 20-1-503; Const., X, 1
  legislative education interim committee, duties, 5-5-224
  rulemaking, seal, and record of proceedings, 20-2-114
State lands held in trust for, 77-1-102, 77-1-202; Const., X, 11
Superintendent of public instruction, See **SUPERINTENDENT OF PUBLIC INSTRUCTION**
Teachers, See **TEACHERS**
Telecommunications network (METNET), 20-9-343, 20-32-101 — 20-32-104
Universities, See specific university; **UNIVERSITY SYSTEM**
Vocational education, See **VOCATIONAL EDUCATION, K-12; VOCATIONAL-TECHNICAL EDUCATION**

EGGS
  See **POULTRY AND EGGS**

ELDER AND PERSONS WITH DEVELOPMENTAL DISABILITIES ABUSE PREVENTION ACT, Title 52, chapter 3, part 8
  See **AGING AND AGED PERSONS, Abuse, neglect, or exploitation; DEVELOPMENTAL DISABILITIES, PERSONS WITH, Abuse, neglect, or exploitation**

ELECTED COUNTY OFFICIAL FORM OF GOVERNMENT, 7-1-114, 7-3-111

ELECTION ADMINISTRATOR
  See also generally **COUNTY OFFICERS; PUBLIC OFFICERS OR EMPLOYEES**
Abandonment and consolidation of counties
  election
    joint resolution, transmittal, 7-2-2709
    procedures, 7-2-2710
    returns, statement of, 7-2-2712
  petitions, processing, 7-2-2703, 7-2-2706
Absentee election board
  appointments to, 13-13-225, 13-13-226
  delivery of voted ballot, 13-13-229
  designation and appointment, 13-13-225
  registration card, copy to, 13-13-213
Absentee voting
  application for ballot
    ballot, attachment to returned ballot, 13-13-231
    federal post card application to, 13-2-214, 13-13-212
    registration card, comparison of signatures, 13-13-213
    transmittal to, 13-2-212, 13-13-212, 13-13-213
  availability of ballots, to ensure, 13-13-205
  before, 13-13-222
  certificate of absentee voting information by, 13-13-233, 13-13-234
  counting boards, duties, 13-15-104, 13-15-105
  death of voter, duties, 13-13-243
  delivery of ballots to judges by, 13-13-232
  delivery of ballots to voter by, 13-13-213
  facsimile transmission and through internet, by, 13-13-277, 13-13-278
  federal post card application to, 13-2-212, 13-2-214, 13-13-212
  illness or health emergency, 13-13-213
  mailing of ballot to voter, 13-13-214
  printing of ballots when, 13-13-203
  records by, 13-13-233
  rejected ballots, 13-13-232, 13-13-233
  replacement ballots, 13-13-212
  return of voted ballot to, 13-13-221
    disposition of ballot, 13-13-231
    envelopes for, 13-13-214, 13-13-221, 13-13-232
    late receipt, 13-13-232, 13-13-233
    retention of ballots, 13-13-231, 13-13-232
  stamping of ballots, 13-13-214
  voting machines or devices, provision of ballots in precincts where used, 13-13-203
Active electors and list of, 13-1-101, 13-2-123, 13-2-219, 13-2-222, 13-2-403, 13-2-512
Authority, 13-1-301; Const., IV, 3
Ballot issues
  abbreviated form, request, 13-27-501
  certification to, 13-10-208, 13-12-201, 13-27-501
  investigation of elector or petition circulator, names submitted for, 13-27-303

ELECTION ADMINISTRATOR (Continued)
Ballot issues (Continued)

- petition, filing, 13-27-202
- petitions and signature sheets, public availability, 13-27-208
- recount petition, filing with, 13-16-201
- verification of petition signatures, 13-27-301

Ballots
- alternative means for casting for voters assigned to inaccessible polling places, 13-3-213
- arrangement, authority, 13-12-205, 13-12-207, 13-12-212
- certification, 13-10-208, 13-12-201
- delivery to polling place, 13-12-102, 13-12-210
- disposition of materials, 13-1-303
- form requirements, 13-12-212
- invalid ballots when, 13-12-212
- lot, arrangement of names determined by, 13-12-205
- number of ballots, record of, 13-12-210, 13-13-115
- paper ballots, authorization, 13-17-305, 13-17-306
- preservation, 13-1-303
- printing by, 13-10-208, 13-12-201, 13-17-305, 13-37-126
- provision by, 13-12-212
- rotation of names by, 13-12-205
- sample ballots, provision by, 13-12-214
- stamp, determination of information, 13-13-116
- vacancies, correction or reprinting of ballot, 13-12-204

Campaign finance reports, filing with, 13-37-225
Campaigning
- code of fair campaign practices, provision of forms, 13-35-302
- violations, notice to, 13-37-126

Campaign practices, statements and information — responsibilities, 7-4-2611
Campaign treasurer, certification filed with, 13-37-201
Cancellation of election, notice, 13-1-304
Canvassing of votes
- certification, issuance, 13-15-406
  - polls not open, 13-15-402
  - tie vote certified to, 13-15-405
- counting board
  - absentee voting counting boards, 13-15-104, 13-15-105
  - marshal, appointment by, 13-15-103
  - meeting place designated by, 13-15-103
- county canvassers, board of
  - delinquent returns, notice to, 13-15-402
  - recount, petition for, 13-15-403, 13-16-201
  - secretary of, 13-15-401, 13-15-404
- disposition of election materials, 13-15-205, 13-15-301
- return of election materials to, 13-15-205
- returns
  - copy to, 13-15-101
  - delinquent, notices, 13-15-402, 13-15-503
  - forms furnished by, 13-15-101
- tally sheets, disposition, 13-15-301
- tie votes
  - certified to, 13-15-405
  - drawing by lot, 13-16-501
- voting machines or devices, provisions for delivery of ballots to counting center, 13-15-103

Challenges of voters
- affidavit, filing with and copies to judges, 13-2-404
- assistance to judges, 13-13-305

ELECTION ADMINISTRATOR (Continued)

Cities and towns, 7-2-4101
City-county consolidation
  elections, duties, 7-3-1271
  petitions, 7-3-1204, 7-3-1205
City officers' oaths, filing, 7-1-4137
Code of Fair Campaign Practices, provision of forms, 13-35-302
Conservation districts
  ballots, preparation, 76-15-303
  nominating petitions, filing, 76-15-302
  project areas, notification of election for creation, 76-15-605
  seven-supervisor areas, conduct of election, 76-15-305
  supervisor's residence requirement, ordinance submitted to, 76-15-301
Contests, destruction of ballots after, 13-1-303
Counties
  abandonment, See **Abandonment and consolidation of counties**
  general obligation bond election proceedings
    delivery, 7-7-2226
    filing and certification, 7-7-2223, 7-7-2225
  new, See **New counties, creation by legislation**; **New counties, creation by petition**
County central committee rules to be filed with, 13-38-105
County clerk and recorder as, 13-1-101, 13-1-301
County park district commissioners, nomination petitions filed with and election canceled when, 7-16-2421
County water and/or sewer districts
  assistance, 7-13-2243
  candidates, withdrawal, 7-13-2246
  creation, election certificate — filing and recording, 7-13-2214
  directors, board of — election canceled when, 7-13-2262
  electors, proof of registration filed with, 7-13-2212
  petition of nomination, filing, 7-13-2241
Defined, 13-1-101, 13-1-301
Deputies, 13-1-301
Districts
  districting and apportionment plan, consultation, 13-3-102
  list to secretary of state, 13-1-204
Drainage district elections, 85-8-306, 85-8-624
Expenses, 13-1-203, 13-1-302, 13-2-117
Federal elections, active and inactive electors and lists of, 13-1-101, 13-2-219, 13-2-220, 13-2-222
Forms, 13-1-202
General election, certification of successor candidates, 13-10-328
Health emergency, absentee voting — registration card, copy to board, 13-13-213
Hospital district trustees, nomination petitions filed with, 7-34-2117
Inactive electors and list of, 13-1-101, 13-2-123, 13-2-219, 13-2-220, 13-2-222, 13-2-403, 13-2-512, 13-19-313
Irrigation district commissioners, nomination petitions filed with and cancellation of election when, 85-7-1702
Judges of elections
  appointments, 13-4-101, 13-4-102
  chief judge, excuse by, 13-4-207
  compensation, certification of amount due, 13-4-106
  emergencies, authority in, 13-4-207
  instruction sessions by, 13-4-104, 13-4-203
  notice of appointment by, 13-4-104
  other board, recommendation for, 13-4-101

ELECTION ADMINISTRATOR (Continued)
Judges of elections (Continued)

- supplies to be returned to, 13-4-201
- training sessions by, 13-4-104, 13-4-203

Laws, copies of election laws to and distribution, 13-1-202, 13-12-101
Local annual elections, duties, 13-1-301, 13-1-401
Local government

- administrative boards made elective, elections canceled when, 7-1-201
- initiative and referendum petitions
  - adequacy, determination, 7-5-136
  - election and ordinance, notice, 7-5-136
  - sample, approval of form, 7-5-134
- review of government and establishing study commission, report of election results, 7-3-174
- service consolidation or transfer election notices, preparation and printing, 7-11-307

Mail ballot elections

- absentee voting, 13-19-303
- advice to secretary of state, 13-19-105
- ballots
  - canvassing and handling, 13-19-312
  - deposit, place of — designation, 13-19-106, 13-19-306, 13-19-307
  - return of voted ballots, disposition, 13-19-308
- conducted by election administrator when, 13-19-104
- discrepancies, resolving, 13-19-314
- initiation
  - election administrator, by, 13-19-201, 13-19-203
  - governing body, transmittal and response to request, 13-19-202
- materials, distribution to electors, 13-19-206
- nonregistered electors, voting, 13-19-304
- notice to elector
  - procedural mistakes, 13-19-313
  - signature verification, discrepancies, 13-19-310, 13-19-313
- objection to, filing, 13-19-204
- plans, written — preparation, 13-19-202, 13-19-203, 13-19-205
- proportional voting, method for, 13-19-302
- questions, resolving, 13-19-314
- records, 13-19-305
- replacement ballots, procedures, 13-19-305
- signature verification, 13-19-310, 13-19-314

New counties, creation by petition

- certificate of election to officers, 7-2-2223
- county seat, filing of petitions for nominations for, 7-2-2218
- election supplies and equipment, 7-2-2219
- sample petitions, rejection or approval, 7-2-2206

Nominations

- nonpartisan
  - declaration, filing with, 13-14-112, 13-14-114
  - petition, filing with, 13-14-113, 13-14-114
- petition
  - filing with, 7-14-1106, 13-10-503, 13-10-504
  - presidential candidates, 13-10-504
  - samples to, 13-10-501

Nonpartisan elections

- ballots, preparation and distribution, 13-14-115
- declarations for nomination, filing with, 13-14-112
- holding, determination, 13-14-115
- judicial unopposed incumbent candidates, ballot form to be used by, 13-14-213
- petition for nomination, filing with, 13-14-113

ELECTION ADMINISTRATOR (Continued)
Nonpartisan elections (Continued)

- registrar of candidates, entry in, 13-14-114

Personnel, 7-2-2703, 13-2-117
Political parties
- precinct committeemen, filing of declaration for nomination with, 13-38-201
- primary election petitions of minor parties, duties, 13-10-601
- rules, filing with, 13-38-105

Political subdivisions, elections of
- deputy administrators for, 13-1-301
- duties, 13-1-401

Polling places
- accessibility to voters with disabilities and elderly voters
  - accessible polling place, 13-3-212, 13-3-213
  - ballots, alternative means of casting, 13-3-213
  - notice of polling place location, inclusion of accessibility classification, 13-3-105
  - standards for, advice concerning, 13-3-205
  - survey of polling places to determine, procedures, 13-3-206, 13-3-212
  - temporary polling place, designation when, 13-3-211
- booths, provision, 13-13-111
- change by, 13-3-105, 13-3-211
- emergency change by, 13-3-105, 13-3-211
- initiative petitions, signature gathering, 13-13-122, 13-35-211, 13-35-218
- notice of location, 13-2-207, 13-2-215, 13-3-105
- obstructions, prevention, 13-13-122, 13-35-218
- poll watchers, permission for additional poll watchers, 13-13-121
- supplies, delivery to, 13-12-102
- voting machines, provision, 13-13-111

Port authority commissioners, nomination petitions — filing, 7-14-1106
Precincts
- boundary changes, legal description to, 13-3-103
- electors, list of, 13-2-123
- list to secretary of state, 13-1-204

Presidential elections
- certification of candidates, 13-25-101
- petitions of nomination, 13-10-405, 13-10-504

Primary elections
- ballots
  - certification and printing, 13-10-208
  - return to, 13-10-311
- certification of candidates, 13-10-208
  - successor candidates, 13-10-327
  - when no election held, 13-10-209
- declarations for nomination, filing with, 13-10-201
- double nomination, notice of party preference to, 13-10-303
- facsimile transmission and through internet, acts taken by, 13-13-277, 13-13-278
- indigent candidates, petition for nomination — verification of signatures, 13-10-203, 13-10-204
- minor party petitions, duties, 13-10-601
- omission of election when insufficient number of candidates, certification of candidates, 13-10-209
- presidential preference, verification of petition signatures, 13-10-405
- register of candidates, 13-10-205, 13-14-114
- return of ballots to, 13-10-311
- unnecessary elections when insufficient number of candidates
  - cancellation, 13-1-304
  - certification of candidates, 13-10-209

ELECTION ADMINISTRATOR (Continued)
Primary elections (Continued)

write-in candidates, acceptance of nomination filed with, 13-10-204
Procedures information, dissemination of incorrect of misleading, 13-35-235
Qualifications, 13-1-101, 13-1-301
Recall petitions
- filing, 2-16-615
- form and numbering, approval and review, 2-16-617
- notification to officer, 2-16-621
- signatures, counting, 2-16-620

Records
- disposition, 13-1-303
- secretary of state, to, 13-1-204

Recounts
- ballots and supplies for recount
  - disposition after, 13-1-303
  - production, 13-16-412
  - return to, 13-16-417
- certificate, attestation, 13-16-418
- county recount board
  - notice to, 13-16-204
  - secretary, as, 13-16-101
- inspection of ballots, 13-16-420
- missing or misplaced ballots, 13-16-420
- petition for
  - filing with, 13-15-403, 13-16-201, 13-16-211
  - notice to, 13-16-201
- tie, procedure upon certification to, 13-16-203
- voting machines, resealing in presence of, 13-16-417

Redistricting and reapportionment plan, consultation, 13-3-102
"Registrar" defined as, 13-1-101
Registration of voters
- agency-based registration, 13-2-203, 13-2-221
- application for, 13-1-101, 13-2-203, 13-2-221
- authority, 13-1-301
- cancellation duties, 13-2-402, 13-2-513
- certificate of omission, issuance, 13-2-603
- challenges, duties, 13-2-403, 13-2-404
- close of
  - acceptance of application forms after, 13-2-203
  - procedure, 13-2-301
  - registration with, during closed period, 13-2-302
- confirmation, 13-2-207, 13-2-220, 13-2-402, 13-19-313
- costs, 13-2-117
- count to secretary of state, 13-1-204
- deputy registrars, 13-2-202
- driver's license applications, voter registration form attached, 61-5-107
- electors in united states service
  - facsimile transmission and through internet, by, 13-13-277, 13-13-278
  - federal post card filed with, 13-2-212, 13-2-214
- facsimile transmission, by, 13-13-277, 13-13-278
- federal post card application, duties, 13-2-212, 13-2-214
- filing of forms, 13-2-112, 13-2-114, 13-2-214
- hours for, 13-2-201
- internet, through the, 13-13-276 — 13-13-278
- lists
  - crime victims, addresses deleted when, 13-2-115, 13-2-122, 46-6-602

ELECTION ADMINISTRATOR (Continued)
Registration of voters (Continued)
  lists (Continued)
    preparation and use, 13-2-114, 13-2-115, 13-2-122, 13-2-123, 13-2-220
  mail registration, duties, 13-2-203, 61-5-107
  name change of elector, notice to, 13-2-511, 13-2-512
  national voter registration act of 1993, implementation and operation, 1-2-112, 13-1-203, 13-1-204
  notice of
    challenge, to elector, 13-2-403, 13-2-404
    close of registration, 13-2-301
    facsimile or internet transmission, 13-13-277, 13-13-278
    name, change, 13-2-511
    polling place, 13-2-207, 13-2-215
    previous registration, 13-2-515
    registration, to electors, 13-2-207, 13-2-214, 13-2-215, 13-2-515
    residence, change, 13-2-220, 13-2-511
  numbering, assignment, 13-2-114
  personal registration before, 13-2-202
  personnel to assist, 13-2-117
  precinct register, duties
    addendum, 13-2-601, 13-3-213
    fees, 13-2-122
    omissions, 13-2-603
    preparation, 13-2-116
  previous registrations, checking for, 13-2-515
  reactivation of elector, 13-2-222
  records, 13-2-112
  registrar, election administrator defined as, 13-1-101
  residence of elector, notice of change to, 13-2-220, 13-2-511, 13-2-512, 13-2-514
  rolls, maintenance, 13-2-220
  time for, 13-2-201, 13-2-203
  transfer of registration, duties, 13-2-511, 13-2-513, 13-2-514
Rural fire district trustees, petition for nomination filed with and election canceled when, 7-33-2106
School bond issue petitions, submission and certification, 20-9-424, 20-9-425
School elections
  fee schedule, 13-1-302, 13-1-401
  registered electors, list of
    delivery and charge, 20-20-313
    preparation and format, 20-20-201, 20-20-312
  request to conduct, 20-20-401, 20-20-417
  resolution for, 20-20-201
Seal
  county bond issues, petitions for, 7-7-2225
  recount certificates, 13-16-418
  transportation districts, petitions for creation, 7-14-205
Service districts, multijurisdictional — boundary description preparation, 7-11-1105
Supplies to, 13-1-202
Tie votes
  certification to, 13-15-405
  drawing by lot, 13-16-501
Training sessions, 13-1-203
Transportation districts
  board candidates
    election canceled when, 7-14-212
    petitions of candidacy filed with, 7-14-214
  creation, petition for — filing and certificate, 7-14-205

ELECTION ADMINISTRATOR (Continued)

Voting booths, provision, 13-13-111
Voting machines or devices, 13-13-111
  approval report, transmittal to, 13-17-101
  ballots, paper — authorization for, 13-17-306
  certification of instruction, issuance, 13-17-201
  demonstration by, 13-17-204
  examination of equipment, report to, 13-17-101
  instructions for electors, provision, 13-17-203, 13-17-204
  instructions for judges, provision, 13-17-201
  notice of use and location, 13-17-203
  number of electors voting, provision of recording method, 13-13-115
  paper ballots, authorization for, 13-17-305, 13-17-306
  sample ballots, publication, 13-17-203
Voting procedures generally
  absentee voting, See **Absentee voting**
  ballots
    alternative means of casting when voter assigned to inaccessible polling place, 13-3-213
    number, record, 13-12-210, 13-13-115
    stamp, determination of information, 13-13-116
  booths, provision, 13-13-111
  initiative petitions, signature gathering, 13-13-122, 13-35-211, 13-35-218
  number of electors voting, recording, 13-12-210, 13-13-115
  obstructions at polling places, prevention, 13-13-122, 13-35-218
  poll watchers, permission to additional poll watchers, 13-13-121
  precinct register, preparation, 13-2-116
Workshops, 13-1-203
Write-in candidates, declaration of intent — filing, 13-10-211
Youth voting program, participation, 13-22-103, 13-22-106

ELECTIONS
  See also main category for specific office
Absentee election board
  appointments to, 13-13-225, 13-13-226
  compensation and expenses, 13-13-228
  delivery of ballot and application to voter, 13-13-212
  funding, 13-13-230
  oath, 13-13-227
  registration card, comparison of signatures, 13-13-213
  return of voted ballot to, 13-13-221
  voting performed before, 13-13-229
Absentee voting, 13-13-201
  ballot box, deposit, 13-13-241, 13-13-244
  ballots
    affirmation of, 13-13-221
    application, 13-13-211 — 13-13-213, 13-13-271, 13-13-231
    availability when, 13-13-205, 13-13-222
    delivery to judges, 13-13-232
    delivery to voter, 13-13-213, 13-13-214
    destroyed, 13-13-204, 13-13-243
    errors or omissions on, 13-13-204, 13-13-243, 13-13-272
    examination, 13-13-241
    failure to receive, 13-13-204
    form, prescription, 13-13-214
    late receipt, 13-13-232, 13-13-233
    mailing to voter, 13-13-214

ELECTIONS (Continued)
Absentee voting (Continued)
  ballots (Continued)
    marking, 13-13-221, 13-13-272
    numbering, 13-13-233
    opening, 13-13-241, 13-13-244
    rejection, See also **Canvassing of votes**
      disposition, 13-13-241, 13-13-243
      endorsement, 13-13-232
      number, recording, 13-13-233
      revote in person, 13-13-204, 13-13-243
    replacement, 13-13-212
    reservation, recording, 13-12-102
    return of voted ballot, method, 13-13-231 — 13-13-233
      envelopes, 13-13-201, 13-13-214, 13-13-221, 13-13-232, 13-13-241, 13-15-201
      late receipt, 13-13-232, 13-13-233
    stamping, 13-13-214
  certificate of absentee voting information, 13-13-233, 13-13-234
  constitutional requirement, Const., IV, 3
  counting boards, 13-4-101, 13-15-104, 13-15-105
  death of voter, 13-13-204, 13-13-243
  deceased joint candidate in general election, 13-15-106
  election administrator, voting before prior to election, 13-13-222, See also **ELECTION ADMINISTRATOR**
  facsimile transmission and through internet
    application for ballot, 13-13-212
    authorization and uses, 13-13-277
    implementation of provisions, 13-13-278
    legislative findings and purpose, 13-13-276
  federal elections, inactive electors — effect, 13-2-512
  federal post card application, 13-2-212, 13-2-214, 13-13-212
  federal write-in
    counting, 13-13-273, 13-15-202
    procedure for voting, 13-2-212, 13-13-272
    qualifications and application, 13-2-212, 13-13-212, 13-13-271
  grounds, 13-3-213
  illness or health emergency, persons suffering from, See **Illness or health emergency, absentee voting**
  instructions, 13-13-214
  list of voters posted in polling place, 13-13-233
  mail ballot elections, 13-19-303
  pollbooks, entries, 13-13-234
  presence of voter on election day, may vote in person, 13-13-204, 13-13-243
  records, 13-13-233, 13-13-234
  residence change immediately prior to election, upon, 13-2-514
  voting machines or devices, in precincts where used, 13-13-203, 13-13-204, 13-15-202
  when, 13-3-213, 13-13-205, 13-13-222, 13-13-271
Actions
  ballot issues — adjudication of statements of purpose or implication, fiscal statement, or determination of legal sufficiency, 13-27-316
  bond issues, restraint, 17-5-1001
  campaign violations, See **Campaign finance**; **Campaign practices**
  commissioner of political practices, appeal of removal from office, 13-37-102
  contests, 13-36-101, See **Contest of election**
  injunctions, 13-35-108
  precinct register, to compel entry of name, 13-2-602
  recounts, 13-16-301, See **Recounts**
  registration, to compel, 13-2-602

ELECTIONS (Continued)
Actions (Continued)

- voiding election, 13-35-107

Administration, 13-1-201, 13-1-301; Const., IV, 3, See also **ELECTION ADMINISTRATOR**
Advertising
- anonymous, not to be, 13-35-225, 13-37-210
- notice of election, 13-1-401
- petty cash, prohibited use, 13-37-215
- political (action) committees, labeling, 13-37-210
- voluntary spending limit statement, 13-37-250

Annulment of election, 13-35-107, See also **Contest of election**
Applicability of laws, 13-1-201; Const., IV, 3
Attorney general, duties, 13-15-502, 13-27-202, 13-27-310 — 13-27-313, 13-27-315, 13-27-402, 13-27-403, 13-27-408
Ballot issues, See **BALLOT ISSUES**
Ballots, 13-12-201
- absentee, See **Absentee voting**
- arrangement
  - order, 13-12-207, 13-17-206
  - rotation, 13-12-205
  - write-in blanks, 13-12-208
- ballot issues, See **BALLOT ISSUES**
- campaign reporting, removal from ballot for failure to file, 13-37-126
- casting, See **Absentee voting**; **Voting procedure**
- certification, 13-12-201
  - ballot issues, 13-27-501
  - falsification, 13-35-207
  - presidential election, 13-25-101
  - primary election, 13-10-208, 13-10-327
- constitutional amendments and convention, united states, 13-26-105
- constitutional convention, Montana, 13-1-122
- counting, See **Canvassing of votes**
- delivery to polling place, 13-12-102, 13-12-210
- disposition after election, 13-1-303, 13-15-205
- form and contents, 13-12-202, 13-12-212
  - constitutional amendment, united states, 13-26-105
  - constitutional convention, Montana, 13-1-122
  - primary elections, 13-10-209
  - secretary of state, prescribed by, 13-1-202, 13-12-202, 13-12-207
- injunction restraining preparation, 13-35-221
- invalid ballots, 13-12-212
- judicial officers, unopposed incumbents, 13-14-212, 13-14-213
- lot, arrangement of names determined by, 13-12-205
- mail ballot elections, See **Mail ballot elections**
- marking, See **Absentee voting**; **Voting procedure**
- names, format, 13-12-203, 13-12-205
- nonpartisan primary ballots, 13-14-115
- number to each precinct, 13-12-210
- paper ballots
  - form and instructions, 13-12-209
  - pollbook entries, 13-13-115
  - voting machines, use in lieu of or in addition to, 13-17-305, 13-17-306
- party designation, 13-10-303, 13-12-203
  - primary election, 13-10-209, 13-10-303
- preservation, 13-1-303
- presidential electors' names not to be printed, 13-25-101
- primary elections, specific provisions, See **Primary elections and nominations**

ELECTIONS (Continued)
Ballots (Continued)

- printing, 13-12-201, 13-17-305
  - primary elections, 13-10-208
- provision by election administrator, 13-12-212
- rejection, See **Absentee voting**; **Canvassing of votes**
- rotation of names, 13-12-205
- sample ballots, 13-12-214, 13-13-112, 13-17-203
- secret ballot, See **Secret ballot**
- spoiled, 13-12-210, 13-13-112, 13-13-117
- uniformity, 13-12-202
- vacancies, correction or reprinting of ballot, 13-12-204
- voting machines, See **Voting machines or devices**
- voting procedure, See **Voting procedure**
- write-in blanks, 13-12-208
- youth voting program, 13-22-104 — 13-22-106

Campaign finance, See also **Campaign practices**
- accounts, 13-37-117, 13-37-208, 13-37-209
- accounts for deposit, type, 13-37-207
- actions for inspection of accounts, 13-37-209
- actions for violations, 13-37-128
  - damages, 13-37-128, 13-37-129
  - evidence and investigation, 13-37-125
  - judgment, 13-37-130
  - prosecution, 13-37-124
  - statute of limitations, 13-37-130
- advertising, 13-37-215, 13-37-250
- contributions, 13-1-101
  - accounts, 13-37-117, 13-37-208, 13-37-209
  - agency shop fees, use for prohibited, 39-31-402, 39-32-109
  - city-county consolidated government officers and employees, restrictions, 7-3-1254
  - community service volunteers, prohibited when, 90-14-106
  - corporate, 13-35-227, 13-35-228
  - deposit, 13-37-205, 13-37-207
  - employers, unlawful acts, 13-35-226, 13-35-228
  - ethics commission members, prohibitions, 2-2-142
  - insurers, prohibited, 33-18-305
  - limitation, 13-37-216, 13-37-218, 13-37-250
  - Montana conservation corps personnel, prohibited when, 23-1-314
  - name of contributor required, 13-37-217
  - political (action) committees, 13-37-216, 13-37-218, 13-37-226
  - report required, 13-37-225, 13-37-226, 13-37-228, 13-37-229
  - statement, 13-37-207, 13-37-250, See also **Campaign practices**
  - tax deduction, 15-30-121
  - union dues, use for prohibited, 39-31-402
- depositories, 13-37-205
- employers coercing or requiring contributions from employees unlawful, 13-35-226, 13-35-228
- exceptions for school districts and special districts, 13-37-206
- expenditures, 13-1-101, 13-37-225, 13-37-230, 13-37-250
- forms, manuals, and reports — provision, 13-37-117
- investigative authority, 13-37-111, 13-37-123, 13-37-125
- noncompliance orders, 13-37-121, 13-37-122
- petty cash fund, 13-37-215
- political (action) committee, 13-37-210, 13-37-216, 13-37-218, 13-37-250
- records
  - deposit statement, 13-37-207

ELECTIONS (Continued)
Campaign finance (Continued)
  records (Continued)
    deputy authorization, 13-37-202
    financial disclosure reports, 13-37-231
  reporting requirements
    certification, 13-37-231
    comprehensive report, 13-37-227
    contents, 13-37-228 — 13-37-230
    filing, 13-37-225, 13-37-226
    investigation, 13-37-111, 13-37-123
    preservation, 13-37-231
    required, 2-2-104, 13-37-225
    surplus campaign funds, 13-37-240
    time periods covered, 13-37-226, 13-37-228
    uniformity, 13-37-117
    verification, 13-37-231
    violations, 13-37-124, 13-37-125, 13-37-128 — 13-37-130
    voluntary spending limit statement, 13-37-250
    write-in elections, individuals elected by, 13-15-111
  rulemaking authority, 13-37-114, 13-37-227
  surplus campaign funds, disposal, 13-37-240
  treasurer
    certification, 13-37-201 — 13-37-203
    criminal conviction, ineligible as candidate, 13-35-106
    deputies, 13-37-202, 13-37-205, 13-37-208
    noncompliance orders, application for review, 13-37-122
    petty cash withdrawals, 13-37-215
    records of, 13-37-202, 13-37-207, 13-37-208
    reports, failure to file, 13-37-126, 13-37-127
    vacancies, 13-37-204, 13-37-208
  trivial benefits not criminalized, 13-35-102
  voluntary spending limit statement, 13-37-250
Campaign finances and practices, commissioner of, See **Political practices, commissioner of**
Campaign practices, See also **Campaign finance**
  action for violations
    cause and liability, 13-37-128, 13-37-129
    prosecutions, 13-37-113
    statements or reports, submission requirements, 13-37-121, 13-37-124, 13-37-125
    statute of limitations, 13-37-130
  commissioner of political practices, See **Political practices, commissioner of**
  county attorney, powers, 13-37-124, 13-37-125
  defamation
    ballot issues, in voter information pamphlet, 13-27-408, 13-27-409
    code of fair campaign practices, 13-35-301
    criminal charges, 13-35-234
    radio broadcasts, liability, 27-1-811
    voter information pamphlet, 13-27-408, 13-27-409
  investigative powers and duties, 13-37-111, 13-37-125
  endorsement of candidates, prohibited, 3-10-201, 13-35-218, 13-35-231
  information and reports, filing, 13-37-120
    actions, 13-37-128 — 13-37-130
    availability, 13-37-119
    business disclosure statements by elected officials or department directors, 2-2-106
    examination after election, 13-37-123

ELECTIONS (Continued)
Campaign practices (Continued)
  information and reports, filing (Continued)
    failure to file
      certificates of nomination, withheld when, 13-37-127
      vacancy on ballot when, 13-37-126
    forms, manuals, and laws to be provided, 13-37-117
    indexing, 7-4-2611
    inspection, 13-37-121
    liability, 13-37-128, 13-37-129
    noncompliance orders, 13-37-121, 13-37-122
    required, 13-37-126, 13-37-127
    supply, voluntary, 13-37-118
  political committee, 13-1-101, 13-37-210
  public employees, by, 13-35-226, See also **PUBLIC OFFICERS OR EMPLOYEES, Political activity**
  public officers and employees, rules of conduct, 2-2-121
  rulemaking authority, 13-37-114
  telephone solicitation, automated — unlawful when, 45-8-216
  trivial benefits not criminalized, 13-35-102
  volunteers, excluded as contribution, 13-1-101
  voting record, misrepresentation, 13-37-131
  violations, See **Crimes and prohibited acts**
Campaign treasurer, See **Campaign finance**
Cancellation of election, 13-1-304, 13-10-209
Candidates, 13-1-101
  absentee election board, membership not allowed, 13-13-225
  campaigning, See **Campaign** entries
  commissioners of political practices, former — as, 13-37-103
  conviction of
    election laws violation, effect, 13-35-106
    felony, Const., IV, 4
  eligibility, 49-1-202, 49-1-203; Const., IV, 4
  filing fees, 13-10-202, 13-10-325, 13-10-405
  finances, See **Campaign finance**
  independent
    congressional special elections, filing of nominating petition, 13-25-205
    nomination, 13-10-501, See **Nomination of candidates**
    party affiliation not allowed, 13-10-507, 13-10-602
    party nomination, forfeiture of place as independent, 13-10-305
    political parties, association with — not allowed when, 13-10-507
    presidential candidates, See **Presidential elections**
  indigent, 13-10-201, 13-10-203, 13-10-204, 13-15-111
  judge of election, prohibited as, 13-4-107
  judicial, Title 13, chapter 14, part 2, See specific office
  laws, distribution of election laws to, 13-37-117
  minor party, 13-10-504, 13-10-601, 13-10-604
  name and status on ballot, designation, 13-12-202, 13-12-203
  nomination, See **Nomination of candidates**; **Primary elections and nominations**
  poll watchers, requests for additional poll watchers by, 13-13-121
  public office, candidacy while holding other public office, Const., VI, 5
  recount board member, disqualification, 13-16-101
  vacancies, See **Vacancies**
  voting record, misrepresentation, 13-37-131
  withdrawal, 13-10-211, 13-10-325
    primary, from, 13-10-326
    successor candidate, 13-10-327

ELECTIONS (Continued)
Candidates (Continued)

- write-in candidates, See **Write-in candidates and votes**
- youth voting program, purpose, 13-22-102, 13-22-105

Canvassing of votes
- ballot issues
  - applicability of laws, 13-27-503
  - proclamation of result on, 13-15-507
- ballots
  - inspection, 13-15-403, 13-16-420
  - paper ballots, 13-15-202, 13-17-305
  - rejection, grounds, 13-15-201 — 13-15-203, 13-15-403
  - removal before counting unlawful, 13-35-206
- certification of nomination or election
  - campaign reporting, withholding for failure, 13-37-127
  - contests, effect, 13-36-104, 13-36-207
  - court, by, 13-36-104
  - defect in return, effect, 13-15-102
  - destruction or defacing, 13-35-206
  - falsification, 13-35-207
  - issuance, 13-15-406
  - suppression, 13-35-205
- certification of pollbook, 13-15-204
- certification of polls not open in a precinct, 13-15-402
- commissions, See **Commissions to elected individuals**
- constitutional convention and amendments, united states, 13-26-104
- contest, 13-36-101, See **Contest of election**
- counting board, 13-4-101, 13-15-103
- counting, 13-15-101, 13-15-201, 13-15-202
  - ballot issues, 13-27-503
  - early counting, no disclosure, 13-15-103
  - federal write-in absentee ballots, 13-13-273, 13-15-202
  - incorrectness presumed when, 13-16-303
  - nonpartisan ballots, 13-14-116
  - poll watchers may be present, 13-13-120, 13-13-121
  - preparation for, 13-15-201
  - primary election, 13-10-311
  - rejected ballots may not be included, 13-15-202
  - returns posted at place of counting, 13-15-101
  - when, 13-13-273, 13-15-101, 13-15-103
  - write-in votes, 13-15-202
  - youth voting program, 13-22-104, 13-22-106
- county canvassers, board of, 13-15-401, 13-15-404
- election materials — disposition, sealing, and return, 13-1-303, 13-15-301
- mail ballot elections, See **Mail ballot elections**
- nonpartisan elections, 13-14-116
- number of electors voting, record, 13-1-204, 13-15-404, 13-15-506
- obstruction or interference, 13-35-203
- pollbook
  - certification and signing, 13-15-204
  - delivery to election administrator, 13-15-205, 13-15-301
  - duplicates for counting board, 13-15-103
  - entries, 13-15-202
  - oaths, 13-15-301, 13-15-403
  - reconciliation with ballots, 13-10-311, 13-15-201
- poll watchers, 13-13-120, 13-13-121
- presidential elections, 13-25-103

ELECTIONS (Continued)
Canvassing of votes (Continued)

- primary election, applicability of laws, 13-10-301, 13-10-311
- public, 13-15-101, 13-15-403, 13-15-505
- recounts, See **Recounts**
- results, declaration or certification
  - contest, effect, 13-36-104, 13-36-212
  - county canvassers, by, 13-15-403, 13-15-405
  - court, by, 13-36-104, 13-36-212
  - defect, 13-15-102, 13-15-403
  - destruction or defacing, 13-35-206
  - election administrator, to, 13-15-405
  - falsification, 13-35-207
  - governor, to, 2-15-401, 13-15-507
  - highest votes for declaration, 13-15-405, 13-15-505, 13-36-212
  - public, 13-15-101, 13-15-403, 13-15-505
  - report of canvass, 13-15-507
  - secretary of state, by, 2-15-401, 13-15-501 — 13-15-504, 13-15-506
  - state canvassers, by, 13-15-505, 13-15-507
  - suppression, 13-35-205
  - tie vote, 13-15-405
  - youth voting program, 13-22-104, 13-22-106
- returns, 13-15-101, 13-15-102, 13-15-403, 13-15-503
- state canvassers, board of, 2-15-412, 13-15-502, 13-15-505
  - certification by, 13-15-505, 13-15-507
  - county abandonment and consolidation elections, 7-2-2712
  - county canvassers, certification from, 13-15-501
  - delinquent returns, procedure, 13-15-503
  - expenses, 13-16-205
  - record, 13-15-502, 13-15-506
  - recounts by, 13-16-205, 13-16-419
  - report, 13-15-506, 13-15-507
  - write-in votes, 13-15-505, 13-15-506
- tie votes, See **Tie votes**
- voiding election, 13-35-107
- voting machines, precincts where used, 13-15-103
- winner, 13-1-103, 13-15-405, 13-15-507; Const., IV, 5
- write-in votes, 13-15-202, 13-15-403, 13-15-404, 13-15-505, 13-15-506

Central committees, See **Political parties**
Challenges

- ballot issues, 13-27-202, 13-27-306, 13-27-316
- disability, voter with, 13-13-118
- registration of voters, See **Registration of voters**
- right to vote
  - affidavit, 13-2-404
  - determination, 13-13-307, 13-13-309, 13-13-310
  - disability, voter with — of, 13-13-118
  - examination of voter, 13-13-304
  - grounds, 13-13-301, 13-13-310
  - list of challenges, 13-13-310, 13-15-205
  - oath of challenged voter, 13-13-304, 13-13-306, 13-13-307
  - prior to election day, 13-2-404
  - records, 13-13-310, 13-13-311
  - vote of challenged voter, 13-13-309, 13-13-311
  - witnesses, 13-13-305

Chief election officer, 13-1-201, 13-1-202, 13-12-101; Const., IV, 3
Cities and towns, See main heading for specific local government entity

ELECTIONS (Continued)

City central committees, See **Political parties**
Code of Fair Campaign Practices, Title 13, chapter 35, part 3, See **Campaign practices**
Commissioner of political practices, See **Political practices, commissioner of**
Commissions to elected individuals, 13-15-504, 13-37-127, 20-1-202
  defect, 13-15-102
  incumbents, 2-15-401
Committees, See **Political parties**
Community college district organization and trustees, See **COMMUNITY COLLEGE DISTRICTS AND TRUSTEES**
Congressional districts, apportionment, Const., V, 14; Title 5, chapter 1, See **Electoral districts**
Congressional elections, 13-25-103, 13-25-201
  ballot arrangement, 13-12-207
  campaign finance reports, 13-37-225
  certification of election, 13-15-501, 13-25-204
  date, 13-1-104
  declaration for nomination, filing, 13-10-201
  nominations, 13-10-201, 13-25-201, 13-25-205
  political (action) committees, naming and labeling, 13-37-210
  recounts, specific provisions, 13-16-201, 13-16-418, See also **Recounts**
  special election, 13-16-502, 13-25-205
  tie votes, 13-16-502
  vacancies, elections to fill, 13-25-202, 13-25-203, 13-25-205
Constitutional amendments, Const., XIV, 8 and 9, See **CONSTITUTION OF MONTANA; CONSTITUTION OF THE UNITED STATES**
Constitutional conventions, Const., XIV, 1 — 4, See **BALLOT ISSUES; CONSTITUTION OF MONTANA; CONSTITUTION OF THE UNITED STATES**
Contest of election
  attorney's fees, 13-36-204, 13-36-205, 13-36-207
  bond, 13-36-204, 13-36-205
  calendar precedence, 13-36-206, 13-36-208
  commencement, time for, 13-36-102, 13-37-124
  costs, 13-36-204, 13-36-205, 13-36-207, 13-36-208, 13-37-124
  dismissal, continuance, or postponement, 13-36-208
  effect, 13-36-209 — 13-36-212
  election materials, preservation pending, 13-1-303
  good faith, effect of case not arising from, 13-36-209
  grounds, 13-36-101, 13-36-211, 13-37-130
  illegal votes, allegations and evidence, 13-36-101, 13-36-202, 13-36-211, 13-36-212
  investigation, 13-37-111, 13-37-125
  judgment, 13-36-104, 13-36-205, 13-36-207, 13-36-209, 13-36-210
  jurisdiction, 13-36-102, 13-36-103, 13-37-113
  laws furnished to election administrator, 13-37-117
  nomination, special provisions, 13-36-104
  notice, 13-36-102, 13-36-206, 13-37-124
  procedure
    hearing, 13-36-206, 13-36-207
    petition or complaint, 13-36-201, 13-36-203, 13-36-206
    venue, 13-36-103, 13-37-113
    witnesses, testimony, 13-36-202, 13-36-208, 13-37-125
  prosecution, 13-37-113, 13-37-124
  result, 13-36-209 — 13-36-212
  statute of limitations, 13-36-102
Contributions, See **Campaign finance**
Costs, See **Fees and costs**

ELECTIONS (Continued)

Counting of votes, See **Canvassing of votes**
County, See main heading for specific local government entity
County central committees, See **Political parties**
County election administrator, 13-1-301, See **ELECTION ADMINISTRATOR**
County Recount Board, 13-16-101, See also **Recounts**
Crimes and prohibited acts
  action, limitation, 13-37-130
  aiding and abetting, 13-35-105
  applicability of laws, 13-17-106, 13-35-101, 13-35-102
  arrest exemptions, 13-1-115, 46-6-102; Const., IV, 6
  attempt, 13-35-104
  ballot
    destruction or removal, 13-35-206
    revealing contents, 13-13-311, 13-35-201, 13-35-202
    tampering with, 13-35-205
  ballot issues
    falsification of petition, 13-27-106, 13-35-207
    solicitation of signatures at polling place, 13-35-218
    warnings on petitions, 13-27-204 — 13-27-207
  bribery, 13-35-102, 13-35-214, 13-35-215, 13-35-220, 45-7-101
  candidate charged with felony offense, 13-10-211
  coercion, 13-35-218
  contests of results, violation as grounds, 13-36-101
  contributions
    advertising not to be anonymous, 13-35-225
    corporate, 13-35-227, 13-35-228, 33-18-305
    insurers, 33-18-305
  conviction, effect, 13-35-106; Const., IV, 4
  criminal code not superseded, 13-35-101
  deceptive practices, 13-35-207, 13-35-208
  defamation, 13-27-408, 13-27-409, 13-35-234
  district court, jurisdiction, 13-35-108, 13-37-113
  electioneering on election day, 13-35-211
  employers, coercion or influence of employees, 7-3-4256, 13-35-226, 13-35-228
  equipment, supplies, or records — injury or tampering, 13-35-206
  exit polling, 13-35-211, 13-35-218
  fines, 13-35-226
  influence, illegal or undue, 7-3-4256, 7-3-4265, 13-35-102, 13-35-214, 13-35-215, 13-35-217, 13-35-218, 13-35-226, 13-35-235, 45-7-101, 45-7-102
  injunction, 13-35-108
  investigation, 13-37-111
  judges and officials of election
    interference with, 13-35-203
    misconduct by, 13-13-311, 13-35-202, 13-35-204, 13-35-217
  judicial candidates, partisan support, 13-35-231
  mail ballot elections, applicability of general election laws, 13-19-103
  misdemeanor when no penalty specified, 13-35-103
  nominations, improper, 13-35-221
  obstruction of public servant, 13-35-203
  obstruction of public meetings, 13-35-213
  payment for vote, 7-3-4265, 13-35-215
  penalties, 13-35-101, 13-35-103, 13-35-106
  political civil libel, 13-37-131
  political criminal libel, 13-35-234
  procedures information, dissemination of incorrect or misleading, 13-35-235

ELECTIONS (Continued)
Crimes and prohibited acts (Continued)

- public officers and employees, political activity, 7-3-1254, 7-3-4256, 7-3-4265, 13-35-226
- records, information, or equipment — tampering with, 13-35-205, 13-35-206
- registration, fraudulent, 13-35-209
- right to vote, abuse, 13-35-209, 13-35-210; Const., IV, 3
- solicitation of voters, 13-35-218
- statutes of limitation, 13-35-101, 13-35-107
- telephone solicitation, automated — unlawful when, 45-8-216
- trivial benefits not criminalized, 13-35-102
- voiding of election due to, 13-35-107
- voting record, misrepresentation, 13-37-131
- warnings, display at polling places, 13-13-113

Criminal conviction of elector, See **Electors**
Death, effect on elections
- campaign treasurer, 13-37-204
- candidate, 13-10-211, 13-10-326, 13-10-327, 13-38-101, 13-38-204
    - governor or lieutenant governor, 13-10-328, 13-12-204, 13-15-106
    - president or vice president, 13-25-101
- elector, 13-2-402
    - absentee elector, 13-13-204, 13-13-243
- impersonation of voter, 13-35-210

Definitions, 13-1-101, 13-2-221, 13-3-202, 13-13-271, 13-19-102, 13-35-227, 13-37-216
Depositories, 13-37-205
Disabilities, voters with
- accessibility to polling places, See **Polling places**
- challenge of right to vote, 13-13-118
- deception of, unlawful, 13-35-208
- marking ballot, assistance, 13-13-118, 13-13-119, 13-13-229
- precinct register, assistance in signing, 13-13-114
- taking ballot to voter on premises, 13-3-213, 13-13-118

District court judges, 3-5-201; Const., VII, 8
- ballot arrangement, 13-12-207, 13-14-212, 13-14-213
- campaign finance reports, filing, 13-37-226
- certification of vote, 13-15-501
- date, 13-1-104
- declaration for nomination, where filed, 13-10-201
- resignation required upon candidacy for nonjudicial office, 3-1-607, 3-1-608
- retention when unopposed, 13-14-212, 13-14-213; Const., VII, 8

Districts, See **Electoral districts**
Elderly voters, accessibility to polling places, See **Polling places**
Election administrator, See **ELECTION ADMINISTRATOR**
Election judges or officers, See **Judges of elections**
Election officer, chief, 13-1-201, 13-1-202, 13-12-101; Const., IV, 3
Electoral college, See **Presidential elections**
Electoral districts
- apportionment, Const., V, 14; Title 5, chapter 1
- ballot issues, allocation of petition signatures following filing of reapportionment plan, 13-27-303
- list to secretary of state, 13-1-204
- precinct boundary changes, 13-3-102, 13-3-103

Electors, 13-1-101
- absentee election board, appointment to, 13-13-226
- active electors and list of, 13-1-101, 13-2-123, 13-2-219, 13-2-222, 13-2-403, 13-2-512, 13-27-410
- arrest exemptions, 13-1-115, 46-6-102; Const., IV, 6

ELECTIONS (Continued)
Electors (Continued)

- ballot issues
  - number required, 13-27-204 — 13-27-207; Const., III, 7
  - petition, must be qualified elector to sign, 13-27-102
  - voter information pamphlets, See **BALLOT ISSUES**
- bribery, See **Crimes and prohibited acts**
- campaign treasurer must be, 13-37-203
- challenges, See **Challenges**
- cities, general provisions, See **CITIES AND TOWNS, Elections**
- convicted offenders, 13-1-111, 13-1-112, 13-2-402, 13-13-301; Const., IV, 2
- death, 13-2-402, 13-13-204, 13-13-243
- deception unlawful, 13-35-208
- disabilities, with, See **Disabilities, voters with**
- exit polling, 13-35-211, 13-35-218
- illiterate, 13-13-119, 13-13-229
- inactive electors and list of, 13-1-101, 13-2-123, 13-2-219, 13-2-220, 13-2-222, 13-2-403, 13-2-512, 13-19-313
- initiative petition signatures, gathering at polling place, 13-13-122, 13-35-211, 13-35-218
- intimidation and harassment by extremists, remedy, Title 27, chapter 1, part 15
- judges of elections, as, 13-4-102
- jurors to be chosen from, 3-15-301, 3-15-402
- lists, public availability, 13-2-122, 46-6-602
- mail ballot elections, See **Mail ballot elections**
- mailing labels, public availability, 13-2-122
- meetings of, obstruction unlawful, 13-35-213
- mental illness, 13-1-111, 13-2-402, 13-13-301; Const., IV, 2
- military personnel, 13-1-112, 13-2-215
- name change, 13-2-511, 13-2-512
- new voter lists to political parties, 13-38-103
  - mailing list provision, nonapplicability, 2-6-109
- number voting, record, 13-1-204, 13-15-404, 13-15-506
- office, eligibility for, 49-1-202; Const., IV, 4
- party committeeman, as, 13-38-201
- procedures information, incorrect or misleading — dissemination to, 13-35-235
- public meetings of, obstruction unlawful, 13-35-213
- qualifications, 13-1-111, 13-1-114, 13-2-206; Const., IV, 2
- reactivation, 13-2-222
- register of, 13-2-116
- registration, 13-1-111; Const., IV, 2, See **Registration of voters**
- residence, 13-1-111; Const., IV, 2
  - challenge, 13-2-403, 13-13-301, 13-13-304, 13-13-306
  - change, 13-1-112, 13-2-220, 13-2-511, 13-2-512, 13-2-514
  - determination, rules, 13-1-112, 13-1-114; Const., IV, 3
  - future residence, registration based on, 13-2-205
  - registration in county of, 13-2-203, 13-2-222
  - single residence, 13-1-113
- rights and duties of voters, 49-1-203
- solicitation
  - initiative petition signatures at polling place, 13-13-122, 13-35-211, 13-35-218
  - unlawful, 13-35-218
- threats and other improper influence on, See **Crimes and prohibited acts**
- voter information pamphlets, See **BALLOT ISSUES**
- youth voting program, Title 13, chapter 22

Facsimile transmissions

- absentee voter registration and voting by, 13-13-212, 13-13-276 — 13-13-278
- primary elections, declarations for nomination — filing, 13-10-201

ELECTIONS (Continued)
Facsimile transmissions (Continued)

  write-in candidates, declaration of intent — filing, 13-10-211
Federal elections, specific provisions, 13-1-101, 13-2-219, 13-2-220, 13-2-222, See also **Congressional elections**; **Presidential elections**
  failure to vote in, 13-2-402
  inactive electors, voting — effect, 13-2-512
Federal office, elections for, See **Congressional elections**; **Presidential elections**
Federal write-in absentee ballots, 13-2-212, 13-13-212, 13-13-271 — 13-13-273, 13-15-202
Fees and costs, 13-1-107, 13-1-302, 13-2-122, See also **Campaign finance**
  commissioner of political practices, copies of information filed with, 13-37-119
  election administrators' expenses, 13-1-203, 13-1-302, 13-2-117
  filing, See also **Primary elections and nominations**
    nomination without primary election, 13-10-503
    nonpartisan primary election, 13-14-112
    write-in election, general election — individual elected by, 13-15-111
  paper ballots, 13-17-305
  recounts, 13-16-205, 13-16-211, 13-16-307
General election, 13-1-101
  ballot issues, vote in, Const., III, 6
  cost, 13-1-302
  date, 13-1-104
  facsimile transmissions and through internet, acts taken by, 13-13-277
  mail ballot elections, applicability of laws, 13-19-103, See also **Mail ballot elections**
Gifts, See **Campaign finance**
Holiday, election days as, 1-1-216, 20-1-305
Illegal votes, See **Contest of election**
Illness or health emergency, absentee voting
  application for ballot, 13-13-212, 13-13-213
  delivery of ballot to voter, 13-13-212
  funding of program, 13-13-230
  pollbooks, entries, 13-13-234
  registration card, comparison of signatures, 13-13-213
  request for ballot, 13-13-211
  return of voted ballot, 13-13-221
Independent candidates, See **Candidates**
Indigent candidates, 13-10-201, 13-10-203, 13-10-204, 13-15-111
Influencing electors improperly, See **Crimes and prohibited acts**
Initiatives, See **BALLOT ISSUES**
Injunctions when, 13-35-108, 13-35-221
Instructions generally, 13-1-202, See **Absentee voting**; **Voting machines or devices**; **Voting procedure**
Internet, absentee voter registration and voting by, 13-13-276 — 13-13-278
Judges of elections
  absentee election board, delivery of ballot, 13-13-229
  absentee voting, 13-13-241, 13-13-243
    certificate of absentee voting information to, 13-13-233, 13-13-234
    delivery of ballots to, 13-13-232
    list of absentee voters, posting in polling place, 13-13-233
    records by, 13-13-234
  appointment, 13-4-101, 13-4-102
    compensation, 13-4-106
    emergency, 13-4-207
    notice, 13-4-104
    oath, 13-4-105
    term of service, 13-4-103
  canvassing of votes, See **Canvassing of votes**

ELECTIONS (Continued)
Judges of elections (Continued)

- challenges of electors, determination by, 13-2-402, 13-13-305, 13-13-307, 13-13-310, See also **Challenges**
- chief judge, 13-4-201
  - absentee voting certificates to, 13-13-233
  - designation, 13-4-101, 13-4-207
  - excuse from polling place, 13-4-207
  - labels for filled vacancies, delivery to, 13-12-204
  - returns, notice when delinquent, 13-15-402
  - supplies
    - delivery to, 13-12-102, 13-12-204
    - disposition by, 13-15-205
  - training sessions, 13-4-203
  - travel expenses, 13-4-106
  - voting machines, training in, 13-17-201
- compensation, 13-4-106
- counting boards, 13-4-101, 13-15-103
- duties generally, 13-4-201
- emergencies, excuse from polling place, 13-4-207
- excuse from polling place, 13-4-207
- illness, 13-4-207
- instruction session, 13-4-104, 13-4-106, 13-4-203
- mail ballot elections, 13-19-301, 13-19-308, 13-19-309, See also **Mail ballot elections**
- nepotism provisions, nonapplicability, 2-2-302
- notice of
  - appointment, 13-4-104
  - training sessions, 13-4-203
- oaths, 13-4-105, 13-4-202, 13-13-101, 13-15-301, 13-15-403
- obstructions, prevention, 13-13-122, 13-35-218
- pollbook, ballot stub numbers — entry when, 13-13-115
- polling places, 13-13-101, 13-13-120
- precinct register
  - ballot stub numbers, entry when, 13-13-115
  - certificate of omission, duties, 13-2-603
- primary elections, duties, 13-10-301, 13-10-311
- qualifications, 13-4-102, 13-4-107
- recounts, presumption of incorrectness, 13-16-303
- residence of elector, noting of change, 13-2-514
- term of office, 13-4-103
- training sessions, 13-4-102, 13-4-104, 13-4-106, 13-4-203
- travel expenses, 13-4-106
- united states service, electors just discharged from — presentment of certificate of registration, 13-2-515
- vacancies, 13-4-102, 13-4-203
- voting machines or devices
  - authority over, 13-13-111, 13-17-301
  - instructions for, 13-4-203, 13-17-103, 13-17-201
  - paper ballots, provision on request, 13-17-305
- voting procedures generally
  - assistance to certain electors, 13-13-114, 13-13-118, 13-13-119
  - ballot, See **Ballots**
  - ballot box, deposit of ballot in, 13-13-117, 13-35-202
  - booths, authority over use, 13-13-111
  - names of electors, announcement, 13-13-120
  - poll watchers, permission to, 13-13-121
  - stamping of ballot, 13-13-116

ELECTIONS (Continued)
Judges of elections (Continued)
  voting procedures generally (Continued)
    voting machines, authority over use, 13-13-111
    write-in candidates and votes, 13-10-211, 13-15-202
Judicial candidates, See specific office; See also **Nonpartisan elections**
  applicability of laws, 13-14-111
  appointment, election subsequent to, 3-1-1013, 3-1-1014
  ballot when incumbent unopposed, 13-14-212, 13-14-213
  clerk of the district court, See **CLERK OF THE DISTRICT COURT**
  incumbent, 3-1-1014, 13-14-212, 13-14-213; Const., VII, 8
  nonpartisan, 3-10-201, 7-3-1342, 7-3-4462, 13-14-111, See **Nonpartisan elections**
  political party endorsement prohibited, 3-10-201, 13-35-231
  recounts, 13-16-201, 13-16-418
  resignation from current office required when, 3-1-607, 3-1-608; Const., VII, 10
  retention when unopposed, 13-14-212, 13-14-213; Const., VII, 8
  secretary of state's duties, 13-10-201, 13-14-211, 13-14-213
  separate and independent offices, 13-14-211
  tie vote, 13-16-503
  vacancies among nominees prior to general election, 13-14-118
Justices of the peace, 3-10-201, 7-4-2203, 13-15-405; Const., VII, 5
  ballot arrangement, 13-12-207, 13-14-212
Legislative districts, Const., V, 14; Title 5, chapter 1, See **Electoral districts**
Mail ballot elections
  absentee voting, 13-19-303
  affidavit, 13-19-301, 13-19-309 — 13-19-311
  authorized when, 13-19-104
  ballots, 13-19-102
    affidavit, 13-19-301, 13-19-309 — 13-19-311
    canvassing and handling, 13-19-105, 13-19-312
    deposit
      ballot box, 13-19-106, 13-19-301, 13-19-308
      place of, 13-19-106, 13-19-306, 13-19-307
    distribution to electors, 13-19-206
    form, prescription, 61-5-107
    invalid when, 13-19-311, 13-19-313
    mailing to electors, 13-19-106, 13-19-206, 13-19-207, 13-19-303
    replacement ballots, 13-19-305, 13-19-313
    return of voted ballot
      by mail, 13-19-106, 13-19-306, 13-19-309
      disposition, 13-19-308, 13-19-309
      in person, 13-19-106, 13-19-306, 13-19-308
      receipt, time, 13-19-306, 13-19-311
    secrecy of voted ballots, 13-19-105
    signature verification, 13-19-304, 13-19-308 — 13-19-311, 13-19-313, 13-19-314
    transport boxes, 13-19-307, 13-19-308
    validity, 13-19-308, 13-19-309, 13-19-314
    voted when, 13-19-301
  canvassing of votes, 13-19-105, 13-19-106, 13-19-312, 13-19-314
  county water and/or sewer district board of directors, election for, 7-13-2236
  definitions, 13-19-102
  deposit of ballots, place of, 13-19-106, 13-19-306, 13-19-307
  discrepancies, resolving, 13-19-314
  fraud, 13-19-105
  general election laws, applicability, 13-19-103
  hospital districts, additional tax levy, 7-34-2135
  initiation, 13-19-201 — 13-19-203
  materials, form and distribution, 13-19-105, 13-19-206, 13-19-207

ELECTIONS (Continued)
Mail ballot elections (Continued)

  nonregistered electors, voting, 13-19-304
  notice to elector, 13-19-310, 13-19-313
  objection to, 13-19-204
  plans, written
    preparation, 13-19-202, 13-19-203, 13-19-205
    proportional voting, method for, 13-19-302
    review, 13-19-105
  procedures, 13-19-105, 13-19-106
  prohibited when, 13-19-104
  proportional voting, 13-19-302
  purpose, 13-19-101
  questions, resolving, 13-19-314
  records, 13-19-305, 13-19-309
  request for, 13-19-202
  rules, uniformity, 13-19-105
  violations and penalties, applicability of general election laws, 13-19-103
  voting, 13-19-301
    absentee, 13-19-303
    close of, procedure, 13-19-312
    nonregistered electors, 13-19-304
    proportional, 13-19-302
  water conservancy districts, organization of district or bond issue elections, 85-9-206, 85-9-623
Maps, precincts, 13-1-204, 13-3-103
Military personnel, 13-1-112, 13-2-215, See **Registration of voters**
Municipal court judges, 3-6-101, 3-6-102, 3-6-201, 13-15-405
Nomination of candidates
  bribery to influence, 13-35-220
  certification, See **Nomination of candidates**; See also **Canvassing of votes**
  congressional elections, 13-10-201, 13-25-201
    special election, 13-25-205
  constitutional convention delegates, 13-26-103
  contested, 13-36-101, 13-36-104, See **Contest of election**
  conviction of election law violations, effect, 13-35-106
  declaration of nominee, 13-15-405, 13-15-507, See also **Canvassing of votes**
    campaign reporting deficiencies, effect, 13-37-127
    destruction or defacing unlawful, 13-35-206
    falsification unlawful, 13-35-207
    suppression unlawful, 13-35-205
  good faith, for want of, 13-35-221, 13-36-209
  improper, 13-35-220, 13-35-221
  independent candidates, petition for nomination, 13-10-501
    applicability of laws, 13-10-505
    fees and filing, 13-10-503
    party nomination, effect, 13-10-305
    political parties, association with — not allowed when, 13-10-507
    presidential elections, 13-10-504
    signatures, 13-10-502, 13-10-503
    write-in nomination by political party, effect of acceptance, 13-10-305
  injunction restraining, 13-35-221
  joint filing of governor and lieutenant governor, Const., VI, 2
  nonpartisan offices, See **Nonpartisan elections**
  petition for nomination, 13-10-501 — 13-10-505, 13-10-604
    party nomination, effect, 13-10-305
    political parties, association with — not allowed when, 13-10-507

ELECTIONS (Continued)
Nomination of candidates (Continued)

- political parties
  - eligibility, 13-10-601, 13-10-604, See **Primary elections and nominations**
  - name, use, 13-10-602
- political committee, 13-1-101, 13-37-210
- presidential electors, 13-10-601, 13-25-101
- recounts, See **Recounts**
- vacancies, 13-10-325 — 13-10-327, 13-10-505
- winner, 13-1-103, 13-15-405, 13-15-507; Const., IV, 5
- withdrawal, 13-10-325
- write-in candidates, declaration of intent not required when, 13-10-211, 13-15-202

Nonpartisan elections
- applicability of laws, 13-14-111
- ballots, 13-10-209, 13-12-203, 13-14-115
- canvassing of votes, 13-14-116
- city officers and employees, 7-3-4262
- filing fee, 13-14-112
- holding, determination, 13-14-115
- judicial elections, 13-14-211 — 13-14-213
- local government, 7-3-219, 7-3-314, 7-3-413, 7-3-513, 7-3-603, 7-3-704
- nomination by more than one party, procedure, 13-10-303
- nomination by primary election
  - ballot, 13-10-209, 13-14-115
  - declaration for, 13-10-201, 13-14-112, 13-14-114
  - election, 13-14-115, 13-14-116
  - petition for, 13-10-505, 13-14-113, 13-14-114
  - vacancies among nominees, 13-14-118
  - winners, 13-14-117
- party names, use prohibited, 13-10-303, 13-10-602, 13-14-115
- register of candidates, entry, 13-14-114
- transportation board, 7-14-214
- write-in votes, 13-15-202

Notice
- absentee voting, appointment and procedure of counting board, 13-15-105
- ballot issues, See **BALLOT ISSUES**
- campaign statements and reports, noncompliance, 13-12-201, 13-37-121, 13-37-126
  - subsequent compliance, 13-37-127
- campaign violations, to county attorney, 13-37-124
- cancellation of election, 13-1-304
- canvassing of votes, delinquent returns, 13-15-402, 13-15-503
- contest, 13-36-102, 13-36-206
- county central committee meeting, 13-38-205
- criminal acts, warning notice, 13-13-113
- death of elector, 13-13-243
- judges of elections
  - appointment, 13-4-104
  - training session, 13-4-203
- name of elector, change, 13-2-511
- nomination, 13-10-301, 13-10-303
- party committee meetings, 13-38-205
- political subdivisions, elections of, 13-1-401
- polling place, 13-2-207, 13-2-215, 13-3-105
  - warning notice in, 13-13-113
- recounts, See **Recounts**
- registration notices, See **Registration of voters**
- residence of elector, change, 13-2-511

ELECTIONS (Continued)
Notice (Continued)

- returns, delinquent, 13-15-402, 13-15-503
- signature verification discrepancy, 13-19-310
- special elections, 13-1-108
- tie votes, drawing to break tie, 13-16-501
- voting machines, instructions on use, 13-17-203
- warning notice, 13-13-113

Open elections, Const., II, 13
Penalties, See **Crimes and prohibited acts**
Petitions

- initiative, signature gathering at polling place, 13-13-122, 13-35-211, 13-35-218, See also **BALLOT ISSUES**
- nomination, 13-10-501, 13-10-502, 13-10-504
  - nonpartisan candidates, 13-14-113, 13-14-114
  - presidential candidates, 13-10-404, 13-10-405
- nonpartisan candidates, for nomination, 13-14-113, 13-14-114
- presidential elections, for nomination, 13-10-404, 13-10-405

Political (action) committees, 13-1-101

- ballot issue petitions, paid signature gatherers — report requirements, 13-27-111 — 13-27-113
- contributions, limitation, 13-37-216, 13-37-218
- ethics commission members, prohibitions, 2-2-142
- naming and labeling, 13-37-210
- voluntary spending limit statement, 13-37-250

Political parties

- absentee election boards, membership, 13-13-225
- ballot, designation on, 13-12-203
  - primary elections, 13-10-209, 13-10-303
- ballot issue petitions, paid signature gatherers — report requirements, 13-27-111 — 13-27-113
- bribery, 13-35-220, 45-7-101
- campaign contribution limitations, 13-37-216, 13-37-218
- campaign materials, statement of candidate's affiliation or inclusion of symbol, 13-35-225
- committeemen
  - national, selection, 13-38-101
  - primary, election at, 13-38-201
  - party representatives, 13-38-202
  - selection, 13-38-203
- committee structure, county and city
  - appointment, 13-38-203
  - composition, 13-38-202
  - organization and operation, 13-38-205
  - powers, 13-38-203
  - state committee, appointment of county committee when, 13-38-203
  - vacancies among nominees, filling, 13-38-204
- conventions, 13-10-407, 13-38-101, 13-38-205
- election materials, statement of candidate's affiliation or inclusion or symbol, 13-35-225
- endorsement of candidates, See **Campaign practices**
- independent candidates, association with — not allowed when, 13-10-507
- judges of election, representation, 13-4-102
- judges or justices ineligible for party office, Const., VII, 9
- judicial candidates, endorsement prohibited, 13-35-231
- minor parties
  - nomination by, 13-10-501, 13-10-604, See **Nomination of candidates**
  - primary election, petition for, 13-10-601
- municipal court judges — office in, prohibited, 3-1-604

ELECTIONS (Continued)
Political parties (Continued)

- name, use, 13-10-602
- new voter lists, 13-38-103
  - mailing list provision, nonapplicability, 2-6-109
- nomination by, 13-10-601, See **Primary elections and nominations**
- nonpartisan candidates may not indicate, 13-14-112, See **Nonpartisan elections**
  - endorsement prohibited, 13-35-231
- officers of party
  - filing fee in primary election not required, 13-10-202
  - judges or justices, ineligibility, Const., VII, 9
- political (action) committee
  - contribution limitations, inapplicability, 13-37-218
  - naming and labeling, 13-37-210
- poll watchers from, 13-13-120, 13-13-121
- powers generally, 13-38-101
- presidential electors, nomination, 13-10-601, 13-25-101, 13-38-101
- presidential nominating conventions, selection of delegates, 13-10-407
- primary election, 13-10-601, See **Primary elections and nominations**
- rules and rulemaking authority, 13-38-101, 13-38-105, 13-38-203
  - county rules, filing with election administrator, 13-38-105
  - state rules, filing with secretary of state, 13-38-104
- vacancies
  - candidates, appointments to fill, 13-10-327, 13-38-203, 13-38-204
  - committeemen, 13-38-202 — 13-38-205
  - county commissioner vacancies, list of candidates, 7-4-2106
  - congressional vacancies, nominations for special election, 13-25-205
  - legislative vacancies, list of candidates, 5-2-403
  - senate vacancies, selection process for appointees, 5-2-406

Political practices, commissioner of, 13-27-111, 13-37-101, See also **PUBLIC OFFICERS OR EMPLOYEES**

- allocation and appointment, 2-15-411, 13-37-102, 13-37-104
- attorneys general, special, 13-37-113
- authority and powers, extent, 13-27-113, 13-37-111, 13-37-116
- ballot issue petitions, paid signature gatherers — report requirements, 13-27-111 — 13-27-113
- business disclosure statements, filing and availability, 2-2-106
- candidacy for office prohibited, 13-37-103
- code of fair campaign practices, provision of form, 13-35-302
- county attorney, cooperation with, 13-37-111, 13-37-124
- ethics, code of
  - decisions, appeal from, 2-2-136, 2-2-137
  - enforcement of provisions, 2-2-136
- ethics commission, 2-2-138
- forms, manuals, and reports — provision, 13-37-117
- funding, 13-37-112, 13-37-120
- lobbying and lobbyists, duties, Title 5, chapter 7, See **LOBBYING AND LOBBYISTS**
- misconduct, 13-37-102, 13-37-105
- noncompliance orders, authority to issue, 13-37-115
- personnel, 13-37-112, 13-37-113, 13-37-120
- political (action) committee
  - contribution limitations, publication, 13-37-218
  - name, filing, 13-37-201, 13-37-210
  - voluntary spending limit statement, 13-37-250
- prosecution by, 13-37-124, 13-37-111, 13-37-113, 13-37-116
- prosecution of, 13-37-105

ELECTIONS (Continued)
Political practices, commissioner of (Continued)

- public officers and employees and legislators, overlapping employment — disclosure of income from, 2-2-104
- reappointment, 13-37-103, 13-37-104
- removal, 13-37-102, 13-37-105
- reports to, 13-37-118 — 13-37-120, See **Campaign practices**
- rulemaking authority, 13-27-112, 13-27-113, 13-37-114, 13-37-117, 13-37-226, 13-37-227
- salary, 13-37-106
- term of office, 13-37-103, 13-37-104
- treasurer certification, filing with, 13-37-201
- vacancies, 13-37-104

Political subdivisions, elections of, 13-1-104, 13-1-401
- administration, 13-1-301
- date, 13-1-104, 13-1-107, 13-1-401
- expenses, 13-1-107, 13-1-302, 13-1-401
- mail ballot elections, See **Mail ballot elections**

Pollbooks, See **Voting procedure**

Polling places, 13-3-202, 13-3-207
- absentee voters, list posted, 13-13-233
- accessibility to voters with disabilities and elderly voters
  - assignment, 13-2-601, 13-3-213
  - ballots, alternative means of casting, 13-3-213
  - classification, 13-3-105, 13-3-207
  - designation of polling places, 13-3-105, 13-3-207
  - exceptions and exemptions, 13-3-204, 13-3-207, 13-3-212
  - emergency, 13-3-204, 13-3-211
  - inaccessible polling place, assignment of voters to — ballot procedures, 13-2-601, 13-3-213
  - notice of polling place location, inclusion of accessibility classification, 13-3-105
  - purpose of provisions, 13-3-201
  - resurvey when, 13-3-206
  - rules for, 13-3-203
  - rural polling place, 13-3-204, 13-3-207
  - standards for, 13-3-203, 13-3-205
  - survey of polling places to determine, procedures, 13-3-206, 13-3-212
  - temporary polling places, 13-3-211, 13-3-212
- booths, provision and arrangement, 13-13-111
- campaigning at, on election day, 13-35-211
- change, 13-3-105, 13-3-211
- designation, 13-3-105, 13-3-207, 13-3-211
- disruption, 13-35-206, 13-35-218
- electioneering at, on election day, 13-35-211
- emergency change, 13-3-105, 13-3-211
- exit polling, 13-35-211, 13-35-218
- hours open, 13-1-106, 13-19-307, 20-20-106
- initiative petitions, signature gathering, 13-13-122, 13-35-211, 13-35-218
- instructions, display, 13-13-112
- location, 7-7-4103, 13-3-105, 13-3-207, 13-3-211, 13-19-307
- mail ballot elections, place of deposit — hours open, 13-19-307
- notice of location, 13-2-207, 13-2-215, 13-3-105
- number, 13-3-104
- obstruction, 13-13-122, 13-35-206, 13-35-218
- opening or closing
  - certification when not open, 13-15-402
  - proclamation, 13-13-101
  - time, 13-1-106, 13-19-307, 20-20-106

ELECTIONS (Continued)
Polling places (Continued)

- political subdivisions, for elections of, 13-1-401
- poll watchers, 13-13-120, 13-13-121
- preparation, 13-13-101
- procedure at, See **Voting procedure**
- public buildings as, 13-3-105
- registration, 13-2-115, 13-35-205; Const., IV, 3
- rural polling place, 13-3-207
- sample ballots, display, 13-13-112, 13-35-206
- school closure for, when, 20-1-305
- solicitation of voters at, 13-35-218
- supplies, 13-12-102, 13-22-106, 13-35-206
- survey to determine accessibility, 13-3-206, 13-3-211, 13-3-212
- voting machines, provision and arrangement, 13-13-111
- warning notice, display, 13-13-113
- youth voting program, 13-22-104 — 13-22-106

Precincts, 13-3-101, 13-37-102
- electors, list of, 13-2-123
- laws, copies of election laws to each, 13-12-101
- maps, 13-1-204, 13-3-103
- polling places, 13-3-104, See **Polling places**
- register, 13-2-116
  - action to compel entry of name, 13-2-602
  - addendum, 13-2-601, 13-3-213
  - copies, availability, 13-2-122
  - disposition after election, 13-15-205, 13-15-301
  - omission from, 13-2-601 — 13-2-603
  - signing, 13-2-116, 13-13-114, 13-13-119
- voter information pamphlets available at, 13-27-410
- wards or districts, 13-3-104

Presidential elections
- applicability of laws, 13-25-103
- ballot arrangement, 13-12-202
  - electors' names prohibited, 13-25-101
  - order, 13-12-207
  - rotation, 13-12-205
- campaign finance reports, 13-37-225
- canvassing of votes, 13-15-501, 13-25-103
- certification of candidates, 13-25-101
- counting of votes, 13-15-501, 13-25-102
- date, 13-1-104
- electoral college, 13-25-104
- electors
  - compensation, 13-25-106
  - election, 13-25-102, 13-25-103
  - filing fee not required, 13-10-202
  - lists of electors, 13-25-103
  - meeting and voting, 13-25-104, 13-25-105
  - nomination, 13-10-601, 13-25-101, 13-38-101
  - number, 13-25-102
  - vacancy in office, 13-25-107
- lists of votes, 13-25-105
- national convention, selection of delegates, 13-10-407, 13-38-101
- nomination, filing petition for, 13-10-504
- primary, See **Primary elections and nominations**
- returns, 13-25-103

ELECTIONS (Continued)
Presidential elections (Continued)

    winner, 13-25-104
Primary elections and nominations, 13-1-101
    absentee ballots, disposition of unvoted party ballot, 13-13-214, See also **Absentee voting**
    applicability of laws, 13-10-208, 13-10-301
    ballots, See **Ballots**
    cancellation, 13-1-304, 13-10-209
    candidates
        certification, 13-10-208, 13-10-209
        death or withdrawal, 13-10-326 — 13-10-328
        governor or lieutenant governor, 13-10-328
        independent, 13-10-303
        indigent, 13-10-203
        registration, 13-10-205, 13-14-114
        successor, appointment of, 13-10-326, 13-10-327
        write-in, 13-10-204, 13-10-302, 13-10-305
    conservation district supervisor nominating election, in conjunction with, 76-15-302
    counting ballots, 13-10-301, 13-10-311
    date, 13-1-104, 13-1-107, 13-10-401
    declaration for nomination, 13-10-201, 13-10-303, 13-10-326
    double nomination, 13-10-303
    eligibility, 13-10-601, 13-10-604
    facsimile transmissions and through internet, acts taken by, 13-13-277
    filing fees, 13-10-202, 13-10-325, 13-10-405
    joint filing of governor and lieutenant governor, Const., VI, 2
    mail ballot elections, See **Mail ballot elections**
    minor parties, petition for, 13-10-601
    nonpartisan elections, applicability of laws, 13-14-112, See also **Nonpartisan elections**
    notice, 13-10-301, 13-10-303
    party committeemen, election at, 13-38-201
    party eligibility for primary election, 13-10-601, 13-10-604
    party name, use, 13-10-602
    petition for, 13-10-601
    presidential preference, 13-10-401 — 13-10-403
        declaration of nomination, filing, 13-10-201, 13-10-404
        national convention delegates, 13-10-407
        petitions of nomination, 13-10-404, 13-10-405
    recounts, See **Recounts**
    registration list, 13-2-115, 13-2-220
    return of votes, 13-10-301, 13-10-311, 13-16-501
    tie vote, 13-16-501
    unnecessary when, 13-1-304, 13-10-209
    vacancy
        general election, prior to, 13-10-327, 13-10-328, 13-12-204, 13-38-101, 13-38-204
        primary election, prior to, 13-10-326
    voiding of election, 13-35-107
Public employees' political activity, See **PUBLIC OFFICERS OR EMPLOYEES, Political activity**
Recall elections, Title 2, chapter 16, part 6, See **RECALL**
Records
    absentee ballots, 13-13-233, 13-13-234
    ballot issues, copies of petitions, 13-27-305
    ballots, 13-12-210
    campaign, See **Campaign finance**; **Campaign practices**
    canvass report, 13-15-404, 13-15-506
    challenges, 13-13-310

ELECTIONS (Continued)
Records (Continued)

- destruction or injury, 13-1-303, 13-35-206
- pollbook, See **Voting procedure**
- preservation, 13-1-303
- public, 13-1-109, 13-1-204
- recounts, 13-16-417, 13-16-418
- registration of candidates, 13-10-205
- registration of voters, 13-1-301, 13-2-112
- secretary of state, maintenance by, 5-2-211, 13-1-204, 13-1-303

Recounts
- candidates may be present, 13-16-302, 13-16-411
- certificate of election or nomination to candidate, 13-16-418, 13-16-419
- certification of recount results, 13-16-418
- certification of tie vote, upon, 13-16-203
- close elections, grounds for petition, 13-16-201
- county recount board, 13-16-101
- court order, under
  - application, 13-16-301, 13-16-302, 13-16-306
  - costs or expenses, 13-16-306, 13-16-307
  - county recount board, by, 13-16-301, 13-16-305
  - hearing, 13-16-301, 13-16-302
  - judge, disqualification, 13-16-304
  - jurisdiction and venue, 13-16-301, 13-16-304
  - limitation of recount, 13-16-305
  - presumption of incorrectness, 13-16-303
- disposition of ballots and election materials pending, 13-1-303
- inspection of ballots, 13-15-403, 13-16-420
- news media, representation, 13-16-411
- notices, copies to secretary of state, 13-16-201, 13-16-204
- paper ballots, procedure, 13-16-412 — 13-16-414
- petition for, filing, 13-16-201, 13-16-211
- public, to be, 13-16-411
- record and report, 13-16-416, 13-16-418
- representation of candidate or sides of ballot issue, 13-16-302, 13-16-411
- sealing of votes and materials after recount, 13-16-417, 13-16-420
- state canvassers, board of — by, 13-16-205, 13-16-419
- tie vote, after, 13-16-203, 13-16-501, See also **Tie votes**
- totals, 13-16-415, 13-16-418, 13-16-419
- voting machines or devices, procedure, 13-16-413
- write-in votes, 13-16-414

Referendums, See **BALLOT ISSUES**
Registrar of voters, 13-1-101, See **ELECTION ADMINISTRATOR**
Registration for primary, See **Primary elections and nominations**
Registration of voters
- action to compel, joinder of parties, 13-2-602
- administration, 13-1-301, See **ELECTION ADMINISTRATOR**
- affidavits, 13-2-215, 13-2-403, 13-2-404
- agency-based registration, 13-2-203, 13-2-221
- application for, 13-1-101, 13-2-203, 13-2-221
- cancellation, 13-2-402
  - residence change, upon, 13-2-514
  - transfer, upon, 13-2-513
- cards, petition signatures to be same as, 7-1-4133
- certificate of omission, 13-2-603
- challenges, 13-2-402 — 13-2-404, 13-13-311, See also **Challenges**
- citizenship, 13-2-206

ELECTIONS (Continued)
Registration of voters (Continued)

- close of
  - acceptance of application forms after, 13-2-203
  - procedure, 13-2-301
  - registration during closed period, 13-2-302
- confirmation, 13-2-207, 13-2-220, 13-2-402, 13-19-313
- constitutional convention delegate qualifications, applicability of laws, 13-26-110
- costs, 13-2-117
- drivers' license applications, form attached to, 61-5-107
- duplicates, 13-2-402
- effect, 13-2-601
- elector in united states service, 13-2-211
  - facsimile transmission and through internet, by, 13-13-276 — 13-13-278
  - federal post card, 13-2-212, 13-2-214
  - federal write-in absentee ballots, 13-13-212, 13-13-271 — 13-13-273
  - term of employment, effect, 13-2-215
- facsimile transmission, by, 13-13-276 — 13-13-278
- federal post card application, 13-2-211, 13-2-212, 13-2-214, 13-2-215
- forms, filing, 13-2-112, 13-2-114, 13-2-214
- fraud or falsification, 13-35-207, 13-35-209
- hours for, 13-2-201
- impersonation of elector, 13-35-209
- internet, through the, 13-13-276 — 13-13-278
- lists
  - crime victims, addresses deleted when, 13-2-115, 13-2-122, 46-6-602
  - mailing list provision, nonapplicability, 2-6-109
  - preparation, 13-2-114, 13-2-115, 13-2-123, 13-2-220, 13-35-205
- mail, by, 13-2-203, 61-5-107
- name change, 13-2-511, 13-2-512
- national voter registration act of 1993, implementation and operation, 1-2-112, 13-1-203, 13-1-204
- notice, 13-2-207, 13-2-214, 13-2-215, 13-2-220, 13-2-515
- number, assignment, 13-2-114
- omission from precinct register, 13-2-603
- personal appearance, by, 13-2-202
- polling place, at, 13-2-207, 13-2-215; Const., IV, 3
- precinct register, 13-2-116
- previous registration, notice to appropriate officer, 13-2-515
- prospective electors, 13-2-205
- reactivation of elector, 13-2-222
- records, 13-2-112
- registrars, 13-1-101, See **ELECTION ADMINISTRATOR**
- required, 13-1-111, 13-2-112, 13-2-601; Const., IV, 2; IV, 3
- residence, 13-1-111, 13-2-205, 13-2-222; Const., IV, 2
  - change, 13-2-220, 13-2-511, 13-2-512, 13-2-514
- rolls, maintenance, 13-2-220
- social security number as registration number, 13-2-114
- time for, 13-2-201, 13-2-203
- transfer or change of name
  - failure to transfer, 13-2-512
  - grounds, 13-2-511
  - procedure, 13-2-511, 13-2-513, 13-2-514
- youth voting program, 13-22-105

Residency of voter, See **Electors**
Returns, See **Canvassing of votes**
Right of suffrage, Const., II, 13

ELECTIONS (Continued)

School elections, Title 20, chapter 20, See **SCHOOL ELECTIONS**
Secretary of state as chief election officer, 13-1-201, 13-1-202, 13-12-101
Secret ballot, 13-1-102; Const., IV, 1
  absentee ballots, 13-13-201, 13-13-214, 13-13-221, 13-13-232, 13-13-241, 13-15-201
  challenges, effect, 13-13-311
  contents, elector may not divulge, 13-13-119, 13-35-201
  folding for deposit in ballot box, 13-13-117, 13-35-202
  judges and officials, violations by, 13-35-202
  voting booth arrangement and use, 13-13-111
  voting machine arrangement and use, 13-13-111, 13-17-103
Special elections, specific provisions, 13-1-101
  ballot issues, Const., III, 6
  congressional tie votes, to break, 13-16-502
  congressional vacancies, to fill, 13-25-202, 13-25-203, 13-25-205
  constitutional convention delegates, for, 13-26-102
  costs, 13-1-302
  facsimile transmissions and through internet, acts taken by, 13-13-277
  irrigation districts, 85-7-1712
  legislative vacancies, to fill, Const., V, 9
  notice, 13-1-108
  registration lists not required, 13-2-115
  voided elections, held for, 13-35-107
State Canvassers, Board of, 2-15-412, 13-15-502, 13-15-505
  certification by, 13-15-505, 13-15-507
  county canvassers, certification from, 13-15-501
  delinquent returns, procedure, 13-15-503
  expenses, 13-16-205
  record, 13-15-502, 13-15-506
  recounts by, 13-16-205, 13-16-419
  report, 13-15-506, 13-15-507
  write-in votes, 13-15-505, 13-15-506
State central committee, See **Political parties**
Supreme court
  clerk, 3-2-401, 13-12-207
  justices, 13-12-207, 13-14-212, 13-14-213; Const., VII, 8
    number of offices, certified to secretary of state, 13-14-211
    resignation required upon candidacy for nonjudicial office, 3-1-607
    tie vote, 13-16-503
Tie votes, 13-16-501
  ballot issues, 13-15-405
  cases not provided for, 13-15-405, 13-16-507
  certification, 13-15-405
  congressional elections, 13-16-502
  county commissioners, 13-16-505
  county officers, 13-15-405, 13-16-506
  general election, 13-16-501
  judicial officers, 13-16-503
  legislators, 13-16-503
  primary election, 13-16-501
  recount, after, 13-16-203, 13-16-501
  state executive offices, 13-16-504
United States Constitution, amendments to, See **BALLOT ISSUES**; **CONSTITUTION OF THE UNITED STATES**, **Amendments**
United States president, See **Presidential elections**
United States representatives or senators, See **Congressional elections**

ELECTIONS (Continued)

Unlawful acts, See **Crimes and prohibited acts**
Vacancies
  ballots, correction or reprinting, 13-12-204
  campaign reporting incomplete, due to, 13-37-126
  commissioner of political practices, 13-37-104
  congressional offices, special election, 13-10-505, 13-25-202 — 13-25-205
  contests, creation by, 13-36-207, 13-36-210
  general election, prior to, 13-10-327, 13-38-101, 13-38-204
  labels on ballot, 13-12-204
  nonpartisan elections, before general election, 13-14-118
  presidential electors, 13-25-107
  primary election, prior to, 13-10-326
  senate vacancies, 5-2-406
  voided election, due to, 13-35-107
Vice-presidential elections, See **Presidential elections**
Violations, See **Crimes and prohibited acts**
Voiding of election, 13-35-107, See also **Contest of election**
Voter information pamphlets, See **BALLOT ISSUES**
Voters, See **Electors**
Voting machines or devices, 13-1-101, 13-17-305
  absentee elector, use by, 13-13-204
  applicability of laws, 13-17-106
  approval, 13-17-101, 13-17-107
  arrangement at polling place, 13-13-111, 13-17-301
  ballots, 13-35-206
    paper in lieu of machine, 13-17-305, 13-17-306
      recount, 13-16-413, 13-16-414
    sample ballot, 13-13-112, 13-17-203
  certification of election officials, 13-17-201
  counting of votes, 13-15-103, 13-15-202, 13-17-305
  defacing or injury to, 13-35-206
  demonstration of use, 13-17-204
  equipment, examination 13-17-101, 13-17-102
    recount, upon, 13-16-414
    rulemaking authority, 13-17-107
  exit polling, 13-35-211, 13-35-218
  experimental use, 13-17-105
  funding, 13-17-104
  instructions for
    electors, 13-13-112, 13-17-203, 13-17-204
    judges of elections and other election officials, 13-4-203, 13-17-103, 13-17-201
  notice of use and location, 13-17-203
  pollbook, use with, 13-13-115
  provision and use, 13-13-111, 13-17-104
  recount procedures, 13-16-413, 13-16-414, 13-16-417
  rulemaking authority, 13-17-107
  specifications required, 13-17-103
  tampering, 13-35-205, 13-35-206
Voting procedure, See also **Absentee voting**
  arrests to prevent obstruction of polling place, 13-13-122
  ballot box, deposit in, 13-13-117
  ballots, See **Ballots**; **Mail ballot elections**; **Secret ballot**
  booths, provision and use, 13-13-111, 13-35-206
  canvassing of votes, See **Canvassing of votes**
  challenges, See **Challenges**

ELECTIONS (Continued)
Voting procedure (Continued)

- disabilities, voters with, See **Disabilities, voters with**
- disruption, 13-35-206
- elderly voters, See **Polling places**
- illiterate elector, 13-13-119, 13-13-229
- impersonation of voter, 13-35-210
- initiative petition signatures, gathering at polling place, 13-13-122, 13-35-211, 13-35-218
- instructions, 13-12-209, 13-13-112, 13-17-203, 13-22-104, 13-35-206
- marking ballot, 13-13-117, 13-22-104, 13-22-106
- names of electors, announcement, 13-13-120
- number of electors voting, recording, 13-12-210, 13-13-115
- obstruction or interference, 13-13-122, 13-35-206, 13-35-218
- pollbook entries, 13-13-115
  - absentee ballots, 13-13-234
  - canvassing entries, 13-15-202
  - certification, 13-15-204, 13-15-403
  - challenged ballots, 13-13-311
  - defect, effect, 13-15-403
  - disposition after election, 13-15-205, 13-15-301
  - duplicates, 13-15-103
  - signing, 13-15-204
- polling place, See **Polling places**
- poll watchers, 13-13-120, 13-13-121
- precinct register, signing, 13-2-116, 13-13-114
  - addendum, 13-2-601, 13-3-213
  - disability, voter with — when assisting, 13-13-119, 13-13-229
- primary elections, 13-10-209, 13-10-301, 13-10-302, 13-10-311
- sample ballot, display, 13-13-112, 13-17-203
- stamping ballot, 13-13-116, 13-15-201
- united states service, electors in, 13-2-212, 13-2-214, 13-2-215, 13-13-212, 13-13-271 — 13-13-273
- unqualified voter, vote by, 13-35-210
- voting machines, provision and use, 13-13-111, 13-17-301, See also **Voting machines or devices**
- write-in votes, 13-13-117, 13-15-202, See also **Write-in candidates and votes**
  - federal write-in absentee, 13-2-212, 13-13-212, 13-13-271 — 13-13-273, 13-15-202
  - primary elections, 13-10-302
  - voting machines or devices, in, 13-17-103
- youth voting program, 13-22-104 — 13-22-106

Wards, 7-4-4401, 7-5-4401, 13-3-104
Winner, declaration and certification, 13-1-103, 13-15-405, 13-15-507, 13-25-104; Const., IV, 5
Write-in candidates and votes

- ballot arrangement, 13-12-208
- canvassing of votes, 13-15-202, 13-15-403, 13-15-404, 13-15-505, 13-15-506
- declaration of intent, filing, 13-10-211, 13-15-202
- general elections, 13-15-111
- indigent candidates, 13-10-203, 13-10-204, 13-15-111
- labels on ballot, 13-13-117
- primary elections, See **Primary elections and nominations**
- recounts, 13-16-414
- voting machines must allow, 13-17-103
- voting procedure, 13-13-117, 13-15-202

Youth voting program

- ballots, 13-22-104 — 13-22-106
- candidates, 13-22-102, 13-22-105
- citation of youth voting act, 13-22-101

ELECTIONS (Continued)
Youth voting program (Continued)

  development, 13-22-104
  establishment, 13-22-103
  funding and funds, 13-22-102, 13-22-103, 13-22-107
  issues, 13-22-102, 13-22-105
  nonpartisan, 13-22-102, 13-22-104
  procedures, 13-22-106
  private funding, 13-22-102, 13-22-107
  purpose, 13-22-102
  reports, biennial, 13-22-108
  results of elections, 13-22-104, 13-22-106

ELECTRICAL BOARD, STATE, 2-15-1874; Title 37, chapter 68
  See **ELECTRICIANS**

ELECTRICAL GENERATION TAX REFORM ACT, Title 15, chapter 72, part 1
  See **TAXATION, GENERAL PROVISIONS**

ELECTRICIANS
  See also **PROFESSIONAL AND OCCUPATIONAL LICENSING AND REGULATION**
Administration of provisions, 37-68-201
Apprenticeship and apprentices, 37-68-303, 37-68-305, 37-68-311, 37-68-314
Board, State Electrical, 2-15-1874, 37-68-102; Title 37, chapter 68, part 2
  building and equipment standards, hearings, 50-60-204
  licensing duties, Title 37, chapter 68, part 3
Building Codes Council, representation on, 50-60-115
Building construction standards, electrical installation provisions — maintenance
  electricians exempt from, 50-60-602
City electrician, 7-33-4103, 7-33-4127
Contractor registration provisions, nonapplicability, 39-9-211
Definitions, 37-68-102, 37-68-103
Electrical contractors, 37-68-102, See **Licenses and licensing**
Employment agencies or unions, referrals, 37-68-301
Exemptions from provisions, 37-68-103
Fire protection equipment, installation permitted when, 50-39-101
Home inspection and inspector provisions, exclusion, 30-14-1002, 30-14-1003
Injunction, 37-68-201
Inspections, 37-68-103, 37-68-315
Journeyman electricians, 37-68-102, See also **Licenses and licensing**
  apprenticeship, 37-68-305
  supervision by, when, 37-68-103
Licenses and licensing
  applications, 37-68-304, 37-68-305, 37-68-311, 37-68-312
  discrimination in issuance prohibited, 49-3-204
  electrical contractors, 37-68-312
  examinations
    journeyman electricians, 37-68-201, 37-68-305, 37-68-307, 37-68-314
    licensure without, when, 37-68-308
    master electricians, 37-68-201, 37-68-304, 37-68-307
    procedure and fee, 37-68-307, 37-68-311
    residential electricians, 37-68-305, 37-68-307, 37-68-314
  expiration, 37-68-307
  failure to display license or proof of, citation and fine, 37-1-317, 37-68-315, 37-68-316
  fees and fines, 37-1-317, 37-68-304, 37-68-307, 37-68-308, 37-68-310 — 37-68-313, 37-68-315, 37-68-316
  lapsed license, effect, 37-68-310
  local licenses, effect, 37-68-308

ELECTRICIANS (Continued)
Licenses and licensing (Continued)

    proof of, 37-1-317, 37-68-301, 37-68-315, 37-68-316, 50-60-604
    qualifications
        journeyman electricians, 37-68-305
        master electricians, 37-68-304
        residential electricians, 37-68-305
    renewal, 37-68-310, 37-68-312
    required, 37-68-301, 37-68-302
    rules for, 37-68-201
    suspension or revocation, 37-68-310, 37-68-322
    temporary practice permit, 37-68-311
Master electricians, 37-68-102, 37-68-103, See **Licenses and licensing**
Purpose of provisions, 37-68-101
Residential electricians, 37-68-102, See **Licenses and licensing**
Security alarm systems, installation, 37-60-409
Title, unauthorized use, 37-68-302
Violations, 37-68-322
    license
        failure to display license or proof of, refusal of citation, 37-68-316
        renewal fee, failure to pay, 37-68-310
        revocation for, 37-68-322
    prosecution and enjoinder of persons committing, 37-68-201
    statute of limitations on prosecution, tolling, 37-68-322

ELECTRICITY BUYING COOPERATIVES
Affidavits, 35-19-302, 35-19-306, 35-19-314, 35-19-315
Agents, 35-19-310
Articles of incorporation, 35-19-301, 35-19-303, 35-19-315
    amendment, 35-19-302, 35-19-303, 35-19-315
    bylaws, contents, 35-19-304
    notice requirements, waiver, 35-19-203
    trustees, provisions for, 35-19-301, 35-19-308
Assets, 35-19-312, 35-19-314
Board of trustees, See **Trustees, board of**
Borrowing, 35-19-201
Bylaws, 35-19-201, 35-19-304
    delegates, powers, 35-19-309
    meetings of members, provisions for, 35-19-305
    membership, methods prescribed, 35-19-107
    notice requirements, waiver, 35-19-203
    officers, removal and election of successor, 35-19-310
    trustees, provisions for, 35-19-307, 35-19-308
    voting districts, provisions for, 35-19-309
Citation of Electricity Buying Cooperative Act, 35-19-101
Contracts, 35-19-201
Default supplier license, 35-19-103
Definitions, 35-19-102
Delegates, election and powers, 35-19-309
Dissolution
    when business commenced, 35-19-314, 35-19-315
    when business not commenced, 35-19-313, 35-19-315
Electric generating plants, restrictions on acquisition, 35-19-202
Employees, 35-19-310
Existence, 35-19-201
Expenses, 35-19-311, 35-19-313
Fees, 35-19-303, 35-19-313, 35-19-315

ELECTRICITY BUYING COOPERATIVES (Continued)

Filings, 35-19-301 — 35-19-303, 35-19-313 — 35-19-315
Incorporation, See **Articles of incorporation**
Incorporators, 35-19-106
  articles of incorporation, 35-19-301
  dissolution when business not commenced, 35-19-313
Indebtedness, 35-19-201, 35-19-204, 35-19-311 — 35-19-314
Jurisdiction of Public Service Commission, 35-19-103
Liability, 35-19-301
Meetings, 35-19-305
  articles of incorporation, amendment, 35-19-302
  dissolution, for, 35-19-314
  election of trustees, 35-19-308
  notice, waiver, 35-19-203
  petitions and documents, presentation, 35-19-306
  property, disposition, 35-19-312
  trustees, of, 35-19-307
  voting districts, 35-19-309
Members and membership, 35-19-107
  acknowledgments, authority to take, 35-19-205
  articles of incorporation, amendment, 35-19-302
  bylaws — adoption, amendment, or repeal, 35-19-304
  classification and classes, 35-19-301, 35-19-309
  delegates, election, 35-19-309
  dissolution, 35-19-314
  liability, 35-19-204
  meetings, 35-19-305, See also **Meetings**
  petitions and documents, requirements, 35-19-306
  property, disposition, 35-19-312
  refunds to, 35-19-311, 35-19-314
  trustees
    election, 35-19-308, 35-19-309
    qualifications, 35-19-307
  voting districts, 35-19-309
Name, 35-19-105, 35-19-301, 35-19-302, 35-19-313, 35-19-314
Notice, waiver, 35-19-203
Office, principal
  articles of incorporation, 35-19-301
    amendment, 35-19-302
  change of location, 35-19-303
  dissolution when business commenced, 35-19-314
  dissolution when business not commenced, 35-19-313
Officers, 35-19-204, 35-19-205, 35-19-302, 35-19-303, 35-19-310, 35-19-314
Patronage refunds, 35-19-311, 35-19-314
Powers generally, 35-19-201
  restrictions, 35-19-202
  trustees, board of, 35-19-308
Property, 35-19-201, 35-19-204
  disposition or encumbrance, 35-19-312
  dissolution, disposition, 35-19-314
Purpose of incorporation, 35-19-104
Revenue, 35-19-311, 35-19-312
Reserves, 35-19-311
Sale of electricity, 35-19-201, 35-19-202
Seal, 35-19-201, 35-19-302, 35-19-303, 35-19-314
Stock, 35-19-301, 35-19-312

ELECTRICITY BUYING COOPERATIVES (Continued)

Sue and be sued, power to, 35-19-201
Taxation, exemption, 35-19-108
Transmission or distribution lines or systems, restrictions, 35-19-202
Trustees, board of, 35-19-307, 35-19-308
  acknowledgments, authority to take, 35-19-205
  articles of incorporation
    amendment, approval, 35-19-302
    inclusion, 35-19-301, 35-19-308
  bylaws — adoption, amendment, or repeal, 35-19-304
  delegates, election by, 35-19-309
  dissolution, procedures, 35-19-314
  liability, 35-19-204
  meetings, 35-19-307
  meetings of members, requirements, 35-19-305
  office, principal — change of location, authorization, 35-19-303
  officers, agents, or employees — election or appointment, 35-19-310
  petitions and documents submitted to members, approval not required, 35-19-306
  property, disposition or encumbrance, 35-19-312
  unclaimed refunds, retention and use, 35-19-311
  voting districts, election, 35-19-309
Voting districts, 35-19-309
Winding up, 35-19-314

ELECTRIC UTILITY INDUSTRY RESTRUCTURING AND CUSTOMER CHOICE ACT, Title 69, chapter 8
  See **UTILITIES**

ELECTROLOGY AND ELECTROLOGISTS
  See also **PROFESSIONAL AND OCCUPATIONAL LICENSING AND REGULATION**
Administration of provisions, 37-32-305
Cosmetologists, Board of, 37-32-102, 37-32-201
  licensing duties, Title 37, chapter 32, part 3
  representation on, 2-15-1857
Definitions, 37-32-102
Equipment standards, 37-32-304
Exemptions from provisions, 37-32-103
Inspections and fees, 37-32-304, 37-32-306
Licenses and licensing
  applications, 37-32-301, 37-32-304, 37-32-306
  discrimination in issuance prohibited, 49-3-204
  examinations, 37-32-201, 37-32-302
  fees, 37-32-301, 37-32-304, 37-32-305
  issuance, 37-32-302
  qualifications, 37-32-201, 37-32-302
  renewal, 37-32-301, 37-32-304, 37-32-305
  required, 37-32-301
  revocation or suspension, 37-32-305
  salons or schools, 37-32-304
  temporary permits, 37-32-306
Physician assistants-certified utilization plans, applicability, 37-20-303
Practice of electrology, 37-32-102, 37-32-301
Premises
  license required, 37-32-304
  standards and requirements, 37-32-201
Purpose of provisions, 37-32-101
Salons, 37-32-201, 37-32-304, 37-32-306

ELECTROLOGY AND ELECTROLOGISTS (Continued)

Sanitary standards, 37-32-201, 37-32-304
Schools of electrology, 37-32-201, 37-32-304, 37-32-306
Teaching of electrology, 37-32-201, 37-32-301
Violations and penalty, 37-32-311

ELECTRONIC FUNDS TRANSFER
Application of laws, 32-6-102
Automated teller machines, 32-1-440, 32-6-103, 32-6-301
Cash dispensing machines, 32-6-103
Citation of Montana Electronic Funds Transfer Act, 32-6-101
Consumer information, 32-6-104
County treasurer, payments received by, 7-6-2116, 15-16-104
Definitions, 15-1-801, 15-70-112, 17-8-301, 32-6-103
Errors, 32-6-104, 32-6-302, 32-6-303
Evidence
  authorization of transaction by another party, presumption, 32-6-303
  receipts, admissibility and prima facie proof of transaction, 32-6-301
Funds transfers, exclusion, 30-4A-108
Livestock dealers, transactions by, 81-8-234
Lottery, state — ticket or chance sales agents, payments to lottery, 23-7-301
Periodic statement of account, 32-6-104, 32-6-301, 32-6-302
Personal identification number, 32-6-104, 32-6-303, 32-6-306
Point-of-sale terminals, 32-6-103, 32-6-104, 32-6-303
Privacy, protection, 32-6-105
Receipts, 7-6-2116, 15-16-104, 32-6-104, 32-6-301
Records, 32-6-301
  consumer information, 32-6-104
  merchant records, 32-6-303
  unauthorized disclosure, 32-6-106
Satellite terminals, 32-6-103
  branch banks, 32-1-372
  records and receipts, 32-6-301, 32-6-306
  withdrawals, notice of time period to be posted, 32-1-440
Schools, BASE aid and state advances for county equalization — distribution, 20-9-346
State warrants, 2-18-405, 17-8-301
Subpoena, disclosure of transactions upon, 32-6-105
Surcharge for use of terminals, 32-6-104
Tax payments by, 15-1-801 — 15-1-803, 15-16-104, 15-70-112, 15-70-113, 15-70-115
  income tax withholding, employer option, 15-30-210
Unauthorized
  disclosure of records, 32-6-106
  transactions, 32-6-104, 32-6-303
Unique identification device, 32-6-103, 32-6-104, 32-6-303
Wages, payment by, 39-3-204

ELECTRONIC RECORDS AND SIGNATURES
Acceptance and use, 2-20-105
Administrative proceedings, legal recognition, 2-20-106, 2-20-107
  contracts, involving, 2-20-108
Audits, 2-20-105
Certification authorities or repositories, 2-20-103
  registration, 2-20-109, 2-20-110
Citation of Montana Electronic Transactions With State Agencies and Local Government Units Act, 2-20-101
Confidentiality, 2-20-105
Construction of provisions, 2-20-104

ELECTRONIC RECORDS AND SIGNATURES (Continued)

Contracts, 2-20-104, 2-20-108
Definitions, 2-20-103
Exceptions, 2-20-104
Legislative intent, 2-20-102
Management, 2-20-111
Rule of law, 2-20-103
Rules, 2-20-105, 2-20-109, 2-20-110
Secure records and signatures, 2-20-103, 2-20-107, 2-20-108
Security procedure, 2-20-103, 2-20-107

ELEVATORS
Agricultural commodities, Title 80, chapter 4, part 5, See **AGRICULTURAL COMMODITIES, Warehouses and warehousemen**
Buildings, public — in, See **BUILDINGS AND BUILDING REGULATIONS**
Condominiums, as common element, 15-8-511, 70-23-102
Cooperative associations, dividend payments, 35-15-411
Country elevators, minimum wage and overtime compensation exclusions for employees, 39-3-406
Grain, See **AGRICULTURAL COMMODITIES, Warehouses and warehousemen**; **RAILROADS, Grain elevators or warehouses**
Hoisting engines, See **HOISTING ENGINES**
Industrial, See **HOISTING ENGINES**
Insurance against loss or damage, 33-1-206, See **INSURANCE, CASUALTY**, generally
Landlord-tenant relationships, maintenance, 70-24-303, 70-24-321, See also **LANDLORD AND TENANT, Maintenance**
Minors' employment prohibited, 41-2-107
Smoking in, prohibited, 50-40-105, 50-40-204

ELISORS, 25-1-1101, 25-3-105, 25-3-206

ELK
See **FISH AND WILDLIFE, Bow and arrow**; **Game animals**; See also **LIVESTOCK, Alternative livestock ranches and alternative livestock**; **Marks and brands**

EMBARGOES
Commercial feeds, 80-9-103, 80-9-205, 80-9-302, 80-9-303
Commercial fertilizers, 80-10-302
Cosmetics, 50-31-501, 50-31-509
Drugs, 50-31-501, 50-31-509
Food, 50-31-501, 50-31-509
Hazardous substances, 50-30-307
Noxious weeds, 7-22-2126
Pesticides, 80-8-303

EMERGENCIES AND EMERGENCY POWERS
Access to affected area, 10-3-104, 10-3-401, 10-3-406
Administrative rules
  emergency rules
    adoption and period of effectiveness, 2-4-303
    agency decisions for, exception to public participation provisions, 2-3-112
    effective date, 2-4-306
  suspension during emergency, 10-3-104
Agricultural chemical ground water protection
  investigations and inspections, 80-15-401
  management plans, 80-15-217
  orders or rules, 80-15-405
  procedures, rules, 80-15-105

EMERGENCIES AND EMERGENCY POWERS (Continued)

Aid programs
  community loans, 10-3-314
  debris and wreckage removal, 10-3-315
  development, 10-3-105
  encouraged, 10-3-202
  federal, 10-3-203, 10-3-315
  interstate mutual aid compact, 10-3-204, 10-3-205, 10-3-207, 10-3-208
  law enforcement, interstate mutual aid agreements, Title 44, chapter 11, part 3
  private, 10-3-203
Air contaminant emissions
  reduction or discontinuance, 50-70-117, 75-2-301, 75-2-402
  workplace, in, 50-70-117
Aircraft, emergency landing strips, 67-5-102, 76-5-401
Amateur radio operators, 61-3-424
American Red Cross disaster relief volunteer service, paid leave for public employee's participation, 2-18-627
Appropriations, supplemental, 17-7-301, 17-7-311
Armed persons, importation into state, 45-8-106
Asbestos-related occupations and projects, emergency actions, 75-2-503
Banks and trust companies
  closure during, 32-1-561 — 32-1-565
  deposits and collections, delays — excuse, 30-4-108
Boats
  authorized vessels, use of sirens, 23-2-521
  diver safety zones, operation in, 23-2-525
Budget provisions, 17-7-102, 75-10-621, See **BUDGET AND BUDGETING**
Capitol, relocation, 10-3-607; Const., III, 2
Cities and towns, See **CITIES AND TOWNS, Emergencies; Ordinances and resolutions; CITY FINANCE, Emergency expenditures and liabilities**
City-county consolidated governments
  commission president, powers and duties, 7-3-1219
  ordinances and resolutions regarding, 7-3-1223, 7-3-1224, 7-3-1230
Civil defense, 10-3-103
  amateur radio operators' license plates, list to director, 61-3-424
  law enforcement auxiliary officers, duties, 7-32-201
  9-1-1 emergency telephone system, Title 10, chapter 4, parts 1 — 3
  personnel, liability, 10-3-111
  postattack resources management, See **Postattack resources management**
  public safety communications officers, 7-31-201 — 7-31-203, 44-4-301, 44-4-302
  supervision and coordination, 10-1-102
  symbol, 10-3-113
Commander-in-chief during, 10-3-305; Const., VI, 13
Communications, 10-3-106, 27-1-735, 61-3-424; Title 10, chapter 4, parts 1 — 3
Community college districts, budgets, 20-15-323 — 20-15-326
Community disaster loans, 10-3-314
Community service volunteer projects, 90-14-105, 90-14-107
Continuity of government, Const., III, 2
  citation of the continuity in government act, 10-3-601
  cities and towns
    executive, 10-3-605
    governing bodies, 10-3-604
  county commissioners, boards of, 10-3-603
  governor, 2-16-513, 10-3-602, See also **GOVERNOR, Succession**
  provisions, 10-3-609; Const., III, 2
  quorum requirements, 10-3-606

EMERGENCIES AND EMERGENCY POWERS (Continued)
Continuity of government (Continued)

- relocation of government functions
  - district court, venue, 3-5-405
  - seats of government, 10-3-607, 10-3-608; Const., III, 2

Correctional facilities, private, 53-30-605, 53-30-611
Counties, See **COUNTIES, Emergencies**; **COUNTY COMMISSIONERS, BOARD OF**; **COUNTY FINANCE, Emergency expenditures and liabilities**
County road emergency areas, 7-14-2128, 7-14-2129
County weather modification and control activities

- declaration, 85-3-424
- exemption from licensing and permit provisions, 85-3-202
- expenditures, 85-3-423

Crime victims, services, 46-24-201
Dams

- "emergency" defined, 85-15-106
- preparedness and warning procedures, 85-15-110, 85-15-212
- repairs or breaching, 85-15-215

Debris removal, 10-3-315
Declaration of disaster or emergency

- appropriation following, 10-3-101, 10-3-310, 10-3-312
- community disaster loans, authorization, 10-3-314
- county weather modification, 85-3-424
- debris and wreckage removal, authorization, 10-3-315
- energy supply emergencies, 90-4-305, 90-4-308 — 90-4-310
- expenditures following, 10-3-101, 10-3-311, 10-3-312, 17-8-106
- federal, 10-3-312
- hazardous material incidents, 10-3-1210
- housing for victims, authorization, 10-3-313
- livestock marks or brands, expenditure of rerecording fees — effect, 81-3-107
- local, 7-31-2101, 10-3-402, 10-3-403
  - contents, dissemination, and effect, 10-3-404
  - termination, 10-3-402 — 10-3-404
- military personnel, extension of enlistment, 10-1-303
- noxious weed, 80-7-815
- postattack, 10-3-505, 10-3-506
- schools
  - closure by declaration, 20-9-802, 20-9-806
  - elections, cancellation due to, 20-20-108
- state
  - contents and preparation, 10-3-104, 10-3-105
  - dissemination and effect, 10-3-302, 10-3-303
  - preparation, 10-3-105
  - responsibilities, 10-3-101
  - termination, 10-3-104, 10-3-302, 10-3-303

Definitions, 10-3-103, 10-3-502, 10-3-1103, 10-3-1203
Disaster and Emergency Services, Division of, 2-15-1204, 10-3-103, 10-3-105, 10-3-1203

- communications, coordination, 10-3-106
- cooperation with other agencies, 10-3-105, 10-3-201, 10-3-202
- declaration of emergency filed with, 10-3-304, 10-3-404
- drought advisory committee, duties and responsibilities consistent with, 2-15-3308
- emergency management assistance compact, administration, 10-3-1002
- hazardous material incidents, response to, See **Response to hazardous material incidents**
- highways, use, 10-3-107
- review of local plans and programs, 10-3-105, 10-3-202
- state disaster and emergency plan and program, 10-3-105, 10-3-301

EMERGENCIES AND EMERGENCY POWERS (Continued)

Distraint, warrants for, 15-1-703, 15-1-707
District court, emergency change of venue, 3-5-405, 3-5-406
Elections
  absentee ballots, 13-13-212
  judge of election, excuse from polling place, 13-4-207
  polling places, relocation, 13-3-105, 13-3-204, 13-3-211
Emergency Management Assistance Compact
  administrator, 10-3-1002, 10-3-1003
  supplementary agreements, 10-3-1003
  text, 10-3-1001
Emergency medical technicians, See **EMERGENCY MEDICAL SERVICES**
Emergency resource management plan, Title 10, chapter 3, part 5
Emergency Services Mutual Aid Act, Interstate, Title 10, chapter 3, part 11
Endangered species — destruction, removal, or capture allowed when, 87-5-109
Energy supply emergencies, Title 90, chapter 4, part 3
Environmental emergencies
  abatement, 75-1-1101, 82-4-357
  contingency account, use, 75-1-1101
  underground storage tanks, corrective action, 75-10-621
Evacuation, 10-3-104, 10-3-401, 10-3-406, 75-20-1204
Expenditures
  authorization and restrictions, 10-3-311, 17-8-106
  budget provisions, 17-7-102, 75-10-621
  cities, See **CITY FINANCE, Emergency expenditures and liabilities**
  community disaster loans, 10-3-314
  counties, 7-14-2524, See also **COUNTY FINANCE, Emergency expenditures and liabilities**
  county weather modification, 85-3-423
  dams, repairs or breaching, 85-15-215
  debris and wreckage removal, 10-3-315
  drainage district repairs, 85-8-368
  energy supply emergencies, 90-4-318
  environmental contingency account, use, 75-1-1101
  flood-related damages, restrictions, 10-3-311
  hazardous substances, for remedial action to prevent or alleviate release, 75-10-621
  housing for victims, 10-3-313
  incident response, 10-3-310
  interstate emergency services mutual aid, 10-3-1105, 10-3-1115
  local funding, 10-3-405
  maximum, 10-3-312
  noxious weed emergencies, 80-7-814, 80-7-815
  renewable resource grant and loan projects, 85-1-605
  restrictions, 10-3-311, 17-8-106
False alarm of, 45-7-204
Federal aid and services
  debris removal, 10-3-315
  interstate emergency services mutual aid agreements, See **Interstate emergency services**
  loans, 10-3-203, 10-3-314
  state matching funds required, effect, 10-3-311
Federal declaration of disaster or emergency, 10-3-312
Fires and fire protection, 7-3-1345, 7-33-2105, 7-33-2108, 7-33-2202, 7-33-4112, See also **Interstate emergency services**
  danger areas, closure to hunting and fishing when, 87-3-106
  emergency response equipment, 7-33-2109, 7-33-2402
  forest fire emergency in county, state suppression costs, 7-33-2210

EMERGENCIES AND EMERGENCY POWERS (Continued)
Fires and fire protection (Continued)

natural resources, protection, 76-11-101
rural areas, voluntary urban fire crews — use in, 7-33-2207
Food shortages, regulation, 10-3-505
Forests and forestry
fire emergency in county, state suppression costs, 7-33-2210
practices by owners of forest lands or timber, 76-13-135
Funding, See **Expenditures**
Gifts and grants for disaster or emergency purposes, 10-3-203, 10-3-313, 10-3-315
Governor, See **GOVERNOR**
Ham radio operators, 61-3-424
Hazardous material incidents, recovery of costs, 75-10-716, 75-10-717, See also **Response to hazardous material incidents**
Hazardous or deleterious substances, remedial action upon release, 75-10-621, 75-10-712
Hazardous wastes
response plans of facilities, 75-10-441
treatment, storage, disposal, or facilities — permits for, 75-10-406
variances, effect, 75-10-408
Highways
county road emergency areas, 7-14-2128, 7-14-2129
emergency maintenance services, interstate agreement for, 60-2-213
emergency road service, Title 61, chapter 12, part 3
herding livestock on, during nighttime, 60-7-204
use, 10-3-107
Hoisting engines, operation, 50-76-102, 50-76-103
Housing
postattack emergency regulation, 10-3-505
victims, for — temporary, 10-3-103, 10-3-313
Incident response
authority, appropriation, expenditures, recovery, and rules, 10-3-310
hazardous material, See **Response to hazardous material incidents**
"incident" defined, 10-3-103
Insect pest infestations, 80-7-501, 80-7-502
Interstate Emergency Services Mutual Aid Act, Title 10, chapter 3, part 11
Interstate emergency services, 10-3-1103
mutual aid agreement, 10-3-1103
actions involving, right of state, 10-3-1113
agency duties, effect on, 10-3-1111
approval, 10-3-1104, 10-3-1106
authorization, 10-3-1104
content, 10-3-1104, 10-3-1105
filing, 10-3-1107
limitation of powers, 10-3-1112
citation of interstate emergency services mutual aid act, 10-3-1101
funding and budget, 10-3-1105, 10-3-1115
liability, 10-3-1113
other law, effect, 10-3-1114
purpose, 10-3-1102
Interstate Mutual Aid Compact
enactment, 10-3-204
governor's authority to join and supplemental agreements, 10-3-205
rulemaking authority, 10-3-208
text, 10-3-207
Law enforcement, interstate mutual aid agreements, Title 44, chapter 11, part 3
Liability
civil defense personnel, 10-3-111

EMERGENCIES AND EMERGENCY POWERS (Continued)
Liability (Continued)

- hazardous material incidents, 10-3-111, 10-3-1210, 10-3-1216, 10-3-1217
- interstate emergency services mutual aid agreements, 10-3-1113
- limitations, 61-8-909
- local government agencies, 10-3-111, 10-3-209, 10-3-1113

Livestock
- county road emergency areas, running on, 7-14-2129
- disease control, 81-2-111, 81-21-104
- herding during nighttime on highways, 60-7-204
- marks or brands, expenditure of rerecording fees — effect of declaration on, 81-3-107
- transitory cargo, unloading, 81-2-703
- veterinarians, removal from state for treatment, 81-3-233

Loans
- community disaster, 10-3-314
- federal, 10-3-203, 10-3-314
- housing for victims, 10-3-313

Local emergencies or disasters
- agencies to handle, See **Local government agencies**
- declaration, 7-31-2101, 10-3-402 — 10-3-404
- funding, 10-3-405
- preparedness planning, 10-3-201, 10-3-401
- principal executive officer, 10-3-103
  - access to affected area, authority, 10-3-406
  - aid programs, acceptance, 10-3-203
  - declaration, issuance and termination, 10-3-402, 10-3-403
  - evacuation authority, 10-3-406
  - intergovernmental cooperation, duties, 10-3-201

Local government agencies, 10-3-101
- aid programs, 10-3-202, 10-3-203
- cooperation with other governmental agencies, 10-3-107, 10-3-202
- declaration of emergency, filing with, 10-3-404
- designation and duties generally, 10-3-201
- employee requirements, 10-3-112
- housing for victims, temporary, 10-3-313
- identification, 10-3-113
- interstate emergency services mutual aid, See **Interstate emergency services**
- liability, 10-3-111, 10-3-209, 10-3-1113
- plan, written, 10-3-401
- requests for assistance, 10-3-209

Martial law, 10-1-106, 10-3-102; Const., VI, 13
Medical care providers, See **Interstate emergency services**; **EMERGENCY MEDICAL SERVICES**
Medical services or technicians, See **EMERGENCY MEDICAL SERVICES**
Military personnel
- extension of enlistment, 10-1-303
- unpaid leave of absence during, entitlement, 10-1-603

Montana Conservation Corps projects, 23-1-303, 23-1-311
Motor carriers, motor vehicles as emergency equipment, 69-12-421
Motor vehicles
- authorized emergency vehicles, See **EMERGENCY MEDICAL SERVICES, Transportation or treatment services**; **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Authorized emergency vehicles**
- emergency brakes, operation, 61-9-308
- emergency road service, Title 61, chapter 12, part 3
- motor carriers, as emergency equipment, 69-12-421

EMERGENCIES AND EMERGENCY POWERS (Continued)
Motor vehicles (Continued)

  on-scene command and control vehicles, designation, 61-9-402, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Authorized emergency vehicles**
  reflective triangles or reflectors, requirements, 61-9-411, 61-9-412
  state-owned
    emergency purchase, 2-17-403
    use by public employees, 2-17-424
Municipal commission-manager government, 7-3-4325, 7-3-4326, 7-3-4434, 7-3-4463, 7-3-4465, 7-3-4466
Mutual aid
  fire protection agreements, 7-3-1345, 7-33-2108, 7-33-2202, 7-33-4112; Title 10, chapter 3, part 11
  interstate, See **Interstate emergency services**; **Interstate Mutual Aid Compact**
9-1-1 emergency telephone system, Title 10, chapter 4, parts 1 — 3
Noxious weed emergencies, 80-7-814, 80-7-815
Nuclear facilities, evacuation and medical aid plans concerning, 75-20-1204
Nursing assistance during, 37-8-103
Oil and Gas Conservation, Board of — orders, 82-11-141, 82-11-151
On-scene command and control vehicles, designation, 61-9-402, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Authorized emergency vehicles**
Planning and plans, 10-3-101, 10-3-105, 10-3-301
  dams, preparedness and warning procedures, 85-15-110, 85-15-212
  declaration of disaster or emergency, effect, 10-3-302, 10-3-303, 10-3-305, 10-3-404
  emergency resource management, 10-3-501 — 10-3-504
  local, 10-3-201, 10-3-401
  nuclear facilities, evacuation and medical aid, 75-20-1204
  postattack resources management, 10-3-501 — 10-3-504
Police officers, retired — utilization, 7-32-4107
Policy of state, 10-3-101, 10-3-501, 10-3-1102
Political involvement of organizations prohibited, 10-3-112
Polling places, relocation, 13-3-105, 13-3-204, 13-3-211
Postattack resources management, 10-3-502
  governor, powers and duties, 10-3-503, 10-3-505; Const., III, 2
  plan for, 10-3-502 — 10-3-504
  policy of state and purpose, 10-3-501
  proclamation of emergency, 10-3-505
    judicial inquiry, 10-3-506
    termination, 10-3-505
  purpose, 10-3-501
  rules and orders, 10-3-503, 10-3-505, 10-3-507
Proclamation of emergency, See **Declaration of disaster or emergency**
Public records, essential — protection, 2-6-206
Public safety communications officers, 7-31-201, 44-4-302
  appointment, termination, resignation, or death — notification, 7-31-203
  certification and employment, 7-31-203, 44-4-301
  penalty or probation, 7-31-203
  qualifications, 7-31-202
Radioactive substances
  impoundment of materials, 50-79-402
  nuclear compact, western interstate, Title 90, chapter 5, part 2
  orders and rules, 50-79-403
Red Cross, cooperation with, 10-3-202
Resources management, See **Postattack resources management**
Response to hazardous material incidents
  actions, cost recovery, 10-3-1216
  assistance required, 10-3-1218

EMERGENCIES AND EMERGENCY POWERS (Continued)
Response to hazardous material incidents (Continued)

- citation of Montana response to hazardous material incidents act, 10-3-1201
- controlling provisions for state of emergency, 10-3-1210
- cooperative agreements, 10-3-1204
- costs reimbursement
  - deficiency warrants, 10-3-1215
  - reimbursement claims, 10-3-1214
- definitions, 10-3-1203
- environmental contingency account, deposits and use, 10-3-1211, 10-3-1215, 10-3-1216, 75-1-1101
- funding, 10-3-1204, 10-3-1207
- liability, 10-3-111, 10-3-1210, 10-3-1216, 10-3-1217
- local emergency response authorities, 10-3-1203
  - designation, 10-3-1208
  - liability, 10-3-1217
  - powers and duties, 10-3-1209
- penalties for violations, 10-3-1211, 10-3-1216
- public contracts to meet needs, 10-3-1204
- purpose, 10-3-1202
- release, notification, 10-3-1211
- response team members
  - costs, reimbursement and recovery, 10-3-1214, 10-3-1216
  - liability, 10-3-1217
  - workers' compensation premiums, 10-3-1207
- state emergency response commission, 10-3-1203, 10-3-1204
  - budget and expenditures, 10-3-1207
  - claims for reimbursement, submission and review, 10-3-1214, 10-3-1215
  - liability, 10-3-1216, 10-3-1217

Rural fire service areas, emergency response equipment, 7-33-2402
Sanitarians, epidemiological investigations and response to — cooperation, 37-40-101
Schools and school districts

- budget amendment tax levy, 20-9-168
- closure, 20-9-802, 20-9-805, 20-9-806
- disaster drills, 20-1-401, 20-1-402, 20-1-404, 20-1-407
- general fund budget, additional financing — election rescheduled when, 20-20-105
- teachers, authorization, 20-2-121, 20-4-111, See **TEACHERS**, **Emergency authorization**

Seats of government, relocation, 10-3-607, 10-3-608; Const., III, 2
Secured transactions, filing office — delay by, when, 30-9-544
State building repairs or alterations, authorization, 10-3-311, 18-2-102
State lands, recreational use — closure of land, 77-1-804
State services, disruption, 10-3-103
Succession in office, 2-16-513; Title 10, chapter 3, part 6, See **Continuity of government**; See also **GOVERNOR**, **Succession**
Tactical incident assistance, 10-3-702

- citation of tactical incident assistance act, 10-3-701
- national guard
  - assistance, 10-3-705
  - local agency, contacting, 10-3-704
- governor's powers, 10-1-106, 10-3-305
- team aiding another jurisdiction, 10-1-703

Taxation

- levy for, 10-3-405
- property taxes, effect on, 15-16-611, 15-16-612

Telecommunications, 10-3-106; Title 10, chapter 4, parts 1 — 3
Termination of proclamation or declaration

- local, 10-3-402 — 10-3-404

EMERGENCIES AND EMERGENCY POWERS (Continued)
Termination of proclamation or declaration (Continued)

  postattack, 10-3-505
  state, 10-3-104, 10-3-302, 10-3-303
University students' rooms, entry, 20-25-513
Utilities
  regulation, 10-3-505
  underground facilities, excavations near — emergency location and excavation, 69-4-501, 69-4-508
Vacancies in government, 2-16-513; Title 10, chapter 3, part 6, See **Continuity of government**
Vehicles, emergency, See **EMERGENCY MEDICAL SERVICES, Transportation or treatment services; MOTOR VEHICLES AND TRAFFIC REGULATIONS, Authorized emergency vehicles**
Water pollution, reduction or discontinuance, 75-5-614, 75-5-621, 75-5-622
Wreckage removal, 10-3-315

EMERGENCY MEDICAL SERVICES
Abortion, 50-20-106, 50-20-203, 50-20-208, 50-20-303
Administration, 50-6-102
AEDs (automated external defibrillators), use by public or private entities, 50-6-501 — 50-6-506
AIDS, exposure — testing provisions, 50-16-702, 50-16-1007
"Aircraft" defined, 50-6-302, See **Transportation or treatment services**
Alcohol, persons incapacitated by, 53-24-303
Ambulances, See **Transportation or treatment services**, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Authorized emergency vehicles**
Anatomical gift donors, search for document of gift or evidence of refusal, 72-17-213
Cardiopulmonary resuscitation, do not resuscitate, 50-10-101 — 50-10-107
Cooperative agreements, 50-4-605, 50-6-103, 50-6-104, 50-6-304; Title 10, chapter 3, part 11
CPR, do not resuscitate identification, 50-10-101 — 50-10-107
Definitions, 50-6-202, 50-6-302, 50-9-102, 50-10-101, 50-16-701
Denturists, training, 37-29-303, 37-29-305
Do not resuscitate (DNA) identification, 50-10-101 — 50-10-107
Drug dispensation by medical practitioners, 37-2-104, 50-32-208
Drug distributors, wholesale — transfer of prescription drugs, 37-7-602
Emergency medical technicians (EMT's)
  AEDs (automated external defibrillators), use by public or private entities — nonapplicability of provisions, 50-6-506
  certification, 50-6-202, 50-6-203
  consent, failure to obtain, 50-6-206
  construction of provisions, 50-6-207
  definitions, 50-6-202, 50-9-102
  do not resuscitate identification, 50-10-101 — 50-10-107
  drugs, administration, 50-6-203
  fetal deaths, reporting, 46-4-114
  infectious disease, exposure to, See **Infectious disease, exposure to**
  legislative findings, 50-6-201
  liability, 50-6-206, 50-9-204, 50-10-102
  living will declarants, responsibility to, 50-9-102, 50-9-104, 50-9-204
  midwives, direct-entry — licensing provisions, effect, 37-27-104
  rulemaking authority, 50-6-203
  training, 50-6-202, 50-6-203
Establishment of programs, 50-6-102
False alarm of, 45-7-204
Fetal, infant, and child mortality review teams — representation on, 50-19-403
Funding, 7-34-102, 50-6-103, 50-6-304

EMERGENCY MEDICAL SERVICES (Continued)

Gifts, grants, and donations, 50-6-103, 50-6-304
Good faith actions, 41-1-405, 50-6-206, 50-9-204, 50-16-704
Good Samaritan Law, 27-1-714, 37-3-103, 41-1-405, 50-6-206
Hazardous chemical emergencies, chemical identity provided, 50-78-205
Hazardous material incidents
    emergency responders, recovery of costs, 75-10-716, 75-10-717
    state emergency response commission, representation on, 10-3-1204
Health care facilities
    certificate of need, issuance, 50-5-308
    closure, when, 53-6-107
    directory information, 50-16-504
Health care facility or physician cooperative agreements for, 50-4-605
Health care information, disclosure for, 37-27-310, 50-16-603
Health maintenance organizations, emergency care provisions, 33-31-201, 33-31-301
HIV-related condition, exposure — testing provisions, 50-16-702, 50-16-1007
Hospital district provisions, effect, 7-34-2131
Infectious disease, exposure to
    AIDS, testing provisions, 50-16-1007
    confidentiality, 50-16-704
    definitions, 50-16-701
    designated officer, notification by or to, 50-16-702, 50-16-711
    mortuary personnel, notification of status of deceased persons, 50-16-530, 50-16-712
    precautions and treatment, notification of, 50-16-703 — 50-16-705
    records, 50-16-705, 50-16-711
    report, 50-16-702, 50-16-705, 50-16-711
    rules, 50-16-701, 50-16-702, 50-16-704, 50-16-705, 50-16-711
    tracking exposure, responsibilities, 50-16-711
Insurance
    disability, preferred provider agreements — payment and services, 33-22-1703, 33-22-1705
    managed care plans, coverage, 33-36-103, 33-36-201, 33-36-205
    transportation or treatment service providers, 50-6-323
Interdepartmental cooperation, 50-6-104
Interstate services, Title 10, chapter 3, part 11, See **EMERGENCIES AND EMERGENCY POWERS**
Liability, 27-1-714, 27-1-734, 37-27-311, 50-6-317, 50-9-204, 50-10-102, 50-16-704
    emergency medical technicians, 50-6-206, 50-9-204, 50-10-102
Living will declarants, responsibility concerning
    definitions, 50-9-102
    immunities, 50-9-204
    revocation, witness to, 50-9-104
Medicaid managed health care entities, reimbursement requirements, 53-6-705
Midwives, direct-entry
    disclosure of information, 37-27-310
    educational requirements, 37-27-201
    health care providers, care to patients of — liability, 27-1-734, 37-27-311
    practice of, effect, 37-27-104
Minors, 41-1-402, 41-1-405, 41-1-406
Motor vehicles, See **Transportation or treatment services**; See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Authorized emergency vehicles**
9-1-1 emergency telephone system
    advisory council, recommendations for membership, 10-4-102
    dispatcher training, 10-4-125
Nuclear facilities, medical aid plans, 75-20-1204
Nursing assistance during emergencies, 27-1-734, 37-8-103, 50-6-317
Obedience to public safety workers, 61-8-105, 61-9-105

EMERGENCY MEDICAL SERVICES (Continued)

Organ donors, search for document of gift or evidence of refusal, 72-17-213
Paramedics, 37-3-103, 50-16-701, 72-17-213
Public safety communications officers, 7-31-201 — 7-31-203, 44-4-301, 44-4-302
Purpose of provisions, 50-6-101, 50-6-301
Respiratory care practitioner provisions, 37-28-102, 37-28-201
Rural fire service areas, services and equipment, 7-33-2402
Telephone party line or public telephone, failure to yield to permit emergency call, 45-8-114
Transportation or treatment services
  abuse, neglect, or exploitation of persons with developmental disabilities or elderly persons — report required, 52-3-811
  administrative enforcement, 50-6-316, 50-6-327
  advisory committee, 50-6-324
  complaints, 50-6-323, 50-6-324
  cooperative agreements, 50-6-304
  decertification of vehicle or aircraft when, 50-6-327
  enforcement, 50-6-313, 50-6-316, 50-6-323, 50-6-327
  equipment, 7-34-103, 50-6-313, 50-6-323
  hearings, 50-6-310, 50-6-323, 50-6-325, 50-6-327
  infectious disease, exposure to, See **Infectious disease, exposure to**
  injunction, 50-6-316, 50-6-326
  inspections, 50-6-301, 50-6-313
  insurance, 50-6-323
    comprehensive health association plan, covered expenses, 33-22-1521
    health service corporations, Title 33, chapter 30, See **HEALTH SERVICE CORPORATIONS**
    small employer health insurance, basic health benefit plan requirements, 33-22-1827
  investigations, 50-6-313, 50-6-323
  legislative findings, 50-6-301
  liability, 27-1-714, 50-6-317
  licenses and licensing
    applications, 50-6-306, 50-6-307
    cancellation, 50-6-308, 50-6-310, 50-6-311, 50-6-323
    denial, 50-6-310, 50-6-323
    fees, 50-6-306, 50-6-307
    hearings, 50-6-310, 50-6-325
    nontransferability, 50-6-306
    renewal, 50-6-306, 50-6-307, 50-6-323
    required, 50-6-306
    return to department when, 50-6-311
    standards, 50-6-323
    term, 50-6-306
    waiver of requirements, 50-6-324, 50-6-325
  local government services
    authorization, 7-34-101
    certain services unaffected, 7-34-104
    manner of providing, 7-34-103
    tax levy permitted, 7-34-102
  military right-of-way not to interfere with, 10-1-602
  motor carrier laws, exemption, 69-12-102
  nontransporting medical units, 50-6-302
  off-line medical directors, 50-6-302, 50-6-317
  proceedings — testimony, subpoenas, and witnesses, 50-6-314
  public safety communications officers, 7-31-201 — 7-31-203, 44-4-301, 44-4-302
  records, 50-6-313, 50-6-323

EMERGENCY MEDICAL SERVICES (Continued)
Transportation or treatment services (Continued)

  service districts, Title 7, chapter 11, part 11, See **INTERLOCAL COOPERATION, Multijurisdictional service districts**
  standards, 50-6-301
  supervision and regulation, 50-6-323
  telephone party line or public telephone, failure to yield to permit emergency call, 45-8-114
  utilization reviews, Title 33, chapter 32, See **INSURANCE, DISABILITY, Utilization reviews**
  violations, 50-6-308, 50-6-315, 50-6-326, 50-6-327
    penalties, 50-6-316
Trauma care system
  confidentiality, 50-6-415
  definitions, 50-6-401
  duties of department of public health and human services, 50-6-402
  regional trauma care advisory committees, 2-15-2216, 50-6-402, 50-6-404, 50-6-411, 50-6-412, 50-6-415
  rules, 50-6-103
  state trauma register, 50-6-401, 50-6-402, 50-6-415
  trauma facility, 50-6-401, 50-6-412
    designation and revocation and appeal, 50-6-402, 50-6-410
  trauma regions, 50-6-401, 50-6-402
Trauma Care Committee, 2-15-2216, 50-6-103; Title 50, chapter 6, part 4
Tuberculosis, emergency detainment of person when, 50-17-115
Violations
  false alarm of, 45-7-204
  infectious disease, exposure to — disclosure of persons involved, 50-16-704
  telephone party line or public telephone, failure to yield to permit emergency call, 45-8-114
  transportation or treatment services
    cancellation of license, 50-6-308
    corrective action, 50-6-308, 50-6-327
    injunction, 50-6-326
    notice, 50-6-327
    penalties, 50-6-316
    prosecution, 50-6-315
Volunteer personnel
  infectious disease, exposure to, See **Infectious disease, exposure to**
  liability, 27-1-714
  vehicles privately owned, use of red light, 61-9-227
X-ray procedures, temporary permits to perform, 37-14-306

EMINENT DOMAIN
Abandonment of property acquired for public use, 70-30-104, 70-30-321, 70-30-322
Acquisition of property by, 70-1-205
Actions
  compensation of condemnee, excess — to recover, 70-30-311
  fences and cattleguards for railroads, action on surety bond, 70-30-307
  logging roads, to open, 70-30-109
  surveys for, damage to property, 70-30-110
Affidavits, nomination of commissioners, 70-30-207
Airports, See **AIRPORTS AND LANDING FIELDS**
Annulment of proceedings, 70-30-308
Answer, 70-30-202
Appeals, 70-30-312
  assessment, from, 70-30-304, 70-30-311
  compensation interest, basis on, 70-30-302
  logging roads, damages to occupant, 70-30-109

EMINENT DOMAIN (Continued)

Appraisal
  federally assisted agency acquisitions, of property, 70-31-102, 70-31-301, 70-31-303, 70-31-304
  sale of property acquired for public use when abandoned, 70-30-322
Assignment
  improvements, federally assisted agency acquisitions, 70-31-305
  judgment, 70-30-304
Bids for sale of property, 70-30-321, 70-30-322
Cemetery associations, power, 35-20-104
Cities and towns
  highway authorities within, 7-14-101
  power of, 7-1-4124, 7-7-4404, 7-15-4258, 7-15-4259, 76-5-1108
  private property subject to, 70-30-103
  public uses, 70-30-102
  water supply systems, 7-13-4404 — 7-13-4406
City or town councils, powers, 7-5-4106, 7-14-4501, 7-14-4801, 7-16-4106
Coal mining, 70-30-102, 70-30-106
Commissioners, 70-30-206, 70-30-207, 70-30-301, 70-30-303 — 70-30-305, 70-30-311
Compensation of condemnees, Const., II, 29
  appeal from, 70-30-304, 70-30-311
  assessment, 70-30-302, 70-30-304, 70-30-311
  claim of just compensation, 70-30-207, 70-30-311
  commissioners to determine, 70-30-206, 70-30-207, 70-30-301, 70-30-303
  deposit in court, 70-30-308
  devise, nonademption, 72-2-616
  duplication not intended, 70-31-105, 70-31-305
  execution for nonpayment, 70-30-308
  federally assisted agency acquisitions, 70-31-105, 70-31-106, 70-31-301 — 70-31-305, 70-31-311
  improvements, effect, 70-30-301, 70-30-302, 70-31-305
  payment when, 70-30-307, 70-30-311
    manner, 70-30-308
  principal and income determinations, 72-34-404
  underground natural gas storage reservoirs, when condemnation for, 70-30-206
Complaint, 70-30-202, 70-30-203
Costs of proceedings, 70-30-206; Const., II, 29
  appeal, 70-30-304
  federally assisted agency acquisitions, 70-31-302 — 70-31-304
  judgment, inclusion, 70-30-304; Const., II, 29
  necessary expenses of litigation, 70-30-305, 70-30-306; Const., II, 29
  offer of judgment, effect, 70-30-305
Counties
  highway authorities within, 7-14-101
  power of, 7-16-2105, 76-5-1108
  private property subject to, 70-30-103
  public uses, 70-30-102
County Commissioners, Board of — power, 7-14-2123, 7-14-2803, 7-14-2804, 7-35-2201
County roads, 7-14-2101, 7-14-2108, 7-14-2123, 7-14-2621, 70-30-102, 70-30-107, 70-30-108
County water and/or sewer district projects, acquisition of property, 7-13-2218
Damages
  appeal, bond or undertaking for, 70-30-311
  federally assisted agency acquisitions, 70-31-301
  logging roads, temporary — for, 70-30-109
  underground natural gas storage reservoirs, for, 70-30-206
Defective title, 70-30-310

EMINENT DOMAIN (Continued)

Definitions, 70-30-101, 70-30-306, 70-30-313, 70-31-102
Development corporations, by — prohibited, 32-4-201
Due process, Const., II, 17
Estates in land subject to, 70-30-104
Evidence
  commissioners, decisions based on, 70-30-207
  expert testimony, 70-30-306
  finding of facts prior to taking, 70-30-111
  hearing, 70-30-301
  offer of judgment, inadmissible, 70-30-305
  preliminary proceedings, 70-30-206
  rules of practice, applicability, 70-30-201
Exchange of land, 70-30-308
Facility siting construction, as defined by "commence to construct", 75-20-104
Federal enclaves, jurisdiction, 2-1-201
Federally assisted agency acquisitions
  abandonment of proceedings, 70-31-304
  application of provisions, 70-31-103
  appraisal of property, 70-31-102, 70-31-301, 70-31-303, 70-31-304
  buildings and improvements, acquisition — effect, 70-31-305
  compensation, 70-31-105, 70-31-106, 70-31-301 — 70-31-305, 70-31-311
  costs, 70-31-302 — 70-31-304, 70-31-311
  damages, 70-31-301
  definitions, 70-31-102
  deposit in court, 70-31-301
  dismissal of proceedings, 70-31-304
  inverse proceedings, 70-31-303
  negotiation for property encouraged, 70-31-301
  new rights and powers not created, 70-31-104
  policies mandated, 70-31-301
  purpose of provisions, 70-31-101
  reimbursement
    closing costs and taxes incurred by owner, 70-31-302
    costs when proceedings dismissed or abandoned, 70-31-304
    expenses of inverse proceedings, 70-31-303
  relocation payments and assistance, 70-31-311
  rulemaking authority, 70-31-111, 70-31-311
Ferries and wharves, 7-14-2803, 7-14-2804, 7-14-2829, 70-30-102, 70-30-103
Final order, 70-30-309
Findings of fact required, 70-30-111, 70-30-203
Fish, Wildlife, and Parks — Department of, acquisition of land, 23-1-102, 87-1-209
  prohibited when, 23-2-103, 87-1-703, 87-1-709
Flood control projects, acquisition of property for, 70-30-104, 76-5-1108, 76-5-1111
Fort Peck Dam, jurisdiction, 2-1-209
Hazardous or deleterious substance, remedial action upon release
  condemnation to mitigate, 75-10-720
  contractual relationship, acquisition of facility and liability, 75-10-715
Hearing, 70-30-207, 70-30-301, 70-30-303
Highways, land acquired for, 7-14-101, 60-1-103, 60-4-103, 60-4-104, 60-4-108, 60-4-111, 60-5-104, 70-30-103, 70-30-302, 70-30-304
Homesteads taken by, execution exemption for traceable proceeds, 70-32-216
Housing authorities, municipal, 7-15-4460 — 7-15-4462
Improvements, 70-30-301, 70-30-302, 70-31-305
Industrial development project sites, acquisition by eminent domain prohibited, 90-5-102

EMINENT DOMAIN (Continued)

Irrigation districts, 85-7-1904
  prohibitions, 85-7-1411
  rights do not abridge right of eminent domain, 85-7-1932
  use of water for irrigation a public use, 85-7-1931
Judgment, 70-30-304, 70-30-305
Junkyard screening, land for, 75-15-223
Jurisdiction, 2-1-201, 2-1-209, 70-30-202
Jury trial, 70-30-107, 70-30-304, 70-30-311
Local government, mandatory provisions, 7-1-114
Logging roads and railways, 70-30-102, 70-30-109
Mines and mining, 70-30-102, 70-30-104 — 70-30-106, 82-2-221 — 82-2-224, 82-4-239, 82-4-371, 82-4-445
Motor vehicle graveyards and wrecking facilities, land for, 75-15-223
Natural areas, land acquired for — when, 76-12-108, 76-12-110
New proceedings when, 70-30-310
Notice
  appeal from assessment, 70-30-304
  offer of judgment, acceptance, 70-30-305
  report of commissioners, filing, 70-30-303
  sale of property acquired for public use when abandoned, 70-30-321
  summons, content, 70-30-202
  survey and location, 70-30-110
Offer of judgment, 70-30-305
Offer to obtain property prerequisite to, 70-30-111
Open-space lands, acquisition by, 76-6-105
Orders
  final, 70-30-309
  possession, for, 70-30-311
  preliminary, 70-30-202, 70-30-206, 70-30-207, 70-30-311
Outdoor advertising and property rights, acquisition, 75-15-123
Parking commissions, powers of, 7-14-4622, 7-14-4626
Pipeline carriers, power of, 69-13-104
Possession to plaintiff, 70-30-311
  federally assisted agency acquisitions, 70-31-301
  restoration to defendant, 70-30-308
  taxes, proration, 70-30-315
  weed control responsibility, 70-30-314
Powers of court, 70-30-206
Preliminary order for, 70-30-202, 70-30-206, 70-30-207, 70-30-311
Private property subject to, 70-30-103
  state agency action with taking or damaging implications, nonapplicability of provisions, 2-10-103
Public Health and Human Services, Department of — power, 53-2-201
Public uses, 70-1-205, 70-30-102
  abandonment, 70-30-321, 70-30-322
  greatest public good and least private injury, 70-30-110
  power of court, 70-30-206
  reappropriation to another use, 70-30-103, 70-30-111
Rail authority, property acquisition and limitation, 7-14-1625
Railroads, 70-30-102, 70-30-304
  cattle guards or fences, 70-30-301, 70-30-307
  connections and crossings, determination, 70-30-206
  power of, 69-14-513, 69-14-536, 69-14-539, 69-14-552
Real estate broker and salesperson provisions, exemption when, 37-51-103
Relocation assistance, See generally **Federally assisted agency acquisitions**

EMINENT DOMAIN (Continued)

Reversion
  abandonment of public use, reversion to owner or successor in interest, 70-30-321, 70-30-322
  logging roads, temporary — land taken for, 70-30-109
Rights in land subject to, 70-30-104
Rights-of-way, 70-30-103, 70-30-203
Roads, See also **Streets**
  logging roads, 70-30-102, 70-30-109
  public uses, 70-30-102
  subject to, 70-30-103, 70-30-107, 70-30-108
Rules of practice in proceedings, 70-30-201
Sale of property acquired for public use when abandoned, 70-30-321, 70-30-322
State
  right of eminent domain, 70-1-202, 70-1-205, 70-30-101
  private property subject to, 70-30-103
  public uses, 70-30-102
Stay of proceedings, 70-30-311, 70-30-312
Streets, See also **Roads**
  city or town council, power, 7-5-4106
  controlled-access facilities, acquisition, 7-14-101
  mining purposes, 82-2-222
  public uses, 70-30-102, 70-30-108
Summons, 70-30-202, 70-30-302, 70-30-315
Surety bonds, 70-30-307, 70-30-311
Surveys of property, 70-30-110
Taxes
  proration, 70-30-315
  transfer taxes, reimbursement, 70-31-302
Title, defective, 70-30-310
Trial, 70-30-107, 70-30-202, 70-30-206, 70-30-304
Underground natural gas storage reservoirs, 70-30-102, 70-30-104, 70-30-105, 70-30-203, 70-30-206, 82-10-303 — 82-10-305
Urban renewal, 7-15-4204, 7-15-4258, 7-15-4259
Utilities
  mains, construction by county — applicability of provisions, 7-13-2104
  public uses, 70-30-102
  rural cooperatives, power, 35-18-106
Value of property, 70-30-301, 70-30-302, 70-30-308, 70-30-313, 70-31-301, 70-31-305
Venue, 70-30-202
Water and wastewater authorities, regional — power of, 75-6-313
Water conservancy districts, right of, 85-9-410
Water supply and sewer districts, acquisition of private water supply system, 7-13-3041
Water supply systems in cities and towns, 7-13-4404 — 7-13-4406
Water use
  conduction of water from or over land, right to necessary land as public use, 85-2-414
  conservation projects, acquisition of property for, 76-5-1108, 76-5-1111
  irrigation works, construction, 85-1-208
  natural resources and conservation, department of — authority, 85-1-204, 85-1-209
  public uses, 70-30-102, 85-2-101, 85-7-1931; Const., IX, 3
Weed control, responsibility of plaintiff, 70-30-314

EMPLOYEE AND COMMUNITY HAZARDOUS CHEMICAL INFORMATION ACT, Title 50, chapter 78
  See **HAZARDOUS CHEMICALS**

EMPLOYEE OWNERSHIP OPPORTUNITY ACT, Title 90, chapter 5, part 3
  See **LABOR AND EMPLOYMENT**

EMPLOYMENT
See **LABOR AND EMPLOYMENT**

ENABLING ACT
Capitol building construction, revenue from land grant, 18-2-107
Constitution of Montana does not abrogate, Const., I
Natural areas, uses consistent with, 76-12-103, 76-12-121
Publication with Montana Code Annotated, 1-11-204
State lands, applicability, 77-1-211, 77-2-217, 77-2-302, 77-2-351, 77-2-401, 77-3-303, 77-3-401, 77-3-402, 77-3-501, 77-3-502
Text, comments, and index, Refer to Annotations to Montana Code Annotated, Vol. 1, Federal materials

ENDANGERED SPECIES CONSERVATION ACT, NONGAME AND, Title 87, chapter 5, part 1
See **FISH AND WILDLIFE, Nongame and endangered species**

ENERGY
Agriculture, grants to promote conservation, 90-2-140
Alcohol fuel production tax incentive, Title 15, chapter 70, part 5
Alternative Energy Advisory Committee, 90-4-104
Alternative renewable sources, Title 90, chapter 4, part 1
Atomic, Title 90, chapter 5, part 2
Building codes, 50-60-201, 50-60-203, 50-60-801 — 50-60-803
Capital companies, venture capital through, 90-8-104
Coal, See **MINES AND MINING, Coal entries**, generally
Easements for, 70-17-101, 70-17-301 — 70-17-303
Emergencies, energy supply
    alert, 90-4-302, 90-4-305, 90-4-308, 90-4-309
    compliance, 90-4-313
    curtailment plans, 90-4-307, 90-4-310
    declaration, 90-4-305, 90-4-308, 90-4-310
    definitions, 90-4-302
    disaster and emergency services laws supplemented, 90-4-317
    distributors, orders to, 90-4-314
    expenditures authorized, 90-4-318
    federal provisions, coordination with, 90-4-312
    information gathering, 90-4-305, 90-4-306
    legislative findings and intent, 90-4-301
    liability, 90-4-314, 90-4-315
    public services, priority, 90-4-304, 90-4-307
    rules, 90-4-316
    state and local government executives, obligations, 90-4-311
    violations and penalties, 90-4-301, 90-4-319
Emergency regulation, 10-3-505, 90-4-304, 90-4-310
Facility Siting Act, Title 75, chapter 20
Gas, See **OIL AND GAS**
Gasoline, See **PETROLEUM PRODUCTS**
Geothermal development, See **GEOTHERMAL RESOURCES AND EXPLORATION**
Home weatherization programs, allocation of funds and sources of money, 90-4-201 — 90-4-203, 90-4-210, 90-4-215
Hydroelectric, development, See **STATE LANDS, Power site leases or licenses; WATER USE, Hydroelectric power generation**
Natural gas, See **OIL AND GAS**
Nuclear, Title 75, chapter 20, part 12; Title 90, chapter 5, part 2

ENERGY (Continued)

Oil and gas, See **OIL AND GAS**
Oil overcharge money, policy and account, 90-4-210, 90-4-215
Pacific Northwest Electric Power and Conservation Planning Council
  agreement to, 90-4-401
  appointment of members, 90-4-402
  compensation of members, 90-4-404
  duties of members, 90-4-403
  public hearings required when, 90-4-405
Postattack emergency regulation, 10-3-505
Reclaimed material, production from — tax credit for investment in property used, nonapplicability, 15-32-604
Renewable sources and conservation development
  alternative energy advisory committee, 90-4-104
  alternative energy and energy conservation research development and demonstration program and appropriations, 90-4-103, 90-4-104, 90-4-106, 90-4-109
  definitions, 90-4-102
  grants or loans, 90-4-101, 90-4-103 — 90-4-106, 90-4-109
  oversight, 90-4-112
  powers of department of natural resources and conservation, 90-4-104
  purpose of provisions, 90-4-101
  reports, 90-4-111, 90-4-112
  rulemaking authority, 90-4-104
  state governmental unit grants, 90-4-104, 90-4-109
  tax incentives, Title 15, chapter 32
Research, Title 90, chapter 4, part 1
Residential energy efficiency, 50-60-801 — 50-60-803
Solar
  alternative renewable energy source, 90-4-102
  easements for, 70-17-101, 70-17-301, 70-17-302
  tax incentives, Title 15, chapter 32
Solid waste
  methane, alternative renewable energy source, 90-4-102
  recovery, See **SOLID WASTE MANAGEMENT**
  tax incentives, Title 15, chapter 32
State building energy conservation program
  bonds or bond anticipation notes, 90-4-602, 90-4-606, 90-4-607, 90-4-611, 90-4-612, 90-4-614
    trust, establishment, 72-33-108
  citation of state building energy conservation act, 90-4-601
  definitions, 90-4-602
  energy analyses, 90-4-605, 90-4-607
  energy conservation program account, 90-4-612, 90-4-613
  energy cost savings, 90-4-614
  funding of projects, 90-4-605 — 90-4-607, 90-4-611
  preparation, 90-4-605
  recommendations, 90-4-605, 90-4-606
  retrofitting or efficiency analysis, 90-2-141
State energy policy
  alternative fuels policy, 90-4-1011
  definitions, 90-4-1002
  development process, 90-4-1003
  goal statement, 90-4-1001
  transportation energy policy, 90-4-1010
Tax incentives for conservation, Title 15, chapter 32
Transloading facility, demonstration truck/train, 7-14-120
Transportation, Department of — purpose, 2-15-2505

ENERGY (Continued)

Utilities, See **UTILITIES**
Weatherization programs, allocation of funds and sources of money, 90-4-201 — 90-4-203, 90-4-210, 90-4-215
Wind
  alternative renewable energy source, 90-4-102
  easements for, 70-17-101, 70-17-303
  tax incentives, Title 15, chapter 32

ENGINEERS AND LAND SURVEYORS
  See also **PROFESSIONAL AND OCCUPATIONAL LICENSING AND REGULATION; PROPERTY, REAL, Surveying**
Administration, Department of — architecture and engineering division, See **ADMINISTRATION, DEPARTMENT OF**
Advertising, 37-67-102, 37-67-301
Air Pollution Control Advisory Council, representation on, 2-15-2106
Architectural services performed by, 37-65-103
Board of Professional Engineers and Professional Land Surveyors, 2-15-1873, 37-67-101; Title 37, chapter 67, part 2
  corner recordation act of montana, duties, Title 70, chapter 22, part 1, See **PROPERTY, REAL, Corner records**
  licensing duties, Title 37, chapter 67, part 3
Boiler operator engineers and boiler inspectors, Title 50, chapter 74
Building Codes Council, representation on, 50-60-115
City engineer, See **CITY ENGINEER**
Coal mines, certification of maps, 50-73-201
Collective bargaining, exclusions, 39-31-103
Condominium floor plans, certification, 70-23-306
Construction contractors and subcontractors, payment, 28-2-2101 — 28-2-2107
Consulting engineers
  drainage districts, 85-8-321
  electric facilities providers, for, 69-5-105, 69-5-106
  state building construction, 18-2-103, 18-2-105, 18-2-111, 18-2-112, 18-8-211
  state water projects, supervision and approval, 85-1-306
Continuing education, 37-67-315
Contractor registration provisions, nonapplicability, 39-9-211
Corner Recordation Act of Montana, 37-67-331; Title 70, chapter 22, part 1, See **PROPERTY, REAL, Corner records**
Corporations, requirements for practice, 37-67-320
County surveyor, qualifications, 7-4-2801, See **COUNTY SURVEYOR**
County water and/or sewer district projects, 7-13-2218
Dams and reservoirs, inspections, Title 85, chapter 15, See **DAMS AND RESERVOIRS**
Definitions, 37-67-101
Drainage districts, for, 85-8-321
Electricians
  electrical contractor, electrical engineer not, 37-68-102
  master electrician, qualifications, 37-68-304
Emeritus status, 37-67-321
Enforcement of provisions, 37-67-332
Enrollment cards for interns, 37-67-314
Entry on land by professional land surveyor and trespass exception, 70-16-111
Exemptions from provisions, 37-67-103
Foreign engineers, 37-67-303, 37-67-306, 37-67-312
Fraudulent practices, 37-67-331
Highways, engineering and traffic investigations, 61-8-309
Home inspection and inspector provisions, exclusion, 30-14-1003

ENGINEERS AND LAND SURVEYORS (Continued)

Hospital districts, employment, 7-34-2122
Hours of work, 39-4-107
Injunction, 37-67-332
Insurance, professional liability insurers, 33-9-101 — 33-9-105
  information required from, 33-23-311
Investment advisers, exclusion as, 30-10-103
Irrigation district surveys, examinations, maps, plans, and estimates, 85-7-1901
Landscape architecture, applicability of provisions, 37-66-103, 37-66-105, 37-66-303, 37-66-308
Land surveying, actions arising from — statute of limitations, 27-2-208
Licensing, See **Registration**
Lien for services, Title 71, chapter 3, part 5
Metropolitan sanitary and/or storm sewer districts, 7-13-102
Mines and Geology, Bureau of — director's qualifications, 20-25-301
Mining reclamation plans, siltation structures — certification, 82-4-231
Money received by Department of Commerce, deposit, 37-67-317
Montana State University-Bozeman, purpose, 20-25-221
Montana Tech of the University of Montana, purpose, 20-25-211
Negligence, 37-67-331
Nonresidents, 37-67-303, 37-67-306, 37-67-312, 37-67-313
Park Commissioners, County Board of — employment of engineers, 7-16-2325
Partnerships, requirements for practice, 37-67-320
Plumbers, Board of — representation on, 2-15-1875
Practice of engineering or land surveying, 37-67-101
  firms, partnerships, or corporations — by, 37-67-320
  injunction to restrain when, 37-67-332
  public nuisance, practice without registration as, 37-67-302
  representation as practitioner construed as, 37-67-102
  termination, emeritus status, 37-67-321
Procurement provisions, state — nonapplicability, 18-4-132
Public construction projects, duties, 18-2-121, 18-2-122, 18-2-306
Registration
  applications, 37-67-303, 37-67-315, 37-67-321
  certificates of authorization for firms, corporations, or partnerships, 37-67-320
  comity or endorsement, by, 37-67-312, 37-67-313
  denial, 37-67-303
  discrimination in issuance prohibited, 49-3-204
  emeritus registrants, 37-67-321, 37-67-332
  enrollment cards for interns, 37-67-314
  examinations, 37-67-303, 37-67-304, 37-67-306, 37-67-307, 37-67-309 — 37-67-313, 37-67-331
  fees, 37-67-303, 37-67-311, 37-67-315, 37-67-317, 37-67-321
  fraud, deceit, or falsification in obtaining, 37-67-331, 37-67-332
  issuance of certificates, 37-67-303, 37-67-314
  local fee or examination prohibited, 37-67-304
  nonresidents, 37-67-303, 37-67-306, 37-67-312, 37-67-313
  qualifications
    engineer interns, 37-67-305, 37-67-307
    land surveyor interns, 37-67-308, 37-67-310
    professional engineers, 37-67-305, 37-67-306
    professional land surveyors, 37-67-308, 37-67-309
  reciprocity, 37-67-312, 37-67-313
  register of applicants, 37-67-204
  reissuance, 37-67-331
  renewal, 37-67-303, 37-67-315, 37-67-331
  replacement of lost or destroyed certificates, 37-67-316

ENGINEERS AND LAND SURVEYORS (Continued)
Registration (Continued)

- required, 37-67-301, 37-67-302, 37-67-332
- revocation or suspension, 37-67-331, 37-67-332
- roster of licensees, 37-67-318

Reprimands, 37-67-331
Roster of licensees, 37-67-318, 37-67-321
Rural special improvement districts, duties, Title 7, chapter 12, part 21
Sanitarian licensing provisions, exemption when, 37-40-102
School district professional services contracts, exemption from bidding requirements, 20-9-204
Seal of engineer or land surveyor, 37-67-314
- emeritus registrants, use not allowed, 37-67-321
- misuse, 37-67-314, 37-67-332
- required, 18-2-122, 37-67-314, 70-22-104, 70-22-108

Small business set-asides for state government purchasing, nonapplicability, 18-5-304
Solid waste management, ground water monitoring information — certification, 75-10-207
State building energy conservation program, 90-4-607
State construction projects, duties, 18-2-121, 18-2-122
State lands
- easement applications, affidavit, 77-2-102
- survey when, 77-1-104

State services contracts, Title 18, chapter 8, part 2
Subdivisions, responsibilities, Title 76, chapter 3
Television districts, employment by, 7-13-2510
Utilities, underground — excavations near, 69-4-502, 69-4-504
Violations, 37-67-332
- registration
  - lack of, 37-67-301, 37-67-332
  - revocation, suspension, or refusal to renew, 37-67-331
- seal, misuse, 37-67-314, 37-67-332

Water and wastewater authorities, regional — employment by, 75-6-313, 75-6-322
Water conservancy districts, employment by, 85-9-408
Water projects
- acquisition and construction, supervision and approval, 85-1-306
- state-owned, plans and drawings — approval, 85-1-219

Water supply and sewer districts, engineer in charge of work, 7-13-3003
Water use, upper clark fork river basin ground water permit applications — report requirement, 85-2-337

ENGLISH LANGUAGE
Adult education programs, 20-7-702
Agricultural seed containers, labeling, 80-5-123
Condemnation commissioners, fluency required, 70-30-207
Consumer loan contractss, statement of terms, 32-5-303
Corporation documents, filing requirements, 35-1-217
Court proceedings to be conducted in, 3-1-314
Dentists, license examinations conducted in, 37-4-301
Foreign capital depositories, records to be in, 32-8-303
Fraternal benefit societies
- documents to be in, 33-7-208
- minutes of proceedings of supreme governing body and board of directors, 33-7-306

Hazardous substances, labels, 50-30-202
Insurance policies, language simplification, 33-15-324, 33-15-336
Interpreters, See **CIVIL PROCEDURE, Interpreters; CRIMINAL PROCEDURE, Interpreters; DEAF PERSONS, Interpreters in official proceedings**
Montana State University-Northern, curriculum, 20-25-256

ENGLISH LANGUAGE (Continued)

Nonprofit corporation documents, filing requirements, 35-2-119
Official and primary language, 1-1-510
Optometrists, certificate of registration examinations conducted in, 37-10-302
Partnership statements, 35-10-111
Physicians, licensing
  examinations conducted in, 37-3-311
  requirements, 37-3-305, 37-3-315
Trappers, metal tags required on traps, 87-3-504

ENVIRONMENTAL CONTROL EASEMENTS
Acquisition, 76-7-104
Application for, 76-7-201
Approval, 76-7-105, 76-7-201, 76-7-205, 76-7-213
Assignability, 76-7-106, 76-7-206, 76-7-210
Citation of Environmental Control Easement Act, 76-7-101
Claims or causes of action, 76-7-211, 76-7-212
Conveyances, 76-7-106, 76-7-204, 76-7-206
Creation, 76-7-105, 76-7-201, 76-7-213
Definitions, 76-7-103
Duration, 76-7-202
Enforcement, 76-7-106, 76-7-203, 76-7-211 — 76-7-213
Entry on land by holders, 76-7-211
Environmental control sites, 76-7-103
  acquisition of interests in, 76-7-104
  conversion or diversion., 76-7-105
  easements, inclusions or requirements, 76-7-203
  liability, 76-7-213
  public body powers, 76-7-107
  purpose of provisions, 76-7-102
Expiration, 76-7-209
Legislative findings, 76-7-102
Liability, 76-7-213
Limitations, 76-7-203
Local planning authority, coordination with, 76-7-207
Permissible, 76-7-203
Prohibitions, 76-7-107, 76-7-203
Public body powers, 76-7-107
Purpose of provisions, 76-7-102
Recording and description, 76-7-208
Renewal, 76-7-209
Runs with the land, 76-7-103, 76-7-210
Qualified private organization, specific provisions, 76-7-205
Taxation of property subject to, 76-7-209
Violations, 76-7-205, 76-7-206, 76-7-211, 76-7-213

ENVIRONMENTAL PROTECTION, Const., IX, 1
Advertising adjacent to highways, Title 75, chapter 15, part 1, See **OUTDOOR ADVERTISING**
Agricultural chemical ground water protection, Title 80, chapter 15, See **AGRICULTURAL CHEMICAL GROUND WATER PROTECTION**
Air quality, Title 75, chapter 2
Alternative livestock ranches, licensing requirements and environmental review, 87-4-409, 87-4-433
Aquatic ecosystem protection, Title 75, chapter 7, See **LAKES, Construction projects**; **RIVERS AND STREAMS, Streambed alteration or modification projects**
Audits, voluntary, See **Voluntary environmental audits**

ENVIRONMENTAL PROTECTION (Continued)

Billboards, Title 75, chapter 15, part 1, See **OUTDOOR ADVERTISING**
CERCLA, Title 75, chapter 10, part 6, See **HAZARDOUS WASTES**
Clean Air Act of Montana, Title 75, chapter 2, parts 1 — 4, See **AIR QUALITY**
Commercial fertilizer educational and experimental program goals, 80-10-105, See also **AGRICULTURAL CHEMICAL GROUND WATER PROTECTION**
Comprehensive Environmental Cleanup and Responsibility Act, Title 75, chapter 10, part 7
Conservancy districts, See **WATER CONSERVANCY DISTRICTS**, generally
Contingency grant program
  environmental contingency account, 15-38-202, 75-1-1101, 75-10-704, 82-4-357, 85-5-110
  hazardous or deleterious substances, remedial action upon release — grant applications for, 75-10-704
  objectives, 75-1-1101
Crematory facilities, compliance with standards, 37-19-703
Detergent phosphorus compounds, Title 75, chapter 7, part 4, See **Phosphorus compounds**
Economic development, compatibility, 90-1-101
Electric Utility Industry Restructuring, Transition Advisory Committee on — representation on, 69-8-501
Energy sources and conservation, renewable — compatibility with development, 90-4-101, See **ENERGY, Renewable sources and conservation development**
Environmental control easements, Title 76, chapter 7
Environmental Quality Council, Title 75, chapter 1, part 3
Environmental quality protection fund, 75-1-1101, 75-10-701, 75-10-704, 75-10-711, 75-10-714, 75-10-722, See **HAZARDOUS WASTES, Remedial action upon release of hazardous substance**
Facility Siting Act, Title 75, chapter 20
Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Title 75, chapter 10, part 6
Federal regulations or guidelines, comparable stringency requirement, 50-79-410, 75-2-207, 75-5-203, 75-6-116, 75-10-107, 76-3-511, 76-4-135, 80-15-110
Fertilizers, commercial, Title 80, chapter 10, See **COMMERCIAL FERTILIZERS**
Fishing access improvement or development, 23-1-110
Fish species, transplantation or introduction — scientific investigation requirement, 87-5-711
Flathead Basin Commission, representation on, 2-15-213
Geothermal exploration, See **GEOTHERMAL RESOURCES AND EXPLORATION**
Grant program, See **Contingency grant program**
Hazardous material incidents, emergency response provisions, Title 10, chapter 3, part 12, See **EMERGENCIES AND EMERGENCY POWERS, Response to hazardous material incidents**
Hazardous substances, Title 50, chapter 30, part 2, See **HAZARDOUS SUBSTANCES**
Hazardous wastes, Title 75, chapters 10 and 11, See **HAZARDOUS WASTES**
Highways, advertising adjacent to, Title 75, chapter 15, part 1, See **OUTDOOR ADVERTISING**
Household hazardous waste, 75-10-104, 75-10-203, 75-10-215, 75-10-807
Impact statements
  administrative rules, applicability, 2-4-405
  air quality permit requirements, 75-2-211, 75-2-212, 75-2-301
  facility siting, for, Title 75, chapter 20, See **FACILITY SITING**
  fees
    administrative procedure act, applicability, 75-1-204
    agency rules to prescribe, 75-1-202, 75-1-203
    facility siting applications, exemption, 75-1-207
    federal energy regulatory commission, applications to — exemption, 75-20-204
    multiple applications or combined facility, 75-1-206

ENVIRONMENTAL PROTECTION (Continued)
Impact statements (Continued)
    fees (Continued)
        schedule, 75-1-203
        use, 75-1-205
    general directions, 75-1-201
    hazardous or deleterious substance, remedial action upon release — natural resources impaired by release, liability for damage costs, 75-10-715
    heritage properties and paleontological remains, concerning, 22-3-433, 22-3-434
    lakes, construction projects — for, 75-7-213
    megalandfill siting
        fee, filing — credit against, 75-10-921
        proposed facility, report on — inclusion, 75-10-922
    mining
        metal mines, 82-4-335, 82-4-337, 82-4-342
        strip and underground mining permit application, 82-4-231
    public participation in governmental actions, compliance with notice provisions, 2-3-104
    state land actions, compliance when, 77-1-121
    statutory obligations not impaired, 75-1-104
    subdivisions, when, 76-4-125
    water use or appropriation
        lease applications, 85-2-141
        permits, 75-20-204, 85-2-124
    weather modification permits, criteria for issuance, 85-3-202
Infectious waste management, Title 75, chapter 10, part 10, See **HAZARDOUS WASTES**
Ionizing radiation, Title 50, chapter 79, See **RADIOACTIVE SUBSTANCES**
Junkyards, Title 75, chapter 15, part 2
Lakeshore protection, Title 75, chapter 7, part 2, See **LAKES**, **Construction projects**
Landscape architects, Title 37, chapter 66
Landscape management, Title 75, chapter 15
Megalandfill Siting Act, Title 75, chapter 10, part 9
Mining lands, reclamation and restoration, See **MINES AND MINING**
Montana Conservation Corps work experience projects, Title 23, chapter 1, part 3
Motor vehicle wrecking facilities and graveyards, Title 75, chapter 10, part 5
Municipal infractons when environmental violations, enforcement actions not precluded, 7-1-4152
Nuclear energy facilities, Title 75, chapter 20, part 12
Nuclear regulation, Title 50, chapter 79, See **RADIOACTIVE SUBSTANCES**
Outdoor Advertising Act, Title 75, chapter 15, part 1
Outfitters and guides, compliance with standards, 37-47-301
Pesticides Act, Title 80, chapter 8, parts 1 — 3, See **PESTS AND PESTICIDES**
Petroleum storage tank releases, cleanup, Title 75, chapter 11, part 3, See **UNDERGROUND STORAGE TANKS**
Phosphorus compounds, sale and distribution
    counties
        regulation by, 75-7-411
            noncompliance, 75-7-412
        rule distributed to, 75-7-402
    model rule
        adoption and amendment, 75-7-401
        distribution, 75-7-402
        enforcement, 75-7-403
    penalty, 75-7-412
    standards, 75-7-401, 75-7-403
Policy of state, 75-1-103
    citation of Montana environmental policy act, 75-1-101
    energy supply emergency provisions, exclusion, 90-4-310
    impact statements, See **Impact statements**

ENVIRONMENTAL PROTECTION (Continued)
Policy of state (Continued)

purpose of Montana environmental policy act, 75-1-102
state land actions, compliance when, 77-1-121
statutory obligations not impaired, 75-1-104
supplemental policies and goals, 75-1-105
Pollution
air, Title 75, chapter 2, See **AIR QUALITY**
water, Title 7, chapter 13, part 45; Title 75, chapter 5, See **WATER QUALITY**
Public water supplies, Title 7, chapter 13, parts 30 and 44; Title 75, chapter 6, See **WATER SUPPLY, PUBLIC**
Radioactive substances, Title 50, chapter 79, See **FACILITY SITING, Nuclear energy conversion; RADIOACTIVE SUBSTANCES**
Radon control, Title 75, chapter 3, part 6, See **RADIOACTIVE SUBSTANCES**
Reclamation, Const., IV, 2; Title 90, chapter 2, part 11
Recycling
junk vehicles, Title 75, chapter 10, part 5
generally, Title 75, chapter 10, See **SOLID WASTE MANAGEMENT**
Regents of Higher Education, Board of — land sales, requirements, 20-25-307
Remedies to be provided, Const., IX, 1
Resource indemnity trust and ground water assessment tax, Title 15, chapter 38, See **TAXATION, MINERALS**
Right to clean and healthful environment, Const., II, 3; IX, 1
Sanitarians, authority, 37-40-101
Solid waste management, Title 75, chapter 10, part 2
State building and construction provisions, nonapplicability to remediation projects, 18-2-101
State land oil and gas leases, term — effect of compliance with environmental policy act and rules, 77-3-421
State park improvement or development, 23-1-110
State policies, recommendations and formulation, Title 75, chapter 1, part 3
Streambed and Land Preservation Act of 1975, Natural, Title 75, chapter 7, part 1, See **RIVERS AND STREAMS, Streambed alteration or modification projects**
Subdivision regulations for, Title 76, chapter 3
Sulfur dioxide, study of effects, 75-2-206
Timber sale, review, 77-5-208
Upper Clark Fork River Basin Steering Committee, representation on, 85-2-338
Voluntary environmental audits
applicability, limitations, 75-1-1206, 80-1-306
citation of voluntary environmental audit act, 75-1-1201, 80-1-301
definitions, 75-1-1203, 80-1-303
information, submission and use, 75-1-1205, 80-1-305
penalties, civil or administrative — immunity, 75-1-1204, 80-1-304
purpose, 75-1-1202, 80-1-302
Water pollution control state revolving fund program, information concerning, 75-5-1113
Watershed advisory groups, 75-5-103, 75-5-702 — 75-5-704
Water, Const., IX, 2, See also generally **WATER USE; WATER QUALITY; WATER SUPPLY, PUBLIC**
appropriation permits, criteria for issuance, 85-2-311
hydroelectric power generation facilities, feasibility studies to consider, 85-1-501

ENVIRONMENTAL QUALITY COUNCIL, 75-1-301, 90-4-1002
See also **LEGISLATIVE COUNCIL**
Appointments to, 5-16-101, 5-16-103, 5-16-104
Compensation and expenses of members, 75-1-302
Composition, 5-16-101
Consolidation of legislative branch entities, 5-2-504

ENVIRONMENTAL QUALITY COUNCIL (Continued)

Consultations, 75-1-313
Contempt proceedings, 75-1-312
Depositions, 75-1-312
Duties generally, 75-1-324
Energy
  renewable sources and conservation development, report and oversight, 90-4-111, 90-4-112
  state policy, duties, 90-4-1002, 90-4-1003
Environmental impact statements, availability of copies, 75-1-201
Establishment, 75-1-102
Examination of agency records, authority, 75-1-311
Facility siting, applications for certificates — service on, 75-20-211
Hearings, 75-1-312
Legislative environmental analyst, selection and duties, 75-1-323
Meetings, 75-1-302, 85-2-105
Megalandfill siting
  application, copy to, 75-10-918
  long-range plan filed with, 75-10-913
  party to proceedings, 75-10-927
Officers, 5-16-105
Public representation on council, 5-16-101
Qualifications for membership, 5-16-102
Referral of issues to committees, 5-5-202
Renewable resource grant and loan projects, report on, 85-1-621
Reports from state departments, 75-1-314
Solid waste management plans, submission to, 75-10-111
Staff, 75-1-323, 75-1-324
State agencies, assistance by, 75-1-201, 75-1-311
Subpoena powers, 75-1-312
Term of members, 5-16-103
Utilization of services, 75-1-313
Vacancies, how filled, 5-16-104
Water leasing study concerning streamflow for fisheries, 85-2-436
Water plan, state — submission to, 85-1-203
Water policy, duties, 85-2-105
Witnesses, 75-1-312

ENVIRONMENTAL QUALITY, DEPARTMENT OF, 2-15-104; Title 2, chapter 15, part 35
  See also **EXECUTIVE BRANCH**
Agricultural chemical ground water protection, duties, Title 80, chapter 15
Air pollution control equipment, determination of use for tax purposes, 15-6-135
Air quality, responsibilities, Title 75, chapter 2
Asbestos-related occupations and projects, duties, Title 75, chapter 2, part 5
Barbershops or barber schools and colleges, approval of wastewater disposal methods, 37-30-403
Beavers and dams obstructing streams, investigation and reports, 87-1-224
Boats and boating, waste disposal — rules, 23-2-522
CERCLA, implementation, Title 75, chapter 10, part 6
Cities and towns, undertakings — powers regarding, 7-7-4407
Community service volunteer projects, 90-14-105
Conservation districts, energy conservation grants, 90-2-140
Dairy product manufacturing plants, duties, 81-22-403
Detergent phosphorus compounds, model rule on sale and distribution, Title 75, chapter 7, part 4
Director, 2-15-3501
  drought advisory committee, appointment to, 2-15-3308

ENVIRONMENTAL QUALITY, DEPARTMENT OF (Continued)
Director (Continued)

  electric utility industry restructuring, transition advisory committee on — appointments to, 69-8-501
  flathead basin commission, ex officio member, 2-15-213
  ground water assessment steering committee, appointments to, 2-15-1523
  land commissioners, board of — consultations when, 77-1-211, 77-2-302
  small business compliance assistance advisory council, appointment to, 2-15-2110
  small business registration and licensing system plan, board of review — duties, 30-16-302
  water and wastewater operators' advisory council, appointment to, 2-15-2105
  water pollution control advisory council, designation of secretary, 75-5-221
  water well contractors, board of — appointment to, 2-15-3307
Drinking water state revolving fund, Title 75, chapter 6, part 2, See **WATER SUPPLY, PUBLIC**
Drinking Water State Revolving Fund Advisory Committee — duties, representation on, and allocation, 75-6-231
Drought Advisory Committee, representation on, 2-15-3308
Electric utility industry restructuring
  transition advisory committee on, representation on, 69-8-501
  universal system benefits programs fund, administration, 69-8-412
Energy development and conservation, 90-2-140, 90-2-141; Title 90, chapter 4, parts 1, 6, and 10
Environmental control easements, duties, Title 76, chapter 7
Environmental Quality Council
  interim functions, 75-1-324
  report to, 75-1-314
Environmental Review, Board of — allocation, 2-15-3502
Facility siting, duties, Title 75, chapter 20
Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 — implementation, Title 75, chapter 10, part 6
Federal territory, enforcement of laws within, 2-1-202, 2-1-209
Geothermal exploration, notification, 75-20-1001
Hazardous chemical information to employees and communities, duties, Title 50, chapter 78
Hazardous material incidents
  notification of release, 10-3-1211
  state emergency response commission, representation on, 10-3-1204
Hazardous substances, remedial action upon release — duties, Title 75, chapter 10, part 7
Hazardous waste management, 80-8-110, 80-8-305; Title 75, chapter 10, part 4
Infectious waste management, duties, Title 75, chapter 10, part 10
Integrated waste management, duties, Title 75, chapter 10, part 8
Local governments, self-government powers denied, 7-1-111
Meat processing establishments, duties, 81-9-233
Megalandfill siting, duties, Title 75, chapter 10, part 9
Mines and mining, duties
  coal mines, large-scale development — impact grants, 90-6-207
  hard-rock mining impact plan, requirements, 90-6-307
  metal mine reclamation, Title 82, chapter 4, part 3
  opencut mining, reclamation, Title 82, chapter 4, part 4
  strip and underground mine reclamation, Title 82, chapter 4, part 2
  strip and underground mine siting, Title 82, chapter 4, part 1
Montana Conservation Corps program, Title 23, chapter 1, part 3
Motor oil recycling signs, design and specifications, 75-10-1101
Motor vehicle wrecking facilities and graveyards, 61-12-401; Title 75, chapter 10, part 5
Natural resource information system data source agency, 90-15-102
Occupational health, duties, 50-71-109
Pesticide cleanup, 80-8-305

ENVIRONMENTAL QUALITY, DEPARTMENT OF (Continued)

Petroleum storage tank releases, cleanup — duties, Title 75, chapter 11, part 3
Phosphorus compounds, model rule on sale and distribution, Title 75, chapter 7, part 4
Plumbers, Board of — representation on, 2-15-1875
Radon control, Title 75, chapter 3, part 6, See **RADIOACTIVE SUBSTANCES**
Residential buildings, energy labeling stickers, 50-60-803
School facilities, qualified energy projects — determinations, 20-9-471
Septage disposal requirements and licensing, Title 75, chapter 10, part 12
Small Business Compliance Assistance Advisory Council, representation on, 2-15-2110
Small business registration and licensing system plan, cooperation in implementation, 30-16-303
Solid waste management, duties, Title 75, chapter 10, parts 1 and 2
Solid waste management districts, applicability of laws, 7-13-202, 7-13-231
Solid wastes, agreements concerning, 80-8-110
State building energy conservation program, Title 90, chapter 4, part 6
State-owned buildings, energy conservation and loans for retrofitting, 90-2-141
Subdivisions, duties, 76-3-504, 76-3-505; Title 76, chapter 4
Timber sales, onsite consultations — representation, 76-13-132
Transloading facility, demonstration truck/train — transfer of funds for grant, 7-14-120
Underground storage tanks, installers, and inspectors — duties, Title 75, chapter 11, parts 2 and 5
Utilities, integrated least-cost resource plans — duties, 69-3-1204, 69-3-1205
Voluntary environmental audits, responsibilities, 75-1-1203 — 75-1-1206, 80-1-303 — 80-1-306
Water and Wastewater Operators' Advisory Council, representation on, 2-15-2105
Water conservancy districts, authority, 85-9-104, 85-9-202, 85-9-204
Water Pollution Control Advisory Council, representation on, 75-5-221
Water pollution control equipment, determination of use for tax purposes, 15-6-135
Water pollution control state revolving fund progam, duties, Title 75, chapter 5, part 11
Water quality, responsibilities, Title 75, chapter 5
Water supply systems, public
  duties, Title 75, chapter 6
  laboratories for analyses and reports, licensing, 50-1-210
Water treatment plant operators, certification, Title 37, chapter 42
Water use
  appropriation permits
    objections to issuance, 85-2-311
    petition for adoption of rules, 85-2-319
  ground water investigations, 85-2-512, 85-2-514
Wood or biomass combustion devices, low energy — emission testing and certification standards, list of devices and rules establishing, 15-32-102, 15-32-106, 15-32-203

ENVIRONMENTAL REVIEW, BOARD OF, 2-15-3502
Agricultural chemical ground water protection, duties, Title 80, chapter 15
Air quality, jurisdiction and authority, Title 75, chapter 2, parts 1 — 4
Facility siting, duties, Title 75, chapter 20
Geothermal exploration, duties, 75-20-1001
Hazardous substances, remedial action upon release — hearings and appeals, 75-10-727, 75-10-732, 75-10-736
Hazardous waste management, duties, Title 75, chapter 10, part 4
Megalandfill siting, duties, Title 75, chapter 10, part 9
Mines and mining, duties
  metal mine reclamation, Title 82, chapter 4, part 3
  opencut mining, reclamation, Title 82, chapter 4, part 4
  strip and underground mine reclamation, Title 82, chapter 4, part 2
  strip and underground mine siting, Title 82, chapter 4, part 1

ENVIRONMENTAL REVIEW, BOARD OF (Continued)

Motor vehicle wrecking facilities and graveyards, duties, 75-10-501, 75-10-515, 75-10-540
Radiation control, duties, Title 50, chapter 79, part 4
Septage disposal requirements and licensing, Title 75, chapter 10, part 12
Solid waste management, duties, Title 75, chapter 10, parts 1 and 2
Subdivisions, monitoring or inspection of sanitary facilities, 50-2-116; Title 76, chapter 4
Underground storage tanks, installers, and inspectors — duties, Title 75, chapter 11, parts 2 and 5
Water quality, responsibilities, 50-2-116; Title 75, chapter 5
Water quality districts, program, 7-13-4502, 7-13-4513, 7-13-4517
Water supply, public — duties, Title 75, chapter 6

EQUAL PROTECTION, Const., II, 4
  See generally **DISCRIMINATION**; **RIGHTS**

EQUITY
Clean hands doctrine, 27-1-416
Foreign-money claims, supplementary principles of law, 25-9-714
For every wrong there is a remedy, 1-3-214
Fraudulent transfers, applicability of laws, 31-2-342
Jurisdiction of
  district court, 3-5-302; Const., VII, 4
  supreme court, 3-2-203, 3-2-204
Laches, defense, 1-3-218, 31-2-342; Title 25, chapter 20,M.R.Civ.P., Rule 8(c)
Principles, basic, Title 1, chapter 3, See **LAW, Maxims of jurisprudence**
Rules of Civil Procedure, applicability, Title 25, chapter 20, M.R.Civ.P., Rule 1
Trust, breach — exclusivity of remedies, 72-34-507, See also **TRUSTS**, generally

ESCHEATED ESTATES ACT, Title 72, chapter 14, parts 1 — 3
  See **ESTATES AND PROBATE, Escheated estates**

ESCROW BUSINESSES
Administration of provisions, 32-7-108
Advertising, 32-7-121
Appeals, 32-7-124
Cease and desist orders, 32-7-122
Change of control, 32-7-111
Citation of Regulation of Escrow Businesses Act, 32-7-101
Complaints, 32-7-122
Debt adjustment by, 31-3-203
Definitions, 32-7-102, 32-7-111, 32-7-117
Escrow accounts, 32-7-103, 32-7-115 — 32-7-117
Evidence
  "escrow" defined, 32-7-102
  examinations, investigations, or hearings, 32-7-123
  exemption or exception, burden of proof, 32-7-104
  violations, of, 32-7-122
Examination, 32-7-108, 32-7-110, 32-7-115, 32-7-123
Exemptions or exceptions, 32-7-103, 32-7-104
Fees, 32-7-108, 32-7-110
Financial condition, statement of, 32-7-115
Foreign capital depositories, financial records and privacy provisions — nonapplicability, 32-8-502
Funds
  deposit requirements and disbursement, 32-7-115, 32-7-117, 32-7-121
  power of attorney, statutory — authority, 72-31-231
Hearings, 32-7-108, 32-7-123, 32-7-124

ESCROW BUSINESSES (Continued)

Injunction, 32-7-122
Investigations, 32-7-108, 32-7-122, 32-7-123
Licenses
  application and issuance, 32-7-109
  cancellation, 32-7-122
  fees, 32-7-108, 32-7-110
  revocation or suspension, 32-7-121
  transferability, 32-7-111
Purpose of provisions, 32-7-101
Receiver, appointment, 32-7-122
Records, 32-7-115, 32-7-121
Regulation, 32-7-101
Restraining orders, 32-7-122
Rules, 32-7-108, 32-7-109, 32-7-122
Subpoenas, 32-7-123
Supervision, 32-7-101, 32-7-108
Unauthorized business practices, 32-7-121
Violations, 32-7-108, 32-7-122

ESTATES AND PROBATE
  See also **LIVING WILLS**; **PROPERTY, REAL**
Abandonment of property, 72-3-613, 72-5-427
Absence as Evidence of Death and Absentees' Property Act, Uniform, 72-1-108
Accounting
  closing of estate, See **Closing of estate**
  conservatorships, 72-5-413, 72-5-424, 72-5-436, 72-5-438
  escheated estates, 72-14-103, 72-14-202, 72-14-204
  personal representative, 72-1-109, 72-3-521, 72-3-522, 72-3-1005; Title 25, chapter 21, M.R.App.P., Rule 1
  public administrator, See **Public administrator**
  small estates, 72-3-1104
  special administrator, 72-3-703
Acknowledgments
  advancements, 72-2-119
  gifts, ademption by satisfaction, 72-2-619
  wills, 72-2-521, 72-2-524, 72-2-903, 72-3-309
Actions by or against decedent
  execution, 25-13-103, 25-13-306
  statutes of limitation, 27-2-404, 27-2-407, 72-3-123
  survival, See **CIVIL PROCEDURE, Survival of action**
Actions by or against personal representative
  accounting, 72-3-612
  appeals permitted, Title 25, chapter 21, M.R.App.P., Rule 1
    substitution for decedent, Title 25, chapter 21, M.R.App.P., Rule 37
  attorneys' fees, 72-3-632, 72-3-633
  breach of duty, 45-1-205, 72-3-1011
  capacity, 72-3-604, 72-3-613; Title 25, chapter 20, M.R.Civ.P., Rule 17(a); Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 10A
  claims against estate, for payment, 72-3-804
  closing of estate, statute of limitations, 72-3-1011
  community property, perfection of title, 72-9-109
  costs, 25-10-108, 72-3-632
  counterclaim
    against, 25-4-402
    by, 25-4-401

ESTATES AND PROBATE (Continued)
Actions by or against personal representative (Continued)

- declaratory judgments, 27-8-204
- execution, 25-4-402, 25-13-103, 25-13-306
- foreign personal representative, 72-4-310, 72-4-311
- indemnification, 72-3-612
- insurance benefits, to recover — when, 33-15-201
- liability, determination of issue, 72-3-612
- nonprobate transfers, multiple-party accounts — accounting by surviving party or beneficiary receiving payment, 72-6-215
- party, capacity, 72-3-527, 72-3-604, 72-3-612, 72-3-613; Title 25, chapter 20, M.R.Civ.P., Rule 17(a); Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 10A
  - foreign personal representative, 72-4-310, 72-4-311
  - small claims court, 25-35-505
- quiet title, 70-28-204
- real party in interest, Title 25, chapter 20, M.R.Civ.P., Rule 17(a); Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 10A
- recovery of possession or title determination, 72-3-606
- service of process on, Title 25, chapter 20, M.R.Civ.P., Rule 4D; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 4A, 4D
- small claims court, in, 25-35-505
- substitution for decedent, 27-1-501, 27-2-404, 72-3-604; Title 25, chapter 20, M.R.Civ.P., Rules 17(a), 25(a); Title 25, chapter 21, M.R.App.P., Rule 37
- substitution for foreign personal representative, 72-4-311
- substitution for previous personal representative, 72-3-527
- successor as party, 72-3-527
- surcharge, 72-3-612
- surety, breach of obligation on bond, 72-3-516
- tort actions, 72-3-612
- wrongful death of decedent, 27-1-307, 27-1-308, 27-1-513

Actions relating to estate

- community property, perfection of title, 72-9-109
- conservators and conservatorship
  - accounting, 72-5-436
  - bond, breach, 72-5-412
  - capacity of conservator, 72-5-427; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 10A
  - small claims court, in, 25-35-505
  - surety on bond, against, 72-5-412
- creditor's claim for payment, 72-3-804, 72-3-814
- distributees, against, 72-3-1013
- elective share of surviving spouse, 72-2-225, 72-2-228
- escheated estates, for, 72-14-103, 72-14-301
- exempt property and allowances, remedies, 72-2-415
- homicide of decedent, payors or other third parties, 72-2-813
- personal representative, See **Actions by or against personal representative**
- public administrator
  - bond, action on, 72-15-213
  - recovery of property by, 72-15-104
- small estates, recovery of property, 72-3-1102
- supervised administration, 72-3-401
- wills
  - contest, See **Formal testacy and appointment proceedings**
  - delivery to court compelled, 72-2-536

Ademption by satisfaction, 72-2-616, 72-2-619, 72-3-911

Administration

- ancillary, See **Ancillary administration**
- appeals permitted, Title 25, chapter 21, M.R.App.P., Rule 1

ESTATES AND PROBATE (Continued)
Administration (Continued)

  appointment required, 72-3-103
  commencement, 72-3-103
  conservatorship, See **Conservators and conservatorship**
  corepresentatives, 72-3-622
  costs and expenses, See **Costs and expenses**
  declaratory judgments, availability, 27-8-202, 27-8-204
  devolution of estate, subject to, 72-3-101
  expeditious, 72-3-605
  judgment or order, effect, 25-9-103, 26-3-201
  late discovery of property, subsequent administration, 72-3-1016
  letters, See **Personal representative**
  no administration, successors' rights, 72-3-911
  personal representative, See **Personal representative**
  principal and income determinations, 72-34-404 — 72-34-406
  protected persons, See **Conservators and conservatorship**
  public administrator, See **Public administrator**
  receivers, by — applicability of laws, Title 25, chapter 20, M.R.Civ.P., Rule 66
  restraint of specific acts, 72-3-617
  special administrator, See **Special administrator**
  supervised, See **Supervised administration**
  termination, See **Closing of estate**
Adoption
  adults or emancipated minors, rights, 42-4-403
  decree, effect, 42-5-202
  dissolution or annulment of marriage, revocation of probate or nonprobate transfers by, 72-2-814
  intestate succession
    class gifts, 72-2-715
    decree, effect, 42-5-202
    relationship of parent and child, 42-4-311, 72-2-124
  stepparent, adoption by — retention of rights of inheritance, 42-4-304, 42-4-311
  wills, omitted after-adopted child, 72-2-332
Affidavits
  ancillary administration, of foreign personal representative, 25-1-201, 72-4-303, 72-4-305, 72-4-306
  conservators, foreign — payment and delivery in response to, 72-5-439
  inheritance tax, nonresident decedents, 72-16-802
  nonprobate transfers, securities registered in beneficiary form — information by personal representative, 72-6-308
  power of attorney, 72-5-502
  public administrator, required when, 72-15-211
  small estates, collection of personal property, 72-3-1101, 72-3-1102
  wills, of witnesses, 72-2-524, 72-3-213, 72-3-307, 72-3-309
Affirmations on all filed documents, 72-1-206
Agents, 72-1-103
  compensation, 72-3-634, 72-5-432
  conflicts of interest, 72-3-615
  conservators, employment, 72-5-427
  disclaimer of property interests, 72-2-811
  dissolution or annulment of marriage, revocation of nomination, 72-2-814
  elective share of surviving spouse, 72-2-223
  employment for estate, 72-3-613, 72-3-634, 72-5-427
  homicide of decedent, effect, 72-2-813
  inheritance tax, designation in agreement consenting to lien, 72-16-474
  nonademption of specific devises when, 72-2-616

ESTATES AND PROBATE (Continued)
Agents (Continued)

  nonprobate transfers, multiple-party accounts, Title 72, chapter 6, part 2
Alcoholic beverage licenses, transfer under probate, 16-4-204, 16-4-404
Aliens, 72-2-121, 72-2-215, See also **Nonresident decedents**
Allowances and exempt property, See **Exempt property and allowances**
Anatomical gifts, Title 72, chapter 17
Ancillary administration
  actions by foreign personal representative, 72-4-310
  adjudication in other jurisdiction binding on local personal representative, 72-4-402
  bank payments to foreign personal representative, 32-1-448
  claims against decedent's estates, 72-3-803, 72-3-821, 72-3-822, 72-4-101, 72-4-308
  death taxes, apportionment, 72-16-612
  definitions, 72-4-101
  distribution to domiciliary personal representative, 72-3-822
  filing of letters, bond, inventory, and affidavit by foreign personal representative, 25-1-201, 72-4-201, 72-4-303, 72-4-304, 72-4-309
  "foreign personal representative" defined, 72-1-103
  foreign trust company, appointment as administrator, 32-1-1002
  inheritance tax, 72-4-304, 72-16-701, See **TAXATION, ESTATES**, **Inheritance tax**, nonresident decedents
  inspection of assets, 72-4-305
  inventory, 72-4-303, 72-4-305
  jurisdiction of courts, 72-4-201, 72-4-202
  priority of domiciliary personal representative, 72-3-506, 72-3-526, 72-4-311
  local administration, 72-4-101
    effect on foreign personal representative, third persons, and local representatives, 72-4-311
  local personal representative, 72-4-101, 72-4-311, 72-4-401
    adjudication in other jurisdiction binding on, 72-4-402
  location of property, determination, 72-3-113
  mortgages, discharge or release by foreign personal representative, 71-1-213
  notice
    creditor to nonresident debtor, 72-4-308
    inheritance tax, 72-4-304
    local administration, pending, 72-4-311
    service of process, 72-4-203
  payment of debt or delivery of property to foreign personal representative, 32-1-448, 72-4-201, 72-4-303, 72-4-306
    discharge of debtor or possessor, 72-4-307
    resident creditor notice, prohibited by, 72-4-308
  powers of foreign personal representative, 72-4-303, 72-4-310, 72-4-311
  proof of appointment and affidavit of foreign personal representative required when, 72-4-305, 72-4-306
  provisions governing, 72-4-401
  service of process on foreign personal representative, 72-4-203
Annulment, See **Dissolution or annulment of marriage**
Antilapse, 72-2-613
Appeals, 72-1-207, 72-1-209; Title 25, chapter 21, M.R.App.P., Rule 1
  claims against estate, 72-3-808
  conservatorship, interim accountings, 72-5-438
  escheated estates, 72-14-301
  estate tax, 72-16-907
  formal testacy orders, 72-3-317, 72-3-318, 72-3-523
  inheritance tax, See **TAXATION, ESTATES**
Appraisement, See **Inventories**

ESTATES AND PROBATE (Continued)

Assignments
  "beneficiary" defined, 72-1-103
  disclaimer of property barred by, 72-2-811
  distribution in kind, 72-3-904
  escheated estates, fiduciary deposit, 72-14-401
  inheritance tax, nonresident decedents — securities transfer, 72-16-701
Attachment of interest in, 27-18-412
Augmented estate, 72-2-222
  elective share of surviving spouse, 72-2-221, 72-2-225, 72-2-227
Banks
  conservators, deposits by, 72-5-427
  consolidation of bank, effect on fiduciary status, 32-1-371
  deposits and collections, effect of death of customer, 30-4-405
  foreign personal representatives, delivery of deposits or property to, 32-1-448
  nonprobate transfers, multiple-party accounts, Title 72, chapter 6, part 2
  securities, deposit with, 32-1-425 — 32-1-427
Beneficiary or beneficiary designation, 72-1-103
  alien heirs, report, 72-2-215
  benevolent association death benefits, 33-6-405
  deceased beneficiary, substitute gift created in surviving descendants, 72-2-716
  elective share of surviving spouse, petition for payment, 72-2-228
  fiduciary deposit when person unable to take, 72-14-401 — 72-14-403
  future interest under terms of a trust, 72-2-717
  homicide, effect, 72-2-813
  interested person, 72-1-103, See **Interested persons**
  nonprobate transfers
    multiple-party accounts, Title 72, chapter 6, part 2
    securities, registration in beneficiary form, Title 72, chapter 6, part 3
  qualified endowment contributions, tax credit, 15-30-167
  worthier title doctrine abolished, 72-2-720
Bequests, See **Devise and devisees**; **Distribution and distributees**; **Wills**
Boat certificate of ownership, transfer of interest, 23-2-510
Bonds
  conservators, 72-5-411 — 72-5-413
  inheritance tax, See **TAXATION, ESTATES**
  nonprobate transfers on death, 72-6-111
  personal representative, See **Personal representative**
  public administrator, 72-15-103, 72-15-208, 72-15-213
  records, 72-1-204
  trustees of trusts, 72-3-916
Business of decedent or person under disability
  continuation by conservator, 72-5-427
  continuation by personal representative, 72-3-613
  partnerships, See **PARTNERSHIPS, Death of partner**
Capital companies, tax credits for investment in, 90-8-202
Cemetery associations, hearing of annual report — applicability of laws, 35-20-207
Child, 72-1-103, See also **Intestate succession**; **Minors**
  adoption, See **Adoption**
  afterborn, 72-2-118, 72-2-332, 72-2-1002
  class gifts, 72-2-715
  conservator, as, 72-5-410
  distribution
    authority of personal representative, 72-3-611
    per capita at each generation or per stirpes, 72-2-719
  exempt property, 72-2-413, 72-2-415, See also **Exempt property and allowances**

ESTATES AND PROBATE (Continued)
Child (Continued)

- family allowance, 72-2-414, See also **Exempt property and allowances**
- formal testacy proceedings, notice, 72-3-305
- homestead allowance, 72-2-412, 72-2-415, See also **Exempt property and allowances**
- inheritance taxes, specific provisions, 72-16-313, 72-16-318
- interested person, 72-1-103, See **Interested persons**
- nonprobate transfers from multiple-party accounts, demand for accounting, 72-6-215
- omitted, 72-2-332, 72-2-813, 72-3-611
- parent and child relationship, 72-2-124
- parent-child legal relationship termination, effect, 41-3-611
- pretermitted, 72-3-611
- representation, 72-1-303
- stepchild, 72-2-716
- support
  - claim against estate, priority, 72-3-807
  - death of parent, effect, 40-4-208, 40-6-213
  - lien against, 40-5-242
- unemployment insurance benefits, continuation to, 39-51-2205

Choice of law, See **Conflict of laws**
Claims against estate, 72-1-103, See also **Insufficiency of estate**

- administration in more than one state, 72-3-821, 72-3-822
- allowance of claim, 72-3-805, 72-3-806
- ancillary administration, 72-3-803, 72-3-821, 72-3-822, 72-4-101, 72-4-308, 72-4-401
- appeals, 72-3-808; Title 25, chapter 21, M.R.App.P., Rule 1
- augmented estate, effect, 72-2-222
- bond of personal representative, demand by creditor, 72-3-514
- child support, 40-6-213
- classification of claims, 72-3-807
- closing of estate
  - liability of distributees, 72-3-1012
  - statement by personal representative, 72-3-1004
  - time for, 72-3-1001
- community property
  - perfection of title, 72-9-109
  - rights, 72-9-114
  - security interest, 72-9-110
- compromise, 72-3-131, 72-3-132, 72-3-815
- conservatorships, 72-5-405, 72-5-427, 72-5-433
- contemplation of death, gifts in, 70-3-205
- contingent claims, 72-3-804, 72-3-814
- counterclaim, 72-3-806
- declaratory judgment to determine creditors, 27-8-204
- devolution of estate subject to, 72-3-101, 72-3-911
- disallowance of claim, 72-3-804, 72-3-805
- encumbered assets, 72-3-803, 72-3-812, 72-3-813
- enforcement, requirements, 72-3-104, 72-3-805
- execution upon property of estate, 72-3-813
- exempt property, priority, 72-2-413
- family allowance, exemption and priority, 72-2-414
- fiduciary deposit when person unable to take, 72-14-401 — 72-14-403
- foreign administration, 72-3-803, 72-3-821, 72-3-822, 72-4-101, 72-4-308, 72-4-401
- funeral expenses, 72-1-103, See also **Funeral expenses**
- future due date, claims with, 72-3-814
- homestead allowance, exemption and priority, 72-2-412
- institutions, ancillary and per diem charges, 53-1-412
- insufficiency of estate, 72-3-802, 72-3-807, 72-3-821, 72-36-302

ESTATES AND PROBATE (Continued)
Claims against estate (Continued)

- interested person, 72-1-103, See **Interested persons**
- interest on allowed claims, 72-3-805
- judgment
  - as claim, 25-9-103
  - declaratory judgment to determine creditors, 27-8-204
  - from another court to enforce claim, 72-3-805
- liability for manner of payment, 72-3-808, 72-3-906
- liens for salaries and wages, 71-3-302
- medicaid payments, reimbursement, 53-6-143, 53-6-167
- mortgage foreclosures, one-action limitation — nonapplicability, 71-1-222
- nonclaim, 72-3-803
- nonprobate transfers
  - effect, 72-6-111
  - multiple-party accounts, 72-6-206, 72-6-215
  - securities registered in beneficiary form, 72-6-308, 72-6-309
- nonresident decedents, 72-3-113, 72-3-803, 72-3-821, 72-3-822
- not due, claims due in future, 72-3-814
- notice
  - allowance, 72-3-805
  - creditors, to, 72-3-801, 72-3-1103
  - disallowance, 72-3-804, 72-3-805
  - present claims, to, 72-3-801, 72-3-803
- order for payment, 72-3-808
- payment, 72-3-808
  - actions for, 72-3-802, 72-3-804
  - administration in more than one state, 72-3-821
  - contingent claim, 72-3-814
  - encumbrance of, 72-3-812
  - improper, 72-3-906
  - not due, 72-3-814
  - personal representative, by, 72-3-104, 72-3-613, 72-3-614
  - priority for, 72-3-807, 72-3-808, 72-3-821
  - proportional, 72-3-821
  - recovery of property for, 72-3-614, 72-16-442
  - restraint of specific acts, 72-3-617
  - secured claim, 72-3-811
  - security, 72-3-808, 72-3-814
  - unliquidated claim, 72-3-814
- presentation, 72-3-801, 72-3-804, 72-3-1001, 72-3-1004
- principal and income determinations, 72-34-404, 72-34-406
- priority of claims, 71-3-302
- recovery from distributees, 72-3-104
- representation of parties, 72-1-303
- secured claims, 72-3-104, 72-3-804, 72-3-811, 72-3-812, 72-3-821, 72-9-110
- small estates, 72-3-1103, 72-3-1104
- statute of limitations, 72-3-802
- taxes, claims for, 72-3-131, 72-3-807
- torts, based on, 72-3-612, 72-3-803
- trustor's estate, creditor's rights, 72-36-302
- unliquidated claims, 72-3-804, 72-3-814

Class gifts, 72-2-613, 72-2-715 — 72-2-718, 72-2-1004
Closing of estate

- accounting, final, 72-3-1005
  - compel or approve, petition to, 72-3-1001, 72-3-1003

ESTATES AND PROBATE (Continued)
Closing of estate (Continued)
  accounting, final (Continued)
    inheritance tax
      appraisal, hearing at time of, 72-16-415
      determination of tax, accounting supplied for, 72-16-401
      receipt for payment prerequisite, 72-16-434, 72-16-437
    small estates, 72-3-1104
  distribution
    compelled, 72-3-1001, 72-3-1003
    domiciliary personal representative, to, 72-3-822
  escheat, order for sale of property, 72-14-204, 72-15-212, See also **Escheated estates**
  failure to close, 72-3-1015
  formal proceeding terminating administration, 72-3-1001 — 72-3-1003
  hearings, 72-3-1001, 72-3-1003, 72-3-1015
  informally probated will, administration under, 72-3-1003
  intestacy, partial, 72-3-1003
  late discovery of property, 72-3-1016
  liability of distributees to claimants, 72-3-1012
  lien for fiduciary performance, discharge, 72-3-1014
  notice
    formal proceedings, 72-3-1001 — 72-3-1003
    subsequent administration, 72-3-1016
  omitted persons, adjudication of testacy, 72-3-1002
  order of complete settlement, 72-3-1001 — 72-3-1003
  order to close, 72-3-1015
  paternity proceedings, effect on, 40-6-108
  personal representative's statement, by, 72-3-1004
  petitions, 72-3-1001 — 72-3-1003, 72-3-1016
  small estates, 72-3-1103, 72-3-1104
  statutes of limitation
    distributees, actions against, 72-3-1013
    personal representative, actions against, 72-3-1011
  subsequent administration, 72-3-1016
  taxes
    extension of time, 72-3-1006, 72-16-423, 72-16-437
    final accounting provided for determination of tax, 72-16-401
    payment prerequisite to closing, 72-3-1006, 72-16-423, 72-16-437
    receipt or certificate of payment, 72-3-1006, 72-16-423, 72-16-434, 72-16-437
    statement of personal representative, 72-3-1004
  time, 72-3-1015
Community property
  application of provisions, 72-9-102, 72-9-120
  citation of uniform disposition of community property rights at death act, 72-9-101
  creditor's rights, 72-9-114
  disposition, 72-9-107
  married persons, acts of, 72-9-115
  nonprobate transfers
    multiple-party accounts, deposit to, 72-6-216
    securities, registration in beneficiary form, 72-6-302
  purchaser for value or lender, 72-9-110
  rebuttable presumptions, 72-9-103
  testamentary disposition, limitations, 72-9-116
  title, perfection
    personal representative, heir, or devisee, 72-9-109, 72-9-110
    surviving spouse, 72-9-108, 72-9-110
  uniformity of application and construction, 72-9-120

ESTATES AND PROBATE (Continued)

Compromise
  admission to probate, 72-3-131, 72-3-132
  claims against estate, 72-3-815
  debtors, with, 72-3-613
Conflict of interest
  conservators, 72-5-427, 72-5-434
  personal representative, 72-3-613, 72-3-615
  representation, 72-1-303
Conflict of laws
  elective share of surviving spouse, 72-2-221
  governing instrument, construction, 72-2-713
  public employees' retirement provisions to control, 19-2-1015
  teachers' retirement provisions to control, 19-20-510
  uniform probate code controls, 72-1-106
  wills, execution, 72-2-526
Conservators and conservatorship, See also **GUARDIANS AND GUARDIANSHIP**
  abuse, neglect, or exploitation reports, disclosure to conservator, 52-3-813
  accounting of estate, 72-5-413, 72-5-424, 72-5-436, 72-5-438
  actions, See **Actions relating to estate**
  applicability of laws, 53-20-141, 72-1-201
  appointment of conservator
    acceptance, 72-5-406
    cause for, 72-5-409
    commitment of person to be protected, admissibility when, 53-21-190
    defect, 72-5-435
    dissolution or annulment of marriage, revocation of nomination, 72-2-814
    gambling violations, appointment for defendant, 23-5-136
    guardian, in lieu of, 72-5-316
    petition for, 25-1-201, 72-5-401 — 72-5-403
    priorities, 72-5-402, 72-5-410
    timeshare sales, appointment when, 37-53-505
    title to property vested by, 72-5-425
    transfer or alienation, not, 72-5-425
    trustee, for, 72-33-619
  attorney, court appointment, 72-5-408
  bond of conservator, 72-5-411 — 72-5-413
  child of protected person as conservator, 72-5-410
  claims
    contracts, based on, 72-5-436
    estate, against, 72-1-103, 72-5-405, 72-5-429, 72-5-433
    protected person, against, 72-5-433
  collection of estate, 72-5-104, 72-5-427
  compensation of conservator, 72-5-427, 72-5-432, 72-15-301
  conflict of interest of conservator, 72-5-427, 72-5-434
  consolidation of proceedings, 72-5-102
  corporate shareholders, signatures for — acceptance or rejection of vote, consent, proxy appointment, or waiver, 35-1-527
  court
    accountings and appeal, 72-5-438
    appointment of conservator, 72-5-408, 72-5-409
    bond requirements, 72-5-411
    claims against estate or protected person, order for allowance, 72-5-433
    conflict of interest, transactions involving, 72-5-434
    instructions by, 72-5-413
    inventory filed with, 72-5-424

ESTATES AND PROBATE (Continued)
Conservators and conservatorship (Continued)
- court (Continued)
  - jurisdiction, 72-1-103, 72-1-202, 72-5-102, 72-5-405, 72-5-406, 72-5-412
  - orders for protection, 72-5-408, 72-5-409
  - personal representative's powers, order granting to conservator, 72-5-429
  - powers of conservator, enlargement or limitation, 72-5-430
  - powers over property and affairs of protected person, 72-5-421, 72-5-422
  - proceedings subsequent to appointment, 72-5-413
  - removal or resignation of conservator, 72-5-414
  - termination of conservatorship, 72-5-437
  - will of deceased person, delivery to, 72-5-429
- death of conservator, 72-5-414
- death of protected person, 72-3-122, 72-5-429
- default judgment against, Title 25, chapter 20, M.R.Civ.P., Rule 55(b)
- definitions, 72-1-103, 72-5-101, 72-26-502
- delivery of estate to conservator, 72-5-104, 72-5-427, 72-5-435, 72-5-439
- developmental disabilities, persons with — exploitation, 52-3-803
- disclaimer of property interests, 72-2-811
- distribution of estate
  - conservator, to, 72-3-917, 72-3-918, 72-5-425
  - estate plan, preservation, 72-5-431
  - jurisdiction of court, 72-5-405
  - nonademption of specific devises when, 72-2-616
  - petition for order, 72-5-413
  - powers of conservator generally, 72-5-427 — 72-5-429
  - protected person, when to, 72-5-429
  - title vesting in conservator, 72-5-425
- elderly persons, exploitation, 52-3-803
- elective share of surviving spouse, 72-2-223
- estate plan, preservation by conservator, 72-5-431
- executive clemency, application for — filing, 46-23-301
- expenses, 72-5-427, 72-5-429, 72-5-433, 72-5-437
- fees, notice subsequent to payment — request for, 72-5-404
- fiduciary duty of conservator, 72-5-413, 72-5-423, 72-5-436
- foreign conservators, payment or delivery of property to, 72-5-439
- foreign trust company as conservator, 32-1-1001 — 32-1-1007
- grounds for, 72-5-409
- guardian, protective proceedings, 72-5-231, 72-5-321, 72-5-401, See also **GUARDIANS AND GUARDIANSHIP**
- hearings
  - accountings, 72-5-438
  - appointment of conservator, 72-5-403, 72-5-408
  - court's powers, before exercise, 72-5-421
  - orders subsequent to appointment, petition for, 72-5-413
  - protective order, 72-5-403, 72-5-408
  - removal of conservator, 72-5-414
  - termination of conservatorship, 72-5-437
- in-kind payment of inheritance or estate taxes, 72-16-445 — 72-16-450
- institutional care, per diem payments, Title 53, chapter 1, part 4
- interested persons
  - appointment or protective order, petition for, 72-5-401
  - conflict of interest, notice to, 72-5-434
  - notice to, 72-5-403, 72-5-404, 72-5-429, 72-5-434
  - orders subsequent to appointment, petition for, 72-5-413
  - records, request for, 72-5-424
  - sureties, action against — petition for, 72-5-412
  - termination of conservatorship, petition, 72-5-437

ESTATES AND PROBATE (Continued)
Conservators and conservatorship (Continued)

- inventory, 72-5-424
- investment of estate assets, 72-5-427, 72-5-431, 72-31-102
- letters of conservatorship, 72-1-103, 72-5-426, 72-5-429, 72-5-430, 72-5-435
- liability of conservator, 72-5-436, 72-5-438
- limited conservatorship, 72-5-316
- limited liability companies, disassociation of member, 35-8-803
- limited liability partnerships, exercise of partner's rights, 35-12-1105
- mental health facilities
  - commitment of persons to, effect, 53-21-141, See also **MENTAL ILLNESS OR INCAPACITY, Conservatorship**
  - transportation of protected person to, reimbursement of expense, 53-21-113
- minors, transfers to, Title 72, chapter 26
- missing persons, for, 72-3-122, 72-3-918, 72-5-409
- nomination, power of, 72-2-814, 72-5-410, 72-5-501
- nonprofit corporations
  - as conservator, 72-5-410
  - members, signatures for — acceptance of vote, consent, waiver, or proxy appointment, 35-2-542
- notice
  - accountings, 72-5-438
  - claim against estate or protected person, 72-5-433
  - conflict of interest of conservator, 72-5-434
  - conservator, to, 72-1-302, 72-5-314, 72-5-406
  - court's powers, exercise of, 72-5-421
  - interested persons, request, 72-5-404, 72-5-429
  - orders subsequent to appointment, petition for, 72-5-413
  - personal representative, conservator as, 72-5-429
  - petition for appointment of conservator or protective order, 72-5-403
  - removal of conservator, 72-5-414
  - sureties, to, 72-5-412
  - termination of conservatorship, 72-5-437
  - waiver, 72-1-302, 72-5-403
- orders
  - accounting, for, 72-5-438
  - claims, allowance — for, 72-5-433
  - conservatorship, for, 72-1-303, 72-5-408, 72-5-409, 72-5-421
  - powers of personal representative to conservator, granting, 72-5-429
  - subsequent to appointment, petition for, 72-5-413
  - termination, for, 72-5-426
- parent
  - as conservator, 72-5-410
  - distributions, recommendations for, 72-5-428
  - inventory to, 72-5-424
  - notice of proceedings, 72-5-403
  - petition for appointment of conservator or protective order, 72-5-401
- partnership partners, appointment for — effect, 35-10-616
- paternity proceedings, jurisdiction, 40-6-109
- personal representative
  - conservator as, 72-5-429
  - rights of conservator, 72-3-505, 72-3-522
  - termination of conservatorship, petition by, 72-5-437
- petition for appointment of conservator or protective order, 72-5-401
  - contents, 72-5-402
  - fee for filing, 25-1-201
  - hearing, 72-5-408

ESTATES AND PROBATE (Continued)
Conservators and conservatorship (Continued)
 petition for appointment of conservator or protective... (Continued)
  notice, 72-5-403
 pleadings, 72-1-303
 power of attorney, 72-31-201, 72-31-231
 powers of conservator, 72-5-427 — 72-5-429
  enlargement, 72-5-430
  limitation, 72-5-430, 72-5-435
 professional corporations, amendment of articles of incorporation, 35-4-312
 public administrator, appointment, 72-5-410, 72-5-415, 72-15-301
 public employees' retirement benefits, application for and payment to minor beneficiary, 19-2-803, 19-3-1204
 records, 72-1-204, 72-5-424
 relative as conservator, 72-5-410
 removal of conservator, 72-5-413, 72-5-414, 72-5-438
 residence requirements, 72-5-407, 72-5-410
 residential facilities, admission of persons to — creation upon, 53-20-141
 resignation of conservator, 72-5-414, 72-5-438
 sales by conservator, 72-5-427
 securities
  bond of conservator, determination of amount, 72-5-411
  conservator's power, 72-5-427
  court's powers, 72-5-421
  exempt transactions, 30-10-105
  injunctive proceedings, appointment, 30-10-305
  living trust violations, appointment for defendant's assets, 30-10-913
  third persons, protection, 72-5-435
 spouse
  as conservator, 40-2-108, 72-5-410
  court's exercise of rights, 72-5-421
  notice of proceedings, 72-5-403
 successor conservator, 72-5-412 — 72-5-414
 support of protected person, 72-3-917, 72-5-409, 72-5-413, 72-5-428, 72-5-433
 taxation, conservator's duties, 72-5-427, 72-16-445 — 72-16-450, 72-16-601, See also **TAXATION, INDIVIDUAL INCOME**
 temporary conservator, 72-5-413
 termination of conservatorship, 72-5-426, 72-5-437
 third persons, protection of transactions, 72-5-427, 72-5-435
 title to property, 72-5-425, 72-5-426, 72-5-437
 tort claims against estate, 72-5-436
 trusts, relationship, See **TRUSTS**
 venue, 72-1-203, 72-5-407
 visitor
  compensation, 72-5-432
  interview with, 72-5-403, 72-5-408
 voidable transactions, 72-5-434
 will of parent of protected person, nomination of conservator by, 72-5-410
 will of protected person
  consideration in protection of estate, 72-5-431
  delivery to court, 72-5-429
  examination by conservator, 72-2-535, 72-5-431
  nonademption of specific devises when, 72-2-616
 wills, appointment of conservator — effect, 72-5-425
Contempt
 misappropriation of estate, person's refusal to testify, 72-15-110
 will, refusal to deliver to court, 72-2-536

ESTATES AND PROBATE (Continued)

Contracts
  claims against estate
    interest on, contract for, 72-3-805
    limitations when based on, 72-3-803, 72-5-436
  conflict of interest, contracts involving, 72-3-615
  disclaimer of property interests, 72-2-811
  distribution, private agreements, 72-3-915
  minors, disaffirmance, 41-1-304
  personal representative, 72-3-612, 72-3-613, 72-3-631, 72-3-803
  protected persons and conservatorship
    conservator
      appointment, effect, 72-5-425
      capacity, 72-5-427
    consideration in administration of estate, 72-5-431
    court, capacity, 72-5-421, 72-5-422
  spouse's rights, renunciation by, 72-2-224
  succession, concerning, 72-2-534
Contribution
  abatement by, 72-3-901
  claims against estate, distributees' right, 72-3-1012
  elective share of surviving spouse, to, 72-2-225, 72-2-227, 72-2-230
Controversies, admission to probate, 72-3-131, 72-3-132
Corporations
  close corporation shareholders, 35-1-550
  directors
    conflicting interest transactions, 35-1-461
    indemnification, 35-1-451
  "entity" and "individual" defined, 35-1-113
  nonprobate transfers, multiple-party accounts — nonapplicability, 72-6-202
  shareholders, signatures by fiduciary, 35-1-527
Costs and expenses
  appraiser for inheritance tax, fee, 72-16-413
  attorney's fees, See **ATTORNEYS' FEES**
  augmented estate, reduction, 72-2-222
  claim against the estate
    as, 72-1-103, 72-3-807, 72-3-808
    effect on, 72-3-803
  closing of estate, failure to close, 72-3-1015
  conservatorships, 72-5-427, 72-5-429, 72-5-433, 72-5-437
  filing fee, 25-1-201
  inheritance tax for nonresident decedents, statement of costs in application for determination, 72-16-802
  missing persons, search, 72-3-306
  payment
    closing, prerequisite to, 72-3-1004
    conservator, by, 72-5-427
    personal representative, by, 72-3-613, 72-3-915
    priority, 72-3-807
  personal representatives, 72-3-613, 72-3-915
  principal and income, determination, 72-34-404, 72-34-406
  public administrators
    accounting, 72-15-207
    bond, action on, 72-15-213
    fees, 72-15-301
    payment from estate, 72-15-210

ESTATES AND PROBATE (Continued)
Costs and expenses (Continued)

- small estates, 72-3-1103, 72-3-1104
- trustor's estate, administration, 72-36-302
- wills
  - contest of validity or probate, 72-12-206
  - handwriting analysis, 72-12-406

Court, 72-1-103

- agents, review of compensation or employment, 72-3-634
- animals, trusts for — appointments pertaining to, 72-2-1017
- appeals, See **Appeals**
- attorney's fees, determination, 72-3-633, 72-3-634
- business of estate, order for continuation, 72-3-613
- chambers, judges power at, 3-5-311
- claim against estate
  - compromise, 72-3-815
  - payment, 72-3-808, 72-3-814
- clerk of court's powers, 72-1-205, See **CLERK OF THE DISTRICT COURT**
- closing of estate, 72-3-1001, 72-3-1003 — 72-3-1005
  - show cause when not closed within 2 years, 72-3-1015
  - small estates, 72-3-1104
  - subsequent administration, 72-3-1016
- compromise
  - approval, 72-3-132
  - consent for, 72-3-613, 72-3-815
- conflicts of interest, approval of transactions involving, 72-3-615
- conservatorship, See **Conservators and conservatorship**
- distribution, petition for, 72-3-914
- elective share of surviving spouse, duties, 72-2-223, 72-2-225, 72-2-228
- escheated estates, 72-14-103
  - claim for, 72-14-301, 72-14-402
  - discovery motion, 72-14-201
  - investment of deposited money, order, 72-14-203
- exempt property and allowances, petition for relief, 72-2-415
- fiduciary deposits, claim for, 72-14-402
- formal testacy and appointment proceedings, See **Formal testacy and appointment proceedings**
- interested persons bound by orders, 72-3-111
- jurisdiction
  - community property, perfection of title, 72-9-108
  - disclaimer of property interests, filing, 72-2-811
  - exclusive jurisdiction, 72-3-111
  - foreign personal representatives, personal jurisdiction, 72-4-201, 72-4-202
  - notice for hearing, method or time of giving, 72-1-301
  - original jurisdiction, 3-5-302
  - personal representative
    - defect, 72-3-618
    - invocation, power of, 72-3-605
    - personal jurisdiction, 72-3-511, 72-3-521; Title 25, chapter 20, M.R.Civ.P., Rule 4B
  - subject jurisdiction, 72-1-202
  - surety of personal representative, personal jurisdiction, 72-3-516
  - third parties — payments, transfers, or deposits by, 72-2-712, 72-2-813, 72-2-814
- personal representative
  - appointment, 72-3-103, 72-3-501, 72-3-503, 72-3-504, 72-3-506, 72-3-507, 72-3-512
  - bond, 72-3-512, 72-3-513

ESTATES AND PROBATE (Continued)
Court (Continued)
  personal representative (Continued)
    compensation
      renunciation, filing, 72-3-631
      review, 72-3-634
    foreign personal representative, 72-4-311
      filing of letters, bond, inventory, and affidavit, 72-4-303, 72-4-309
      personal jurisdiction, 72-4-201, 72-4-202
    inventory, filing, 72-3-607, 72-3-609
    jurisdiction
      defect, 72-3-618
      invocation, power of, 72-3-605
      personal, 72-3-511, 72-3-521; Title 25, chapter 20, M.R.Civ.P., Rule 4B
    limitation of powers, 72-3-618
    removal, 72-3-526
    restraining order against, 72-3-617
    subsequent administration, 72-3-1016
    surety on bond, 72-3-516
    termination, effect, 72-3-521
  public administrator
    accounting, 72-15-203, 72-15-207, 72-15-208, 72-15-302, 72-15-303
    bond, additional, 72-15-208
    compensation, adjustment, 72-15-304
    deposit of money, order, 72-15-213
    misappropriation of estate by third parties, 72-15-109, 72-15-110
    supervision, 72-15-201
  records, 3-5-513, 72-1-204, See also **Records required**
  small estate, closing, 72-3-1104
  subsequent administration, 72-3-1016
  supervised administration, 72-3-401, See **Supervised administration**
  testamentary trusts, 72-35-301, 72-35-312
  user surcharge, imposition, 3-1-317
  waiver of rights, unconscionability — decision on, 72-2-224
  wills
    delivery to, 72-2-536
    deposit with, 72-2-535
    handwriting analysis, 72-12-401, 72-12-402, 72-12-407
Creditors' claims, See **Claims against estate**
Crime victims reparation benefits, See **CRIME VICTIMS AND WITNESSES**
Curtesy, abolishment, 72-2-122
Damages
  future, periodic payments — property of estate, 25-9-403, 25-9-412
  interested persons, failure to give notice to, 72-3-106
  medical malpractice, future damages — periodic payments as property of estate, 25-9-412
  personal representative, breach of fiduciary duty, 72-3-616
  stranger's death, failure to give notice, 72-15-105
  will, failure to deliver, 72-2-536
Death certificates as evidence, 72-1-108, 72-2-909
Death or status of individual, evidence of, 72-1-108
Debts, See **Claims against estate**; **Indebtedness to estate**; **Insufficiency of estate**
Declaration of invalidity of marriage, See **Dissolution or annulment of marriage**
Decrees, See **Judgments**; **Orders**
Defect
  claim against decedent's estate, in presentation, 72-3-804
  fiduciary sales, deeds and conveyances, 72-31-103
  informal probate applications, 72-3-215
  inventories, 72-3-609

ESTATES AND PROBATE (Continued)
Defect (Continued)

- letters, in issuance, 72-3-602
- order, notice of — noncompliance, 72-3-106
- petitions, incompleteness, 72-3-121
- transactions with conservator, protection from, 72-5-435
- transactions with personal representative, protection from, 72-3-618, 72-31-103

Definitions, 72-1-103
- ancillary administration, 72-4-101
- antilapse provision, 72-2-613
- augmented estate provisions, 72-2-222, 72-2-227
- conservatorships and guardianships, 72-5-101
- deceased beneficiary, substitute gift created in surviving descendant provision, 72-2-716
- disclaimer of property interests, representative of a person, 72-2-811
- distribution, per capita at each generation or per stirpes, 72-2-719
- divorce or annulment, revocation by, 72-2-814
- estate, 70-1-702, 72-1-103
- formal testacy proceeding, 72-3-302
- future interest under terms of a trust, survivorship with respect to, 72-2-717
- homicide provision, 72-2-813
- international wills, 72-2-901
- intestate succession, representation provision, 72-2-116
- nonademption of specific devise, incapacitated principal, 72-2-616
- nonprobate transfers
  - multiple-party account provisions, 72-6-201
  - securities, registration in beneficiary form provisions, 72-6-301
- 120-hour rule, co-owners with right of survivorship, 72-2-712
- supervised administration, 72-3-401
- will, 1-1-205, 72-1-103, 72-2-527, 72-2-901

Denial of probate, 72-3-213, 72-3-214, 72-3-223, 72-3-224
Descriptions of property in
- disclaimer of property interests, 72-2-811
- pleadings, 72-1-303

Devise and devisees, 72-1-103, 72-2-613, 72-3-901, See also **Distribution and distributees**; **Wills**
- ademption by satisfaction, 72-2-619
- administration, absence of, 72-3-911
- alienage, 72-2-215
- antilapse, 72-2-613
- artist and art dealer relationship, Title 22, chapter 2, part 5
- beneficiary, 72-1-103
- cemetery perpetual care and maintenance fund, 37-19-822
- child support, action by board of county commissioners for, 40-6-213
- claims against estate
  - compromise, consent to, 72-3-815
  - statute of limitations, 72-3-803
- closing of estate
  - petition for order, 72-3-1003
  - recovery of property, 72-3-1013
- community property, title to property, 72-9-108 — 72-9-110
- compromises, consent to, 72-3-613, 72-3-815
- covenants, how answerable, 70-20-306
- dealership or distribution contracts, cancellation — inventory repurchase, 30-11-704
- declaratory judgment, to determine, 27-8-204
- decreased, 72-2-613
- defeasible estate, 71-1-209
- devolution of estate, 72-3-101

ESTATES AND PROBATE (Continued)
Devise and devisees (Continued)

- estate, devise to, 70-1-701 — 70-1-704, See **PROPERTY, GENERALLY**, **Gifts**
- formal testacy proceedings, notice, 72-3-305
- indebtedness to estate, consent to compromise, 72-3-613
- in-kind payment of inheritance or estate taxes, 72-16-445 — 72-16-450
- interested person, 72-1-103, See **Interested persons**
- mausoleum-columbarium authorities
  - plots, disposition, 35-21-827, 35-21-828, 35-21-832
  - property acquired by, 35-21-805
- nonademption of specific devises, 72-2-616
- nonprobate transfers
  - multiple-party accounts, payments, 72-6-223, 72-6-226
  - securities registered in beneficiary form, discharge of registering entity, 72-6-308
- nonprofit corporations, merger — effect, 35-2-614
- omission as parties, 72-3-1002
- partition, petition and notice, 72-3-914
- personal representative
  - notice of appointment, 72-3-603
  - priority as, 72-3-502
- principal and income determinations on income earned during administration, 72-34-404, 72-34-406
- residuary devisees, 72-2-614, 72-3-902
- state land sales, canceled certificates of purchase
  - improvements on land, effect on, 77-2-332
  - reinstatement, application, 77-2-333
- things in action, passage to, 70-2-102
- trusts, applicability, 72-33-106
- unknown
  - effect of judgments, 25-3-505
  - parties, as, 25-3-504, 25-3-505; Title 25, chapter 20, M.R.Civ.P., Rule 4D
- viatical settlement provider, life insurance death benefits to, 33-20-1302, 33-20-1308, 33-20-1315
- vital statistics, certificates generally — data pertaining to father of child, 50-15-109

Devolution of estate, 72-3-101, See also **Succession**
- disclaimer of property interests, 72-2-811

Disability, persons under — distribution to, 72-3-917, See **Conservators and conservatorship**; **GUARDIANS AND GUARDIANSHIP**
- nonprobate transfers, multiple-party accounts, Title 72, chapter 6, part 2

Disclaimer of property interests, 72-2-811

Discovery, procedure, Title 25, chapter 20, M.R.Civ.P., Rule 1

Dissolution or annulment of marriage
- effect, 72-2-812
- perpetuities, statutory rule against — exclusions, 72-2-1005
- renunciation of succession, 72-2-224
- revocation of probate or nonprobate transfers, 72-2-814

Distribution and distributees, 72-1-103, See also **Intestate succession**; **Succession**
- abatement, 72-2-331, 72-2-332, 72-2-413, 72-3-901, 72-3-911
- administration, absence of, 72-3-911
- agriculture, department of — authority, 80-1-102
- agriculture development council, acceptance, 90-9-202
- airport authorities, authority, 67-11-201
- ancillary administration, applicability of laws, 72-4-401
- appeal permitted, Title 25, chapter 21, M.R.App.P., Rule 1
- cemeteries, acceptance for, 7-8-103, 7-8-104
- cemetery districts, acceptance, 7-35-2109
- chemical dependency treatment programs, for, 53-24-108

ESTATES AND PROBATE (Continued)
Distribution and distributees (Continued)

- cities and towns, acceptance, 7-1-4124, 7-3-4313, 7-8-103, 7-8-104, 7-16-4109, 20-7-803, 67-10-201, 90-5-102
- city-county consolidated governments, acceptance, 7-3-1203
- claims against estate, payment — bond or security by distributee, 72-3-814
- closing of estate, 72-3-1001, 72-3-1003, 72-3-1006
  - partial distribution, 72-3-1006
  - statement by personal representative, 72-3-1004
- community college district trustees, acceptance, 20-15-109
- community property, Title 72, chapter 9, part 1
- community service programs, to, 90-14-103
- conservation districts, authority, 76-15-404
- conservation easements, acquisition by, 76-6-204
- conservators, See **Conservators and conservatorship**, distribution of estate
- contemplation of death, gifts in, 70-3-205
- corepresentatives, authority, 72-3-622
- counties, acceptance, 7-8-103, 7-8-104, 7-16-2105, 90-5-102
- county commissioners, board of — acceptance, 7-35-2201
- county park district commissions, acceptance, 7-16-2423
- county water and/or sewer districts, acceptance, 7-13-2217
- cultural and aesthetic projects, matches for challenge grants, 22-2-309
- deaf and blind, Montana school for the — acceptance, 20-8-111, 17-3-1001, 17-3-1002
- deed, 72-3-904, 72-3-905, 72-3-907
- development corporations, acceptance, 32-4-201
- devolution, 72-3-101
  - when no administration, 72-3-911
- disability, person under, 72-3-917, See also **Conservators and conservatorship**, distribution of estate
- dissolution of marriage, property settlement — criteria for determining, 40-4-202
- domiciliary personal representative, to, 72-3-822
- encumbered assets, 72-3-812
- escheat, 72-3-918, See **Escheated estates**
- evidence of succession, 72-3-905
- evidence of title, 72-3-904, 72-3-907, 72-3-911
- exempt property, effect, 72-2-413
- expeditious, 72-3-605, 72-3-610, 72-3-613, 72-3-621
- fiduciary deposit when interested person unable to take, 72-14-401 — 72-14-403
- fire department relief association disability and pension fund, to, 19-18-501
- firefighters' unified retirement system, as additional employee contributions, 19-13-607
- fish and wildlife mitigation trust fund, to, 87-1-611, 87-1-612, 87-1-614
- fish, wildlife, and parks — department of, authority, 23-1-102, 87-1-209, 87-1-703, 87-1-709
- foreign personal representative, to, 72-3-822, 72-4-401
- future interests
  - in "heirs" and like, 72-2-223, 72-2-717, 72-2-721
  - under terms of trust, 72-2-717
- grazing district preferences not subject to, 76-16-405
- hazardous or deleterious substance, release by facility — acquisition and liability of facility, 75-10-715
- highway authorities, acceptance, 7-14-101, 60-4-111, 60-5-104
- highway patrol officers' survivorship benefits, 19-6-903
- historical society, acceptance, 22-3-107, 22-3-603
- hospitals, acceptance, 7-8-103, 7-8-104
- housing authorities, municipal — acceptance, 7-15-4460
- housing, board of — acceptance, 90-6-104
- improper, 72-3-905 — 72-3-907, 72-3-1013
- indebtedness of successor, 72-3-912

ESTATES AND PROBATE (Continued)
Distribution and distributees (Continued)

- in "heirs" and like, 72-2-721
- inheritance tax, Title 72, chapter 16
- in kind, 72-3-902, 72-3-904, 72-3-905, 72-3-907
- institutions generally, acceptance, 7-8-103, 7-8-104, 17-3-1001, 17-3-1002
- interest on pecuniary devise, 72-3-913
- investments, board of — authority, 17-5-1504, 17-5-1505
- land commissioners, board of — authority, 23-1-103, 77-1-213
- lenders to distributees, 72-3-907
- liability of distributees, 72-3-1012
- libraries, public — board of trustees, authority, 22-1-309
- limited partnership, interest in, 35-12-802
- migratory bird reservations, lands for, 2-1-211
- missing persons, to, 72-3-918
- Montana arts council, authority, 22-2-107
- Montana state university-bozeman local government center, acceptance, 20-25-237
- motor vehicle certificate of ownership, transfer of interest, 61-3-201
- municipal commission-manager government, acceptance, 7-3-4313
- natural resources and conservation, department of — authority, 85-1-332, 85-3-103
- nonprofit corporations, merger — effect, 35-2-614
- omitted child, 72-2-332
- open-space lands
  - authority of public bodies, 76-6-106
  - land for, 7-12-4102
- park commissioners, board of — authority, 7-16-4109, 20-7-803
- parking commissions, acceptance, 7-14-4622
- parks, public — land for, 7-12-4102
- partial distribution, 72-3-1006
- partition for purpose of, 72-3-914
- paternity proceedings, effect, 40-6-108
- payment in, 72-3-905, 72-3-906
- per capita at each generation, 72-2-719
- personal representative, authority, 72-3-605, 72-3-611, 72-3-613
- per stirpes, 72-2-719, 72-6-310
- planning boards, authority, 76-1-408
- police officers' retirement systems
  - employer contributions, as additional, 19-9-705
  - police retirement funds, to, 19-19-304
- port authorities, acquisitions by, 7-14-1111
- private agreement among successors, 72-3-915
- procurement provisions, state — applicability, 18-4-132
- proposal and right to object, 72-3-903
- public employees' retirement systems, family law orders — alternate payees, 19-2-907
- public health and human services, department of — acceptance, 53-20-504, 53-21-402
- purchases from distributees, 72-3-907
- recovery from distributees, 72-3-317, 72-3-1013
- recovery when improper, 72-3-905, 72-3-907, 72-3-1013
- reformation, 72-2-1004, 72-2-1006
- regents of higher education, board of — authority, 20-25-402
- religious corporations sole, power, 35-3-205
- representation, by, 72-2-719
- residuary estate, 72-3-902
- restraint of specific acts, 72-3-617
- reversion, 70-15-210, See **PROPERTY, REAL, Reversion**
- school districts, acceptance, 7-16-4109, 20-6-601
- schools generally, for, 20-9-601

ESTATES AND PROBATE (Continued)
Distribution and distributees (Continued)

- school trustees, acceptance, 20-3-324, 20-9-604
- securities
  - cash distribution prior to death, 72-2-615
  - valuation, 72-3-902
- small estates, 72-3-1103, 72-3-1104
- snowmobile certificate of ownership, transfer of interest, 23-2-612
- spouse, entitlement, 72-2-331, See also **Spouse**
- state forests, acquisition by, 77-5-101
- state land acquired by, 77-1-101, 77-5-101
- state library commission, to, 22-1-103
- state, to
  - expenditure limitation, 17-8-105
  - investment funds for, 17-6-202, 17-6-203
  - veterans' and pioneers' memorial building, for, 22-3-303
- successor personal representative, authority, 72-3-621
- supervised administration, 72-3-401, 72-3-403, 72-3-405, See also **Supervised administration**
- taxes, Title 72, chapter 16
- television districts, acceptance, 7-13-2510
- testamentary additions to trusts, 72-2-531
- transportation, department of — authority, 67-2-301
- trust company, purpose, 32-1-107
- trustees, to, 72-3-915, 72-3-916
- unclaimed assets, 72-3-918
- university of Montana-missoula bureau of government research, acceptance, 20-25-207
- university system, 17-3-1001, 17-3-1002, 20-25-402, 20-25-426
- urban renewal, acceptance for, 7-15-4258
- veterans' and pioneers' memorial building, for, 22-3-303
- viatical settlement provider, life insurance death benefits to, 33-20-1302, 33-20-1308, 33-20-1315
- water conservancy district board of directors, authority, 85-9-405
- will, to be in accordance with terms of, 72-3-610

Divorce, See **Dissolution or annulment of marriage**
Domicile, See **Residence**
Dower, See also **Elective share of surviving spouse**

- abolishment, 72-2-122
- partition, joinder of tenant in dower, 70-29-104, 70-29-105, 70-29-326
- presumption property free from, 70-20-316
- quiet title, subject to, 70-28-101, 70-28-105

Durable power of attorney, 72-5-501, 72-5-502

- "agent" defined, 72-1-103
- elective share of surviving spouse, right of election, 72-2-223
- nonademption of specific devises when, 72-2-616

Easements, dedication by

- conservator, 72-5-427
- personal representative, 72-3-613

Elective share of surviving spouse, 72-2-221

- abatement, applicability, 72-3-901
- augmented estate, 72-2-222
- community property, 72-9-107
- devolution of estate subject to, 72-3-101
- divorce, annulment, or decree of separation — effect, 72-2-812
- effect on statutory benefits, 72-2-226
- exempt property, effect, 72-2-413
- extension of time, 72-2-225

ESTATES AND PROBATE (Continued)
Elective share of surviving spouse (Continued)

- family allowance, effect, 72-2-414
- governing instrument, conflict of laws — effect, 72-2-713
- homestead allowance, effect, 72-2-412
- homicide, effect, 72-2-813
- incapacitated person, 72-2-223, 72-2-415
- inheritance tax, effect, 72-16-314, 72-16-315
- liability of others for balance, 72-2-227
- payors and other third parties, protection, 72-2-228
- perpetuities, statutory rule against, 72-2-1005
- petition for, 72-2-223, 72-2-225, 72-2-227
- proceeding for, 72-2-225
- protected person, court's power, 72-5-421
- recipients, liability, 72-2-230
- right of election, 72-2-223
- sources from which share payable, 72-2-227
- supplemental elective-share amount, 72-2-221, 72-2-223, 72-2-225 — 72-2-227, 72-2-230
- waiver of right, 72-2-224

Encumbrance of assets of estate, See also **Liens**; **Mortgages**; **Pledges**; **Security interest in property of estate**
- conflict of interest, 72-3-615
- conservator's authority, 72-5-427
- nonademption of specific devises, 72-2-616
- personal representative's authority, 72-3-812
- small estate, 72-3-1103, 72-3-1104

Errors, See **Defect**

Escheated estates
- accountings, 72-14-103, 72-14-202, 72-14-204
- acquisition by state, 70-1-203, 70-6-420, 72-14-102, 72-14-103
  - collection by department of administration, 17-4-103
  - procedure, Title 72, chapter 14, part 2
- attorney general, duties, 72-14-103
  - special assistant attorney general, 72-14-103
- citation of escheated estates act, 72-14-101
- claim of escheated property, action for, 72-3-918, 72-14-301
  - amount, 72-14-210
  - fiduciary deposits, 72-14-402
  - inheritance tax, payment, 72-14-303
  - statute of limitations, 72-14-302
- delivery of property
  - intangible personal property, 72-14-205
  - real property, deed, 72-14-206
  - tangible personal property, 72-14-207
- deposit of money
  - county treasurer, with, 7-6-2421, 72-14-202, 72-14-204, 72-14-401, 72-14-403, 72-15-212
  - fiduciary deposit, 72-14-401, 72-14-403
  - investment of deposited funds, 72-14-203
  - public administrator, by, 72-14-202
  - revenue, department of — with, 7-6-2421, 72-3-918, 72-14-204, 72-14-207, 72-15-212
  - state treasurer, with, 7-6-2421, 72-14-204 — 72-14-206, 72-14-209, 72-14-403
  - trust, funds held in, 20-9-601, 72-14-210, 72-14-403
- discovery of existence, 72-14-103, 72-14-201
- fiduciary deposits when, 72-14-401 — 72-14-403
- hazardous or deleterious substance, release by facility — acquisition and liability of facility, 75-10-715
- insurer's liquidation, unclaimed funds, 33-2-1374

ESTATES AND PROBATE (Continued)
Escheated estates (Continued)

- joint action with other states, 70-9-823
- notice of auction sale
  - intangible personal property, 72-14-205
  - real property, 72-14-206
  - tangible personal property, 72-14-207
- personal property unsold by personal representative, disposition, 72-14-205, 72-14-207
- real property unsold by personal representative, 72-14-206
- sale of property, 72-14-208
  - final settlement, order upon, 72-14-204, 72-15-212
  - intangible personal property, 72-14-205
  - real property, 72-14-206
  - tangible personal property, 72-14-207
- state forests, acquisition by, 77-5-101
- unclaimed property, 70-9-805, 70-9-811, 70-9-814, 70-9-823, 72-3-918, 72-14-403
- when title vests in state, 72-14-102

Estate tax, Title 72, chapter 16, part 9
Evidence

- child, transfer in lieu of testamentary provision, 72-2-332
- community property, presumption, 72-9-103
- conservatorship, transfer of assets, 72-5-426, 72-5-437
- death, 72-3-317
- death or status of individual, 72-1-108
- distributees
  - purchases from, for value, 72-3-907
  - succession to interest, 72-3-905
  - title to property, 72-3-904
- distribution, negligence not inferred, 72-3-916
- elective share of surviving spouse, election by agent presumed to be on behalf of incapacitated spouse, 72-2-223
- escheat, no presumption of heirs or next of kin, 72-14-102
- guardianship, necessity — expert testimony, 72-5-315
- homicide of decedent, determination of criminal accountability of killer, 72-2-813
- informal probate, conclusive as to all persons, 72-3-215
- intestacy, 72-3-310, 72-3-1002
- marital relationship between decedent and beneficiary, 72-2-814
- judgments or orders, when conclusive, 26-3-201
- nonprobate transfers, multiple-party accounts — ownership during lifetime, net contribution, 72-6-211
- 120-hour rule, survivorship requirement, 72-2-114, 72-2-712
- personal property, separate writing for disposition — intention, 72-2-533
- possession of estate by personal representative, necessity, 72-3-606
- power of appointment, specific reference — presumption of donor's intention, 72-2-714
- power of attorney, affidavit of lack of knowledge of disability conclusive, 72-5-502
- preexisting estates, 72-1-107
- simultaneous death, presumption, 72-1-108, 72-2-712
- spouse, premarital will or transfer in lieu of testamentary provision, 72-2-331
- title to property, 72-3-904
- trust for domestic or pet animals, governing instrument and transferor's intent, 72-2-1017
- wills
  - contest, burdens of proof, 72-3-310
  - execution, 72-3-307, 72-3-309, 72-3-1002
  - international wills
    - death of testator, 72-2-909
    - validity, certificate conclusive of, 72-2-906
  - parol evidence, 28-2-905, 70-20-202, 72-2-522, 72-2-534

ESTATES AND PROBATE (Continued)
Evidence (Continued)
    wills (Continued)
        revocation, presumption against not created by execution of joint or mutual wills, 72-2-534
        self-proved, presumptions, 72-3-309
        subsequent, presumption of intent to replace or supplement previous will, 72-2-527
        witnesses, See **Wills**
        writings intended as, 72-2-523
    worthier title doctrine abolished, 72-2-720
    writings of decedent, 26-1-607
Execution against, 25-13-103, 25-13-306
    claims against estate, prohibited for, 72-3-813
    counterclaim, judgment on, 25-4-402
Executor, See **Personal representative**
Exempt property and allowances
    appeals, Title 25, chapter 21, M.R.App.P., Rule 1
    applicability of laws, 72-2-411
    augmented estate, effect, 72-2-222
    claims against estate, priority, 72-3-808, 72-3-821
    definitions, 72-1-103
    devolution of estate subject to, 72-3-101, 72-3-911
    distribution, applicability, 72-3-902
    divorce, annulment, or decree of separation — effect, 72-2-812
    elective share by surviving spouse, effect, 72-2-221, 72-2-226
    exempt property, 72-1-103, 72-2-413
    family allowance, 72-2-414
    governing instrument, conflict of laws — effect, 72-2-713
    homestead allowance, 72-2-412
    homicide, effect, 72-2-813
    inheritance tax, effect, 72-16-314
    institutions, ancillary and per diem charges — effect, 53-1-412
    nonprobate transfers from multiple-party accounts, effect on allowances, 72-6-215
    120-hour rule, survivorship requirement, 72-2-114
    principal and income determinations on income earned during administration of estate, 72-34-404, 72-34-406
    selection of property, 72-2-415
    small estates, 72-3-1103, 72-3-1104
    title to, establishment, 72-3-911
    waiver of rights, 72-2-224
Expenses, See **Costs and expenses**
Federal liens, certificates and notices — filing, 71-3-204
Fiduciary generally, 72-1-103, See also **Conservators and conservatorship**; **Personal representative**; **GUARDIANS AND GUARDIANSHIP**; **TRUSTS**
    applicability of laws, territorial extent, 72-1-201
    compromise agreements, 72-3-131, 72-3-132
    disclaimer of property interests, 72-2-811
    dissolution or annulment of marriage, revocation of nomination, 72-2-814
    homicide of decedent, effect, 72-2-813
    notice, waiver, 72-1-302
    perpetuities, statutory rule against — exclusions, 72-2-1005
    prior, acts or accounts — review, extent of orders binding, 72-1-303
Foreign conservators, 72-5-439
Foreign estates, See **Nonresident decedents**
Foreign-money claims, Title 25, chapter 9, part 7
Foreign personal representative, See **Ancillary administration**
Forest fire hazard reduction or management, 76-13-401

ESTATES AND PROBATE (Continued)

Formal testacy and appointment proceedings
- appeals, 72-3-317, 72-3-318, 72-3-523
- appointment, specific provisions, 72-3-319, 72-3-507, 72-3-523, 72-3-611
  - bond of personal representative, effect, 72-3-513
  - request for appointment not required, 72-3-302
  - several instruments, which controls nomination, 72-3-314
- claims against estate, adjudication, 72-3-1013
- closing of estate, See **Closing of estate**
- commencement of proceedings, 72-3-302
- compromise as to admission to probate, 72-3-131, 72-3-132
- contested cases
  - burdens in, 72-3-310
  - priority of determinations, 72-3-311
  - witness' testimony, 72-3-309
- death
  - burden of proof, 72-3-310
  - conclusive finding, 72-3-317
  - fact of death in doubt, 72-3-306, 72-3-317
  - recovery of estate when not dead, 72-3-317
- definitions, 72-1-103
- execution of will, proof, 72-3-307, 72-3-309, 72-3-310, 72-3-1002
- fees, 25-1-201, 72-12-206
- foreign wills, 72-3-301, 72-3-316
- hearings, 72-3-301, 72-3-302, 72-3-313
  - notice, 72-3-305, 72-3-306, 72-3-317
  - unopposed cases, 72-3-307
- heirship, reconsideration, 72-3-317
- informal probate and appointment proceedings
  - confirmation of appointment, 72-3-304
  - denial, effect, 72-3-214, 72-3-224
  - stay of appointment, 72-3-319
  - superseded by formal proceeding, 72-3-303, 72-3-523
- intestacy
  - burden of proof, 72-3-310
  - order, 72-3-307, 72-3-315, 72-3-317
  - partial, 72-3-315
  - petition for adjudication, 72-3-301, 72-3-302, 72-3-311
  - unopposed petition, 72-3-307
- late discovery of wills, 72-3-311, 72-3-317
- nonresidents, orders of domiciliary state, 72-3-312
- notice
  - appointment, determination, 72-3-319
  - failure to give, 72-3-1002
  - hearing, 72-3-305, 72-3-306, 72-3-317
  - petition, 72-3-301, 72-3-302, 72-3-304
  - proof of notice, 72-3-313
- objections, 72-3-308
- omitted parties, 72-3-1002
- orders
  - appeal, 72-3-317
  - compromise, 72-3-132
  - final, 72-3-314, 72-3-317
  - intestacy, 72-3-307, 72-3-315, 72-3-317
  - modification, 72-3-314, 72-3-317, 72-3-318
  - out-of-state, effect, 72-3-312

ESTATES AND PROBATE (Continued)
Formal testacy and appointment proceedings (Continued)
  orders (Continued)
    probate, 72-3-307, 72-3-313
    request for, 72-3-301, 72-3-302
    several instruments, 72-3-314
    vacation, 72-3-314, 72-3-317, 72-3-318, 72-3-611
    who bound, 72-1-303
  petitions, 72-3-301, 72-3-311
    appointment, for, 72-3-319
    dismissal or amendment, 72-3-313
    filing, 25-1-201, 72-3-302
    informal appointment, request for confirmation, 72-3-304
    order, for modification or vacation, 72-3-317
    several petitions, 72-3-314
    supervised administration, applicability, 72-3-403
    unopposed, 72-3-307
  pleadings, 72-3-307, 72-3-308
  rules of procedure, 72-1-207
  self-proved will, 72-3-309
  several instruments, priority for probate, 72-3-314
  special administrator, appointment, 72-3-701, 72-3-704, 72-3-705
  statutes of limitation, 72-3-122, 72-3-313
  supervised administration, joinder, 72-3-402
  validity of will, 72-3-313, 72-12-206
  venue, 72-3-112 — 72-3-114, 72-3-310, 72-3-313
Fraternal benefit societies
  benefits, payment to estate, 33-7-521
  heirs, right of indemnification or reimbursement, 33-7-307
Fraud
  alleged decedent, recovery by, 72-3-317
  distributees, recovery of property from, 72-3-1013
  inheritance tax, effect on proration of additional tax, 72-16-458
  personal representative, recovery from, 72-3-1011
  remedies, 72-1-111
  wills
    contested cases, burden of proof, 72-3-310
    extrinsic evidence, 28-2-905, 70-20-202
    self-proved, effect on execution, 72-3-309
Fraudulent transfers, Title 31, chapter 2, part 3
Funeral expenses, See also **MORTICIANS, FUNERAL DIRECTORS, AND CREMATORY FACILITIES**
  augmented estate, effect on valuation, 72-2-222
  claim against estate, 72-1-103
    priority for payment, 72-3-807
  inheritance taxes, effect on valuation, 72-16-308, 72-16-802
  personal representative's authority, 72-3-601
  principal and income determinations on income and expenses incurred during administration, 72-34-404, 72-34-406
  small estate, 72-3-1103, 72-3-1104
Future interests, See also **PROPERTY, GENERALLY**; **PROPERTY, REAL**
  augmented estate, 72-2-222
  disclaimer of property interests, 72-2-811
  heirs and issue, meaning, 70-1-518
  "heirs" and like, in, 72-2-223, 72-2-717, 72-2-721
  passing of, 70-1-326
  perpetuities, statutory rule against, 72-2-1001 — 72-2-1007

ESTATES AND PROBATE (Continued)
Future interests (Continued)

- trust
  - animals, trust for domestic and pet — unexpended trust property, 72-2-1017
  - survivorship under terms of, 72-2-717

Generation-skipping transfers, tax on, 72-16-1001 — 72-16-1007
Gifts

- ademption by satisfaction, 72-2-619, 72-3-911
- advancements, 72-2-119, 72-3-911
- anatomical, Title 72, chapter 17
- antilapse, 72-2-613
- causa mortis, 15-7-307, 70-3-103, 70-3-201 — 70-3-205, 72-16-213, 72-16-301, 72-16-308, See also **TAXATION, ESTATES**, **Inheritance tax**, contemplation of death, transfers in
- class gift, 72-2-613, 72-2-715 — 72-2-718, 72-2-1004
- inheritance tax, 72-16-101
- nonprobate transfers on death, 72-6-111
- protected persons
  - charitable contributions by conservator, 72-5-428
  - court's authority, 72-5-421
- qualified endowment contributions, tax credit for, 15-30-167
- substitute gifts, 72-2-613, 72-2-716, 72-2-717
- to estate, 70-1-701 — 70-1-704, See **PROPERTY, GENERALLY**, **Gifts**

Governing instrument, 72-1-103

- animals, trusts for, 72-2-1017
- augmented estate, 72-2-222
- beneficiary and beneficiary designation, 72-1-103, 72-2-712
  - alternative, 72-2-716
- class gifts, 72-2-715 — 72-2-718
- compromise of controversies, 72-3-131
- construction
  - conflict of laws, 72-2-713
  - scope of rules, 72-2-711
  - worthier title doctrine abolished, 72-2-720
- deceased beneficiary, substitute gift created in surviving descendants, 72-2-716
- disclaimer of property interests, restrictions or limitations, 72-2-811
- distribution of property, per capita at each generation or per stirpes, 72-2-719
- divorce or annulment, revocation of probate or nonprobate transfers by, 72-2-814
- elective share of surviving spouse, payors and other third parties, 72-2-228
- future interests
  - in "heirs" and like, 72-2-223, 72-2-717, 72-2-721
  - trust, under terms of — survivorship with, 72-2-717
- homicide, effect, 72-2-813
- 120-hour rule, 72-2-712
- perpetuities, statutory rule against, 72-2-1002, 72-2-1003
- power of appointment, specific reference, 72-2-714
- taxes, apportionment directed in, 72-16-603

Guardians, See **Conservators and conservatorship**; **GUARDIANS AND GUARDIANSHIP**
Health care information, Title 50, chapter 16, parts 5 and 6
Hearings

- attorneys' fees, additional fees, 72-3-633
- closing of estate, 72-3-1001, 72-3-1003, 72-3-1015
- conservatorships, See **Conservators and conservatorship**
- elective share of surviving spouse, 72-2-225
- formal testacy or appointment proceedings, See **Formal testacy and appointment proceedings**
- inheritance tax, Title 72, chapter 16

ESTATES AND PROBATE (Continued)
Hearings (Continued)

- notice, 72-1-301
- personal representative
  - removal for cause, 72-3-526
  - restraining order, 72-3-617
- special administrator, appointment, 72-3-701
- wills, handwriting analysis — determination of necessity, 72-12-402

Heirs, 72-1-103, See also **Distribution and distributees**; **Intestate succession**
- administration, absence of, 72-3-911
- afterborn heirs, 72-2-118
- alienage, 72-2-121, 72-2-215
- animals, trust for domestic or pet — unexpended trust property, 72-2-1017
- artist and art dealer relationship, Title 22, chapter 2, part 5
- benevolent association death benefits, 33-6-405
- cemetery plots, inalienability, 35-20-216
- charitable trusts, enforcement prohibited, 72-33-503
- child support, action by board of county commissioners for, 40-6-213
- claim against estate
  - compromise, consent to, 72-3-815
  - statute of limitations, 72-3-803
- class gifts, 72-2-718
- closing of estate
  - determination of heirs at, 72-3-1001
  - recovery of property, 72-3-1013
- community property, title to property, 72-9-108 — 72-9-110
- compromises, consent to, 72-3-613, 72-3-815
- cooperative associations, proceeds of shares to, 35-15-404
- covenants, how answerable, 70-20-306
- dealership or distribution contracts, cancellation — inventory repurchase, 30-11-704
- declaratory judgment to determine, 27-8-204
- defeasible estate, 71-1-209
- definitions, 72-1-103
- degrees of kinship
  - collateral kinship, 72-11-102, 72-11-104
  - computation, 72-11-101, 72-11-103, 72-11-104
  - intestate succession, 72-2-113
  - lineal kinship, 72-11-102, 72-11-103
- devolution of estate, 72-3-101
  - disclaimer of property interests, 72-2-811
- elective share of surviving spouse, transfer from unexpended trust property, 72-2-223
- foreign capital depositories, deposit account transfers, 32-8-316
- formal proceedings to determine, See **Formal testacy and appointment proceedings**
- fraternal benefit societies, right of indemnification or reimbursement, 33-7-307
- future interests in, 70-1-518, 72-2-223, 72-2-717, 72-2-721
- half blood, kindred of, 72-2-117, 72-2-715
- indebtedness to estate, consent to compromise, 72-3-613
- in-kind payment of inheritance or estate taxes, 72-16-445 — 72-16-450
- interested person, 72-1-103, See **Interested persons**
- judicial determination, See **Formal testacy and appointment proceedings**
- jurisdiction of court, 72-1-202
- mausoleum-columbarium authorities, plots, 35-21-827
- mere possibility not an interest, 70-1-319
- minors, contracts — disaffirmance, 41-1-304
- nonprobate transfers
  - multiple-party accounts, payments, 72-6-223, 72-6-226
  - securities registered in beneficiary form, discharge of registering entity, 72-6-308

ESTATES AND PROBATE (Continued)
Heirs (Continued)

- omission as parties, 72-3-1002
- 120-hour rule, 72-2-114
- outfitters' licenses as part of estate, 37-47-310
- partition, petition and notice, 72-3-914
- paternity proceedings, effect on, 40-6-108
- personal representative, appointment
  - notice, 72-3-603
  - priority, 72-3-502
- property management provisions, exemption, 37-51-602
- quiet title by heirs of deceased entrymen, 70-28-201
- remainders, meaning of heirs and issue, 70-1-518, 70-15-215
- representation, 72-2-113, 72-2-116
- state land sales, canceled certificates of purchase
  - improvements on land, effect on, 77-2-332
  - reinstatement, application, 77-2-333
- treason, conviction not to cause loss of property to relative or heirs, Const., II, 30
- unemployment insurance benefits, continuation to, 39-51-2205
- unknown
  - judgment, effect, 25-3-505
  - parties, as, 25-3-504, 25-3-505; Title 25, chapter 20, M.R.Civ.P., Rule 4D
- usury, recovery of interest, 31-1-108
- veterans, waiver of interment benefits, 10-2-501
- vital statistics, certificates generally — data pertaining to father of child, 50-15-109
- workers' compensation
  - fellow employee, prosecution of action against, 39-71-413
  - laws binding on, 39-71-411
  - third party actions, prosecution, 39-71-412, 39-71-414
- worthier title doctrine abolished, 72-2-720

Homicide victims, 46-18-243, See also **CRIME VICTIMS AND WITNESSES**; **SENTENCING AND SENTENCES**, **Restitution**
Illegitimate individuals, class gifts, 72-2-715
Incapacitated persons, 72-1-103, 72-1-201, 72-1-202, 72-5-101, See also **Conservators and conservatorship**; **GUARDIANS AND GUARDIANSHIP**

- elective share of surviving spouse, 72-2-223, 72-2-415
- nonademption of specific devises, 72-2-616
- nonprobate transfers, multiple-party accounts, Title 72, chapter 6, part 2

Indebtedness of estate, See **Claims against estate**; **Insufficiency of estate**
Indebtedness to estate

- conservator's authority, 72-5-427
- distribution of assets based on, valuation, 72-3-902
- foreign personal representative's authority, 72-4-306
- personal representative's authority, 72-3-613
- small estates, 72-3-1101
- successor's indebtedness, offset, 72-3-912

Independence of proceedings, 72-3-121
Indians, ownership or right to possession of property — adjudication not allowed, 2-1-304
Informal probate and appointment proceedings

- application, 25-1-201, 72-1-103
  - additional information, 72-3-203
  - contents, 72-3-202, 72-3-203
  - defect, 72-3-215
  - interested person's right, 72-3-105
  - stay, 72-3-403
  - verification, 72-3-201

ESTATES AND PROBATE (Continued)
Informal probate and appointment proceedings (Continued)

- appointment
    - authority conferred by, 72-3-611
    - clerk of court, duty to make, 72-3-225
- definitions, 72-1-103
- denial, 72-3-213, 72-3-214, 72-3-223, 72-3-224, 72-5-233
- findings of clerk of court, 72-3-212, 72-3-222
- formal proceedings
    - confirmation of informal appointment, 72-3-304
    - stay of informal appointment, 72-3-319
    - supersedes informal applications, 72-3-303, 72-3-523
- granting, 72-3-213
- intestacy, appointment in, 72-3-204
- necessity, 72-3-102
- notice, 72-3-211, 72-3-221
- prevention, 72-3-302
- previous probate, 72-3-213
- set-aside, 72-3-302
- special administrator, appointment, 72-3-701, 72-3-703, 72-3-705
- statement of informal probate, 72-3-215
- statutes of limitation, 72-3-122, 72-3-203
- successor personal representative, appointment, 72-3-205
- vacation, 72-3-523
- venue, 72-3-112, 72-3-202, 72-3-212, 72-3-222

Insufficiency of estate

- administration in more than one state, 72-3-821
- claims against estate
    - conservatorship, 72-5-433
    - priority for payment, 72-3-807, 72-3-821
    - statute of limitations, waiver when, 72-3-802
- death taxes, to pay, 72-16-608
- nonprobate transfers from multiple-party accounts, effect, 72-6-215
- trustor's estate, creditor's rights, 72-36-302

Insurance, See also **Governing instrument**

- assets of estate
    - insurance of, 72-3-613, 72-5-427
    - insurance proceeds as, 72-16-304
- augmented estate, 72-2-222
- conservator's authority, 72-5-427
- disability benefits, payment to estate, 33-22-212, 33-22-604
- insurance producer's estate, temporary license to dispose of property belonging to, 33-17-216, 33-17-217
- liability insurance, liability of decedent or personal representative — to establish, 72-3-803
- life
    - deceased beneficiary, substitute gift created in surviving descendants, 72-2-716
    - homicide, effect, 72-2-813
    - industrial, beneficiaries, 33-20-115
    - premarital agreements for ownership rights and disposition of benefits, 40-2-605
    - transfer in contemplation of death, nonapplicability, 72-16-301
- nonademption of specific devises, 72-2-616
- nonprobate transfers on death, 72-6-111
- personal representative's authority, 72-3-613
- protected persons
    - conservator
        - appointment, effect, 72-5-425
        - authority, 72-5-427

ESTATES AND PROBATE (Continued)
Insurance (Continued)
    protected persons (Continued)
        court's authority, 72-5-421, 72-5-422
    recovery of benefits, action for — when, 33-15-201
    testamentary additions to trusts, 72-2-531
Insurers, reciprocal — eligible subscribers, 33-5-503
Interest
    claims against estate, 72-3-805
    mere possibility not, 70-1-319
    pecuniary devises, on, 72-3-913
    usury, recovery of excessive interest, 31-1-108
Interested persons, 72-1-103
    accountings to, 72-3-1005
    agents, petition for review of employment or compensation, 72-3-634
    closing of estate
        late discovery of property, petition for administration, 72-3-1016
        petition for, 72-3-1001
    compromise, submission of agreement for approval, 72-3-132
    conservatorships, See **Conservators and conservatorship**
    elective share of surviving spouse, notices, 72-2-225, 72-2-227
    exempt property and allowances, petition for relief, 72-2-415
    formal proceedings, 72-1-103
        appointment, notice, 72-3-319
        fact of death in doubt, demand for notice of hearing, 72-3-306
        petition for orders, 72-3-105, 72-3-302
    homicide, petition for determination of individual's criminal accountability, 72-2-813
    informal proceedings, application for determination, 72-3-105, 72-3-213
    inheritance tax
        appraiser, application for appointment, 72-16-411
        determination, application for, 72-16-401
    in-kind payment of inheritance or estate taxes, 72-16-445 — 72-16-450
    inventory, copy to, 72-3-607, 72-3-609
    notice, 72-1-301, 72-1-303
        demand for, 72-3-106, 72-5-404
    orders, who bound, 72-3-111
    personal representative
        bond, demand by, 72-3-513, 72-3-514
        removal, petition for, 72-3-526
        resignation, notice, 72-3-525
        review of compensation and employment of other persons, 72-3-634
        surety, action for breach of obligation on bond, 72-3-516
    reformation of distribution, petition, 72-2-1004, 72-2-1006
    special administrator, application for appointment, 72-3-701
    supervised administration
        orders, application for, 72-3-405
        personal representative, duties and powers, 72-3-404
        petition for, 72-3-402
    voidable transactions with estate, 72-3-615
    wills
        delivery to, request, 72-2-536
        handwriting analysis, copy of expert's report, 72-12-407
        witness to, 72-2-525
Intestate succession, 72-2-111, See also **Heirs**
    administration, when no, 72-3-911
    adoption, effect, 42-4-311, 42-5-202, 72-2-124
    advancements, 72-2-119, 72-3-911
    afterborn heirs, 72-2-118

ESTATES AND PROBATE (Continued)
Intestate succession (Continued)

- alienage, 72-2-121, 72-2-215
- appointment in intestacy, 72-3-204, 72-3-523, See also **Informal probate and appointment proceedings**
- class gifts, 72-2-715, 72-2-718
- closing of estate, See **Closing of estate**
- contract to die intestate, establishment, 72-2-534
- curtesy, abolishment, 72-2-122
- debt owed to decedent, 72-2-120
- devolution of estate, 72-3-101
- disclaimer, 72-2-813
- distribution, authority of personal representative, 72-3-611
- divorce, annulment, or decree of separation — effect, 72-2-812
- dower, abolishment, 72-2-122
- exempt property, effect, 72-2-413
- family allowance, effect, 72-2-414
- formal proceedings to determine, See **Formal testacy and appointment proceedings**
- future interests in "heirs" and like, 72-2-223, 72-2-717, 72-2-721
- half blood, kindred of, 72-2-117
- heirs, determination, See **Heirs**
- heirs other than surviving spouse, share of, 72-2-112, 72-2-113
- homestead allowance, effect, 72-2-412
- homicide, effect, 72-2-813
- informal proceedings, 72-3-204, See also **Informal probate and appointment proceedings**
- inheritance taxes, applicability of laws to lineal descendants, 72-16-313
- jury trial, 72-1-208
- kinship, degrees of, See **Heirs**
- no taker, 72-2-115
- omitted child, 72-2-332
- 120-hour rule, 72-2-114, 72-2-118
- parent and child relationship, 72-2-124
- partial intestacy, 72-3-315
- public administrator to take charge of estate, 72-15-102, 72-15-105, See **Public administrator**
- quiet title by heirs of deceased entrymen, 70-28-201
- real property, effect on possession, 70-19-414
- representation, 72-2-113, 72-2-116
- securities registered in beneficiary form, 72-6-310
- state, passes to, 72-2-114, 72-2-115, 72-2-721
- surviving spouse, 72-2-112, 72-2-331, 72-2-721
- survivorship requirement, 72-2-114
- two lines, relation through, 72-2-123
- waiver of rights, 72-2-224
- will, distribution by — applicability of laws, 72-1-103, 72-2-331

Inventories, 72-3-607, 72-16-401
- alien heirs, 72-2-215
- conservator, by, 72-5-424
- nonresident decedents, of, 72-4-303 — 72-4-305
- public administrator, by, 72-15-201
- revenue, department of — copy to, 72-3-607, 72-3-609, 72-4-303, 72-4-307, 72-16-401
- small estates, 72-3-1103
- supplementary, 72-3-609

Investigations
- death, when fact in doubt, 72-3-306
- escheated estates, discovery, 72-14-103

ESTATES AND PROBATE (Continued)

Investment of estate
    advisors, employment, 72-3-613, 72-3-634
    conservators, by, 72-5-427, 72-5-431
    escheated estates, 72-14-203
    health facility authority bonds, 90-7-113
    home owners' loan corporation or federal housing administrator issued bonds, 72-31-102
    personal representative, authority, 72-3-613
    public administrator, by, 72-15-205
Joinder of proceedings, 72-3-121
Joint tenants
    augmented estate, 72-2-222
    disclaimer of property interests, 72-2-811
    homicide by joint tenant, effect, 72-2-813
    inheritance tax, Title 72, chapter 16
    in-kind payment of inheritance or estate taxes, 72-16-445 — 72-16-450
    mausoleum-columbarium authorities, plots, 35-21-833
    protected persons
        consideration in administration of estate, 72-5-431
        court's authority, 72-5-421
    restaurant beer and wine license, 16-4-420
    right of survivorship, 16-4-420, 72-1-103, 72-2-222, 72-2-712, 72-2-811, 72-2-813, 72-2-814, 72-6-302
    securities, registration in beneficiary form, 72-6-302
    termination of joint tenancy, 72-3-631, 72-3-633, 72-16-501
Judgments, See also **Execution against**; **Orders**
    claim against estate, as, 25-9-103
    claims, allowance or disallowance, 72-3-805
    counterclaims exceeding claims, 72-3-806
    declaratory, availability, 27-8-202, 27-8-204
    effect, 26-3-201
    elective share of surviving spouse, 72-2-225
    execution, 25-13-103, 25-13-306
    future damages, periodic payment — property of estate, 25-9-403, 25-9-412
    inheritance tax, payment and order determining prior to final judgment, 72-16-423
    jurisdiction of court, 72-1-202
    medical malpractice, future damages — periodic payments as property of estate, 25-9-412
    public administrator, against, 72-15-213
    secured claims, deficiency judgment, 72-3-104
Jury trial, 72-1-208
Kinship
    adoption, See **Adoption**
    antilapse, 72-2-613
    degrees of kinship, See **Heirs**
    dissolution or annulment of marriage, revocation of probate or nonprobate transfers by, 72-2-814
    foreign capital depositories, deposit account transfers, 32-8-316
    future interests in "heirs" and like, 72-2-223, 72-2-717, 72-2-721
    half blood, 72-2-117, 72-2-715
    intestate succession, 72-2-113, See **Heirs**; **Intestate succession**
    worthier title doctrine abolished, 72-2-720
Lapse
    antilapse, 72-2-613
    devolution of estate, substitutes, 72-3-101
    trusts, testamentary additions, 72-2-531

ESTATES AND PROBATE (Continued)

Leases, 72-1-103
  perpetuities, statutory rule against — exclusions, 72-2-1005
  personal representative's authority, 72-3-613
  protected persons
    conservator's authority, 72-5-427
    court's authority, 72-5-422
  protection of lessee, 72-3-907
Legacy, See **Devise and devisees**; **Distribution and distributees**; **Wills**
Letters testamentary, See **Personal representative**
Liens
  child support, 40-5-242
  claims against estate, effect, 72-3-803, 72-3-812, 72-3-813
  conservator's authority, 72-5-427
  estate tax, for, 72-16-911
  generation-skipping transfer tax, 72-16-1005
  inheritance tax, of, Title 72, chapter 16
  judgment after death of decedent, not a lien, 25-9-103
  nonprobate transfers, multiple-party accounts — financial institutions, 72-6-227
  personal representative's authority, 72-3-613, 72-3-614, 72-3-812, 72-3-1014
  salaries and wages, for — claims, priority, 71-3-302
  small estates, 72-3-1101, 72-3-1103, 72-3-1104
Life estates, See also **PROPERTY, REAL**, **Estates for life**
  attorneys' fees, 72-3-633
  cultural and aesthetic projects, matches for challenge grants, 22-2-309
  inheritance tax, Title 72, chapter 16
  personal representative's compensation, 72-3-631
  principal and income, determination, 72-34-404 — 72-34-406
  remainders when limited to heirs of life estate, 70-15-215
Limited liability companies, Title 35, chapter 8
Location of property, determination, 72-3-113
Lottery, state — prizes, payment to deceased winner's estate, 23-7-311
Mausoleum-columbarium authorities, costs of interment — liability, 35-21-810
Medical care savings accounts, principal and interest — distribution to estate, 15-61-202
Medical record information, Title 50, chapter 16, parts 5 and 6
Minors, 72-1-103, 72-1-201, See also **Child**
  adoption, See **Adoption**
  class gifts, 72-2-715
  compromise, execution by parents, 72-3-132
  conservatorship, See **Conservators and conservatorship**
  contracts of, disaffirmance by heirs or personal representative, 41-1-304
  distribution, authority of personal representative, 72-3-611, 72-3-917
  escheated property, statute of limitations on recovery, 72-14-302
  fiduciary deposit of estate when, 72-14-401
  guardians of, See **GUARDIANS AND GUARDIANSHIP**
  interested person, 72-1-103, See **Interested persons**
  jurisdiction of court, 72-1-202
  nonprobate transfers, multiple-party accounts — payment, 72-6-225
  personal representative
    contracts, disaffirmance, 41-1-304
    custodial parent, priority, 72-3-502
    prohibited as, 72-3-501
  public employees' retirement benefits, 19-2-803, 19-3-1204
  transfers to, Title 72, chapter 26
  wills, making prohibited, 72-2-521
Missing persons, See **Presumed decedents**; **MISSING PERSONS**

ESTATES AND PROBATE (Continued)

Mistake, See **Defect**
Mortgages, 72-1-103
    claims against estate, effect, 71-1-222, 72-3-803, 72-3-812 — 72-3-814
    conservator
        authority, 72-5-427
        security in lieu of bond, 72-5-411
    devises, specific — nonademption, 72-2-616
    discharge, 71-1-213
    inheritance tax
        alternate valuation, effect, 72-16-331
        nonresident decedents, See **TAXATION, ESTATES**, **Inheritance tax**, nonresident decedents
    nonprobate transfers on death, 72-6-111
    personal representative
        authority, 71-1-210, 71-1-213, 72-3-613, 72-3-812
        bond secured by, 72-3-515
    protected persons
        conservator's authority, 72-5-427
        court's authority, 72-5-422
    renewal, 71-1-210
Motor vehicles
    certificate of ownership, transfer of interest, 61-3-201
    dealerships, succession to, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**, **Dealers and wholesalers**, succession to ownership
Multiple proceedings, 72-1-203
Negotiable instruments
    acquisition of instrument from estate, status of holder, 30-3-302
    location of property, 72-3-113
    payable to estate, 30-3-126
Next of kin, See **Heirs**; **Intestate succession**; **Kinship**
Nonprobate transfers, See also **Insurance**; **Pension, profit-sharing, or retirement benefits**
    augmented estate, 72-2-222
    death, on, 72-6-111
    elective share of surviving spouse, 72-2-221, 72-2-223, 72-2-225, 72-2-227, 72-2-228, 72-2-230
    joint tenant, recording of documents, 7-4-2613, 72-16-503
    multiple-party accounts
        agency designation, 72-6-203 — 72-6-205
            financial institution, authority, 72-6-221
            ownership during lifetime, 72-6-211
            payment to agent, 72-6-224, 72-6-226
        alteration of rights, 72-6-213, 72-6-216, 72-6-226
        community property, 72-6-216
        creditors' rights, 72-6-215
        death, rights at, 72-6-212, 72-6-213
        definitions, 72-6-201, 72-6-211
        existing, 72-6-203
        financial institution, 72-6-201
            accounts, payment on, 72-6-222
            agent, payment to, 72-6-224
            alteration of rights, 72-6-213, 72-6-226
            authority, 72-6-221
            discharge, 72-6-226
            liability, 72-6-206
            minor, payment to, 72-6-225

ESTATES AND PROBATE (Continued)
Nonprobate transfers (Continued)
  multiple-party accounts (Continued)
    financial institution (Continued)
      POD designation, payment on, 72-6-223
      setoff, 72-6-206, 72-6-227
    forms, 72-6-203, 72-6-204
    limitation on scope of provisions, 72-6-202
    nontestamentary, 72-6-214
    ownership, 72-6-206
      lifetime, during, 72-6-211
      surviving party or beneficiary or decedent's estate, right, 72-6-212
    POD designation, 72-6-201, 72-6-203, 72-6-204
      alteration of rights, 72-6-213
      creditors' rights, 72-6-215
      financial institution, authority, 72-6-221
      living trust provisions, nonapplicability, 30-10-903
      ownership during lifetime, 72-6-211
      payment on, 72-6-223
      rights at death, 72-6-212
    tenancy by entireties, 72-6-216
    terms, 72-6-201, 72-6-213, 72-6-226
    types, 72-6-203
  public employees' retirement provisions to supersede, 19-2-1015
  recipients, liability, 72-2-230
  revocation by divorce or annulment, 72-2-814
  securities, registration in beneficiary form
    applicability of provisions, 72-6-311
    applicable law, 72-6-303
    beneficiary or beneficiary designation, 72-1-103
    definitions, 72-6-301
    effect, 72-6-306
    form of registration, 72-6-305
    governing instrument, 72-1-103, See also **Governing instrument**
    nontestamentary transfer on death, 72-6-309
    origination, 72-6-304
    ownership
      death of owner, on, 72-6-307
      sole or joint tenancy, 72-6-302, 72-6-310
    registering entity, 72-6-301
      protection, 72-6-308
    terms, conditions, and forms, 72-6-310
  teachers' retirement provisions to supersede, 19-20-510
  "trust" defined, 72-1-103
Nonprofit corporations
  "entity" and "individual" defined, 35-2-114
  indemnification of directors, officers, employees, and agents, 35-2-446
  members, signature of fiduciary for, 35-2-542
Nonresident decedents, 72-1-103
  ancillary administration, See **Ancillary administration**
  applicability of laws, 72-1-201
  domicile, conflicting claims over, 72-3-114
  elective share of surviving spouse, 72-2-221
  exempt property and allowances, 72-2-411
  informal probate or appointment proceedings, 72-3-223, 72-3-225
  inheritance tax, Title 72, chapter 16
  testacy, orders of domiciliary state — effect, 72-3-312
  venue, 72-3-112 — 72-3-114

ESTATES AND PROBATE (Continued)

Nonresident heirs, 72-2-121, 72-2-215
Notice, 72-1-301
  ancillary administration, See **Ancillary administration**
  attorneys' fees, increase, 72-3-633
  claims against estate, See **Claims against estate**
  closing of estate, See **Closing of estate**
  conservatorship, See **Conservators and conservatorship**
  demands for, 72-1-204, 72-1-206, 72-3-106
  dissolution or annulment of marriage or remarriage, 72-2-814
  elective share of surviving spouse
    hearing, 72-2-225
    petition for, filing, 72-2-228
  escheated estates, See **Escheated estates**
  formal testacy and appointment proceedings, See **Formal testacy and appointment proceedings**
  handwriting analysis of wills, 72-12-402, 72-12-403
  homicide of decedent, claim of forfeiture or revocation, 72-2-813
  informal probate and appointment proceedings, 72-3-211, 72-3-221
  inheritance tax, Title 72, chapter 16
  nonresident decedents
    inheritance tax, 72-4-304, 72-16-803
    resident creditor notice, 72-4-308
  120-hour rule, claimed lack of entitlement, 72-2-712
  partition proceedings, 72-3-914
  personal representative
    agents, review of employment, 72-3-634
    appointment, of, 72-3-603, 72-3-801
    claims, to present, 72-3-801
    compensation, review, 72-3-634
    conflict of interest, transactions involving, 72-3-615
    formal testacy proceedings, 72-3-305
    informal probate, 72-3-211
    removal for cause, to, 72-3-526
    resignation, of, 72-3-525
    restraining order, 72-3-617
    surety of, to, 72-3-516
    to, of any proceeding, 72-3-511
  public administrator
    property subject to loss or waste, 72-15-106
    stranger's death, 72-15-105
  special administrator, appointment, 72-3-701
  supervised administration, 72-3-402, 72-3-403
    closing, 72-3-406
  waiver, 72-1-302
  who bound, 72-1-303, 72-3-111
Oath or affirmation to accompany each filed document, 72-1-206, 72-31-101
Omissions, See also **Defect**
  child, in will, 72-2-332, 72-3-611
  intestate succession, omission of heirs in formal order, 72-3-317
  parties, heirs or devisees as, 72-3-1002
120-hour rule, 72-1-108, 72-2-114, 72-2-118, 72-2-712, 72-3-215, 72-3-225, See also **Simultaneous death**
Orders, 72-1-303
  claims against estate, payment, 72-3-808

ESTATES AND PROBATE (Continued)
Orders (Continued)

- closing of estate, 72-3-1015
  - complete settlement, 72-3-1001 — 72-3-1003
- conservatorship, for, See **Conservators and conservatorship**
- effect, 26-3-201
- elective share of surviving spouse, 72-2-225
- formal testacy and appointment proceedings, See **Formal testacy and appointment proceedings**
- jurisdiction of court, 72-1-202, 72-3-111
- notice of, 72-3-106
- "petition" defined, 72-1-103
- records, 7-4-2613, 72-1-204
- small estates, closing, 72-3-1104

Organ donation, Title 72, chapter 17
Outfitters' licenses, use following death of outfitter, 37-47-310
Parents, 72-1-103

- child support, death of parent — effect, 40-4-208, 40-6-213
- conservatorship, See **Conservators and conservatorship**, incapacitated persons; minors
- disability, persons under — distribution to parent, 72-3-917
- intestate succession, 42-4-311, 72-2-113, 72-2-116, 72-2-124, See **Intestate succession**
- parent and child relationship, 72-2-124
- parent-child legal relationship termination, effect, 41-3-611
- paternity actions, determination of venue, 40-6-109
- personal representative, custodial parent as — priority, 72-3-502
- representation of child, 72-1-303

Partition of estate land, See also **PARTITION**

- appeal, Title 25, chapter 21, M.R.App.P., Rule 1
- conservator, by, 72-5-427
- distribution, for, 72-3-914
- personal representative, by, 72-3-613

Partnerships

- death of partner, See **PARTNERSHIPS**
- nonprobate transfers, multiple-party accounts — nonapplicability, 72-6-202

Paternity actions, determination of venue, 40-6-109
Pension, profit-sharing, or retirement benefits, See also **Governing instrument**

- augmented estate, 72-2-222
- deceased beneficiary, substitute gift created in surviving descendants, 72-2-716
- fire department relief association death benefits, payment to estate, 19-18-607
- firefighters' unified retirement system death benefits, payment to estate, 19-13-903
- highway patrol officer's retirement allowance, payment to estate, 19-6-505
- nonprobate transfers on death, 72-6-111
- perpetuities, statutory rule against — exclusions, 72-2-1005
- police officers' retirement death benefits, payment to estate, 19-9-1102
- public employees' retirement
  - benefits, estate as beneficiary, 19-2-802, 19-2-803, 19-2-902
  - conflict of laws, 19-2-1015
  - payroll deduction for employee contributions, payment from estate, 19-2-704
- teachers' retirement system
  - conflict of laws, 19-20-510
  - contributions, payment to estate, 19-20-602, 19-20-717, 19-20-1001
  - family law orders, alternate payee's rights and interests, 19-20-305
  - payroll deduction for member contributions, payment from estate, 19-20-415

Perpetuities, statutory rule against, 72-2-1002

- application and construction, 72-2-1006, 72-2-1007
- citation of uniform statutory rule against perpetuities, 72-2-1001
- exclusions, 72-2-1005

ESTATES AND PROBATE (Continued)
Perpetuities, statutory rule against (Continued)

- mausoleum-columbarium authorities
  - endowment care fund and contributions to, 35-21-848
  - property, dedication — effect, 35-21-821
- nonvested property interest or power of appointment, 72-2-1002 — 72-2-1006
- prospective application, 72-2-1006
- reformation of disposition, 72-2-1004, 72-2-1006
- violation, effect, 72-2-1006

Personal representative, 72-1-103, 72-26-502
- acceptance of
  - acts prior to appointment, 72-3-601
  - appointment, 72-3-225, 72-3-511, 72-3-512
  - assets, 72-3-613
- accountants, disclosure of information, 37-50-402
- accounting by, 72-1-109
  - appeal, Title 25, chapter 21, M.R.App.P., Rule 1
  - small estates, 72-3-1104
  - termination of appointment, upon, 72-3-521, 72-3-522
- actions by or against, See **Actions by or against personal representative**
- adoption of child of deceased parent, consent not required, 42-2-302
- agents, employment or compensation, 72-3-613, 72-3-634
- alcoholic beverage license transferred to, when, 16-4-204, 16-4-404
- alien heirs, report, 72-2-215
- appeals permitted, Title 25, chapter 21, M.R.App.P., Rule 1
- appointment, 72-3-103
  - acceptance, 72-3-511, 72-3-512
  - authority conferred by, 72-3-601
  - certificate of, 3-1-206
  - claims against estate
    - creditor, priority for appointment, 72-3-502
    - enforcement, required before, 72-3-104
  - conservators
    - appointment terminates personal representative, 72-3-522
    - as personal representative, 72-5-429
    - rights of, 72-3-505
  - denial, conclusion of proceeding, 72-3-121
  - dissolution or annulment of marriage, revocation of nomination, 72-2-814
  - domiciliary personal representative, 72-3-506
  - error in, 72-3-602, Title 25, chapter 21, M.R.App.P., Rule 13
  - fee, 25-1-201
  - foreign personal representative, See **Ancillary administration**
  - formal proceeding, See **Formal testacy and appointment proceedings**
  - guardians, rights of, 72-3-505
  - homicide of decedent, effect, 72-2-813
  - informal proceedings, 72-1-103, See **Informal probate and appointment proceedings**
  - intestacy, in, 72-3-204
  - joinder of proceedings, 72-3-121
  - late discovery of property, 72-3-1016
  - nomination, 72-2-813, 72-2-814, 72-3-314, 72-3-504
  - notice, 72-3-603, 72-3-801
  - objections to, 72-3-503, 72-3-505
  - order of appointment, 72-3-121
  - prior appointment, effect, 72-3-213

ESTATES AND PROBATE (Continued)
Personal representative (Continued)
- appointment (Continued)
  - priority, 72-3-204, 72-3-221, 72-3-222, 72-3-502, 72-3-503
    - domiciliary personal representative, 72-3-506
    - formal adjudication, 72-3-319, 72-3-507
    - letters, among, 72-3-602
    - no priority, 72-3-507
    - notice requirements, 72-3-221
    - successor personal representatives, 72-3-508
    - supervised administration, adjudication, 72-3-402
    - two or more persons, sharing, 72-3-504
  - public administrator as, upon termination of office, 72-15-302
  - renunciation, 72-3-504
  - several instruments, which controls, 72-3-314
  - special administrator, See **Special administrator**
  - subsequent administration, 72-3-1016
  - successor personal representative, 72-3-205
  - supervised personal representative, See **Supervised administration**
  - termination or vacation, 72-3-521 — 72-3-526
- appraisal of property, 37-51-103, 72-3-607, 72-4-303
- artist and art dealer relationship, Title 22, chapter 2, part 5
- attachment, service of writ upon, 27-18-412
- authority
  - accrual and relation back, 72-3-601
  - corepresentatives, 72-3-623, 72-3-624
  - foreign personal representatives, 72-4-309 — 72-4-311
  - successor, 72-3-621
  - surcharge for acts prohibited, 72-3-611
  - termination, 72-3-521
  - territorial extent, 26-3-203
- autopsy report, request for, 50-21-104
- banks
  - consolidation, status of trust in, 32-1-371
  - securities, deposit, 32-1-425 — 32-1-427
  - subsidiary trust company as representative, 32-1-802, 32-1-807
- beneficiary, as, 72-3-1005
- boat certificate of ownership, transfer of interest, 23-2-510
- bond, See also **SURETY BONDS**, **Official bonds**
  - amount and reduction, 72-3-515
  - demand by interested person, 72-3-514
  - failure to give bond, 72-1-109, 72-3-514
  - filing, 72-3-512
  - foreign personal representative, 25-1-201, 72-4-303, 72-4-304, 72-4-309
  - required when, 72-3-512, 72-3-513
  - terms, 72-3-516
- breach of duty, 72-3-616
  - actions, statutes of limitation, 45-1-205, 72-3-1011
  - claims, improper payment, 72-3-808
  - notice of appointment, failure to give information, 72-3-603
  - trustees, distributions to — negligence not inferred from failure to exercise authority, 72-3-916
- building and loan association stock, association repurchase from, 32-2-245
- burial arrangements by, 10-2-501, 72-3-601
- care, duty of, 72-3-610
- charitable trusts, enforcement prohibited, 72-33-503
- claims against decedent's estate, duties, See **Claims against estate**, generally

ESTATES AND PROBATE (Continued)
Personal representative (Continued)

- close corporations, shares
  - compulsory purchase by corporation, 35-9-205 — 35-9-208
  - transfer, 35-9-202
- closing of estate, duties, See **Closing of estate**, generally
- community property
  - perfection of title, 72-9-108, 72-9-109
  - purchaser for value or lender, rights, 72-9-110
- compensation, 72-3-613
  - attorneys employed by, 72-3-633
  - bequest in lieu of, 72-16-305
  - claims against estate, effect, 72-3-803
  - closing of estate, failure to close — effect, 72-3-1015
  - expenses, 72-3-632, 72-3-803
  - refund, 72-3-634
  - review, 72-3-634
- compromise
  - agreement, submission for approval, 72-3-132
  - claims against estate, by, 72-3-815
- conflict of interest, 72-3-613, 72-3-615
- conservatorship, See **Conservators and conservatorship**
- contracts, 72-3-612, 72-3-613, 72-3-631, 72-3-803
- corepresentatives
  - joint action, 72-3-622
  - protection of persons dealing with, 72-3-623
  - remaining corepresentative, authority, 72-3-624
- corporations
  - authorized transactions, 72-3-613
  - indemnification, 35-1-451 — 35-1-459
  - oaths by, 72-31-101
  - vote, consent, proxy appointment, or waiver — acceptance or rejection, 35-1-527
- costs and expenses, payment by, 72-3-613, 72-3-915
- county road improvement district petitions, signing when, 7-14-2702
- death, final disposition of body — authorizing agent, 37-19-101, See **MORTICIANS, FUNERAL DIRECTORS, AND CREMATORY FACILITIES**
- death of personal representative, 72-3-205, 72-3-522
- deed of distribution, execution, 72-3-904, 72-3-907
- delivery of assets, 72-3-606, 72-3-613, 72-3-618
  - foreign personal representative, 72-4-201, 72-4-303, 72-4-306 — 72-4-308
  - successor personal representative, 72-3-521, 72-3-522, 72-3-525
- dentists, deceased or disabled — estate of
  - disposition of practice, time period and restrictions, 37-4-104
  - practicing dentistry, nonapplicability of provisions, 37-4-101, 37-4-103, 37-4-327
- deposit of assets when interested person unable to take, 72-14-401
- disability, 72-3-522
- disclaimer of property interests, 72-2-811
- distributee, as, 72-3-907
- distribution, See **Distribution and distributees**
- drainage district elections, voting rights, 85-8-305
- elective share of surviving spouse, petitions to, 72-2-225
- escheated estate, duties, 72-14-205 — 72-14-207
- exempt property, selection, 72-2-415
- expeditious settlement by, 72-3-605, 72-3-610, 72-3-621
- family allowance, selection, 72-2-415
- farm implements dealership ownership, succession, Title 30, chapter 11, part 8
- fiduciary, 72-1-103, 72-3-610

ESTATES AND PROBATE (Continued)
Personal representative (Continued)

- foreign jurisdiction, 26-3-203
- foreign personal representative, See **Ancillary administration**
- fraternal benefit societies, right of indemnification or reimbursement, 33-7-307
- funeral and burial arrangements by, 72-3-601
- funeral and death benefit payments to, liability insurance to provide when, 33-1-206
- health care information, authority, 50-16-522
- homestead allowance, selection, 72-2-415
- informal probate, notice, 72-3-211, See **Informal probate and appointment proceedings**
- injunction to restrain acts of, 72-3-304, 72-3-521
- insurance, industrial life — payments to, when, 33-20-115
- interested persons
  - defined as, 72-1-103, See **Interested persons**
  - notice, demand — copy to, 72-3-106
- interest, recovery when excessive, 31-1-108
- inventory of property, 72-3-607, 72-3-609
  - foreign personal representative, 25-1-201, 72-4-303 — 72-4-305
- investment of funds from estate, 72-3-613, 72-31-102, 90-7-113
- irrigation districts
  - elections, voting rights, 85-7-1710
  - united states, indebtedness of district to — exclusion of lands, 85-7-1826
- judge or justice as, prohibited, 3-1-601
- judgments
  - declaratory, availability to determine powers, 27-8-204
  - enforcement, 25-13-103, 25-13-306
- jurisdiction of court, See **Court**
- letters, 72-1-103, 72-3-103
  - appeal, Title 25, chapter 21, M.R.App.P., Rule 1
  - certified copies, 72-1-204
  - foreign personal representative, 25-1-201, 72-4-303
  - prerequisites, 72-3-512
  - priority among, 72-3-602
  - public administrators, effect on, 72-15-202
  - supervised personal representative, 72-3-404, 72-3-618
- letters of credit, successor of a beneficiary, 30-5-122
- liability, 72-3-612
  - breach of duty, 72-3-616
  - claims against estate, improper payment, 72-3-808
  - distribution, after, 72-3-104
  - insurance, 72-3-613
  - limitation, 72-1-109
  - notice to creditor to present claims, 72-3-801
  - termination of appointment, effect, 72-3-521; Title 25, chapter 21, M.R.App.P., Rule 13
- limited liability companies, 35-8-310, 35-8-803, 72-3-613
- limited liability partnerships, exercise of partner's rights, 35-12-1105
- living trust proceedings, 30-10-908
- local personal representative, 72-4-101, See **Ancillary administration**
- mausoleum-columbarium authorities
  - disposition of remains, 35-21-810
  - removal of remains, 35-21-812
- midwife-client privilege, release of information and actions from claims, 37-27-310
- minors
  - contracts, disaffirmance, 41-1-304
  - transfers to, 72-26-502, 72-26-605, 72-26-606

ESTATES AND PROBATE (Continued)
Personal representative (Continued)

- motor vehicles
  - accident reports, examination by, 61-7-114
  - certificate of ownership, transfer by, 61-3-201
- nonprobate transfers
  - multiple-party accounts
    - financial institution, notice concerning payment by, 72-6-226
    - payment to, 72-6-222, 72-6-223
    - surviving party or beneficiary receiving payment, liability, 72-6-215
  - securities registered in beneficiary form, discharge of registering entity — affidavit, 72-6-308
- nonprofit corporations
  - indemnification, 35-2-446
  - vote, consent, waiver, or proxy appointment — acceptance or rejection, 35-2-542
- notarial acts, Title 1, chapter 5, part 6, See **NOTARIES PUBLIC**
- notice, See **Notice**
- orders binding, 72-1-303
- outfitters' licenses as part of estate, 37-47-310
- partition by, 72-3-914
- paternity, action by, 40-6-107
- possession of property, 72-3-122, 72-3-606
- power of appointment, permissible uses, 70-1-704
- powers and duties generally, 72-3-225; Title 72, chapter 3, part 6
  - declaratory judgments, availability to determine powers, 27-8-204
  - supervised administration, 72-3-403, 72-3-404
  - termination of appointment, 72-3-521, 72-3-523
- preexisting estates, 72-1-107
- principal and income, determination, 72-34-402, 72-34-404, 72-34-406
- professional corporations, amendment of articles of incorporation, 35-4-312
- professional counselor-client privilege, release of information and actions from claims, 37-23-301
- property management provisions, exemption, 37-51-602
- protection of persons dealing with, 72-3-618, 72-3-623, 72-4-307; Title 25, chapter 21, M.R.App.P., Rule 13
- public administrator as, upon termination of office, 72-15-302, See also **Public administrator**
- public servant, defined as, 45-2-101
- purchase from estate by, 72-3-613, 72-3-615
- qualifications, 72-3-103, 72-3-501, 72-3-512
  - formal adjudication, 72-3-319, See **Formal testacy and appointment proceedings**
  - informal appointment subject to, 72-3-225
  - successor personal representative, 72-3-522
  - supervised administration, 72-3-402
- quiet title action by, 70-28-204
- railroads
  - corporation stock, claim for installments in default, 69-14-505
  - employee death or injury, liability to personal representative for damages, 69-14-1006
- ratification of acts
  - holder of general power, by, 72-1-109
  - prior to appointment, 72-3-601
  - vacation of appointment, Title 25, chapter 21, M.R.App.P., Rule 13
- real estate broker and salesperson provisions, exemption, 37-51-103
- recovery of
  - interest, excessive, 31-1-108
  - property, 27-2-304, 27-2-401, 72-3-606, 72-3-614, 72-3-905
- removal, 72-3-205, 72-3-319, 72-3-514, 72-3-526

ESTATES AND PROBATE (Continued)
Personal representative (Continued)

- resignation, 72-3-205, 72-3-223, 72-3-525
- restraint by
  - bond, filing or cessation of requirements — prior to, 72-3-514
  - declaratory judgment, 27-8-204
  - formal proceedings, 72-3-304
  - injunction, 72-3-521
  - restraining order, 72-3-304, 72-3-521, 72-3-617
  - termination, 72-3-521
- sales by
  - authority, 72-3-613
  - partition of property, when not possible, 72-3-914
  - taxes, for payment, 72-16-436
  - validation, 72-31-103
- securities, authority, 30-8-117, 30-10-908
- security for fiduciary performance, 72-3-513, 72-3-515, 72-3-1014
- service of process on, Title 25, chapter 20, M.R.Civ.P., Rules 4A, 4B, 4D; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 4A, 4D
  - foreign personal representative, 72-4-203
- small estate
  - closing, 72-3-1103, 72-3-1104
  - personal property, collection by affidavit, 72-3-1102
- snowmobile certificate of ownership, transfer of interest, 23-2-612
- social worker-client communications, release of information and actions from claims, 37-22-401
- special administrator, See **Special administrator**
- spouse, capacity as, 40-2-108, 72-3-502
- successor personal representative, 72-1-103, 72-3-527, 72-3-621
  - appointment, 72-3-514, 72-3-522, 72-3-523, 72-3-527
    - application, 72-3-205
    - priority, 72-3-508
  - delivery of assets to, 72-3-521, 72-3-522, 72-3-525
  - late discovery of property, subsequent administration, 72-3-1016
  - qualification, 72-3-522, 72-3-527
  - recovery of property, 72-3-1013
  - surety, action for breach of obligation on bond, 72-3-516
- suicide note of deceased, 7-4-2917
- supervised administration, 72-3-401 — 72-3-405, 72-3-605, 72-3-611, 72-3-618, 72-3-1104
- tax duties
  - accounting, to furnish, 72-16-401
  - appeal by, 72-16-403
  - apportionment of tax, See **TAXATION, ESTATES**, **Apportionment of taxes**
  - appraisal, copy to, 72-16-412
  - appraiser, compensation of, 72-16-413
  - collection, power of, 72-16-436
  - compromise by, 72-16-209
  - distributions to, 72-16-305
  - fees, deduction, 72-16-308
  - foreign personal representatives, 72-16-612, 72-16-701, 72-16-802
  - income tax, See generally **TAXATION, INDIVIDUAL INCOME**
  - in-kind payment of inheritance or estate taxes, 72-16-445 — 72-16-450
  - inventory of property, 72-3-607
  - liability, 72-16-432, 72-16-908
  - nonresident decedents, 72-16-802
  - notice to, 72-16-402, 72-16-423
  - payment by, 72-3-606, 72-3-613, 72-3-915

ESTATES AND PROBATE (Continued)
Personal representative (Continued)
- tax duties (Continued)
  - property taxes, assessment to, 15-8-502, 15-8-503
  - receipt for payment to, 72-16-434, 72-16-437
  - refund, verification of claim, 15-16-603
  - transfers to, subject to tax, 72-16-305
- termination of appointment
  - closing of estate, upon, 72-3-524, 72-3-1001, 72-3-1003, 72-3-1004
  - death or disability of personal representative, by, 72-3-522
  - effect, 72-3-521; Title 25, chapter 21, M.R.App.P., Rule 13
  - foreign personal representative, applicability of laws, 72-4-401
  - informal appointment, 72-3-225, 72-3-313
  - notice, 72-3-525, 72-3-526
  - purchases from distributees, effect, 72-3-907
  - removal for cause, 72-3-319, 72-3-526
  - retroactive vacation, 72-3-225
  - small estates, 72-3-1104
  - special administrator, 72-3-705
  - testacy status, change of, 72-3-523
  - voluntary, 72-3-525
- things in action, passage to, 70-2-102
- third parties, protection of transactions with, 72-3-618
  - corepresentatives, 72-3-623
  - distributee, when personal representative is, 72-3-907
  - foreign personal representatives, 72-4-307, 72-4-308, 72-4-311
  - insurance against liability, 72-3-613
  - restrictions on authority, 72-3-404
  - small estates, collection of personal property by affidavit, 72-3-1102
- title to property, determination, 72-3-606
- torts, liability, 72-3-612
- transactions authorized, 72-3-613
- trust company as representative, 32-1-107
- trust laws, applicability, 72-1-103, 72-3-610, 72-3-615, 72-3-616, 72-33-108
- usury, recovery of interest, 31-1-108
- utilities, underground — excavations near, Title 69, chapter 4, part 5
- veterans, waiver of interment benefits, 10-2-501
- water conservancy districts, voting rights, 85-9-421
- wills
  - bond requirement, 72-3-513
  - compensation provision, 72-3-631
  - designation by, 72-3-502
- who may not be, 72-3-501
- workers' compensation
  - employer, as, 39-71-117
  - fellow employee, prosecution of action against, 39-71-413
  - laws binding on, 39-71-411
  - third party actions, prosecution, 39-71-412, 39-71-414
- wrongful death of decedent, action by, 27-1-307, 27-1-308, 27-1-513

Pleadings, 72-1-303
Pledges
- claims against estate, effect, 72-3-803, 72-3-812, 72-3-813
- conservator
  - authority, 72-5-427
  - security in lieu of bond, 72-5-411
- disclaimer of property interests barred by, 72-2-811
- personal representative
  - authority, 72-3-613, 72-3-812

ESTATES AND PROBATE (Continued)
Pledges (Continued)
  personal representative (Continued)
    bond secured by, 72-3-515
Possession of estate by
  conservator, 72-5-425 — 72-5-427
  personal representative, 72-3-606, 72-3-613
Power of appointment, See also **PROPERTY, GENERALLY**; **TRUSTS**
  antilapse, 72-2-613
  augmented estate, 72-2-222
  disclaimer of property interests, 72-2-811
  dissolution or annulment of marriage, revocation by, 72-2-814
  future interest under terms of a trust, 72-2-717
  holders of general power, acts by, 72-1-109
  homicide, effect, 72-2-813
  inheritance tax, transfers under, 72-16-302
  instrument creating or exercising, See **Governing instrument**
  120-hour rule, effect, 72-2-712
  orders binding one binds another, 72-1-303
  perpetuities, statutory rule against, 72-2-1002 — 72-2-1006
  protected persons, court's powers, 72-5-421
  specific reference to, 72-2-714
  transfer, 72-2-222
  will, exercise of power, 72-2-618
Power of attorney
  "agent" defined, 72-1-103
  "beneficiary" defined, 72-1-103
  disclaimer of property interests, 72-2-811
  distribution to person under disability, 72-3-917
  durable power of attorney, 72-1-103, 72-2-223, 72-2-616, 72-5-501, 72-5-502
  elective share of surviving spouse, 72-2-223
  instrument creating or exercising, See **Governing instrument**
  nonprobate transfers, multiple-party accounts — agency designation, Title 72, chapter 6, part 2
  revocation, 72-5-502
  statutory, authority, 72-31-201, 72-31-231
Predeceased successors
  disclaimer of property interests, 72-2-811
  intestate succession, 72-2-116
  120-hour rule, 72-2-114, 72-2-712
  trusts, testamentary additions to, 72-2-531
Preexisting estates, 72-1-107
Premarital agreements, 40-2-605, 72-2-1005
Presumed decedents, 72-1-201, See also **MISSING PERSONS**
  death, presumption, 26-1-602, 26-1-622, 26-1-623, 72-1-108
  distribution of unclaimed assets and escheat, 72-3-918
  formal testacy proceedings, notice to, 72-3-306, 72-3-317
  proceedings, statute of limitations, 72-3-122
  recovery of estate, 72-3-317
Principal and income determination, 72-34-404 — 72-34-406
Probate estate, See also **Intestate succession**
  augmented estate, 72-2-222
  elective share of surviving spouse, 72-2-221 — 72-2-223, 72-2-227
Profit-sharing benefits, See **Pension, profit-sharing, or retirement benefits**
Property management provisions, exemption, 37-51-602
Protected persons and protective proceedings, 72-5-101, See **Conservators and conservatorship**

ESTATES AND PROBATE (Continued)

Public administrator, 7-4-3004, 72-16-101; Const., XI, 3, See also **COUNTY OFFICERS**, generally
- accountings, 72-15-201, 72-15-206, 72-15-207
  - conflict of interest, report, 72-15-211
  - court order, 72-15-203, 72-15-208
  - personal representative's appointment, upon, 72-15-202
  - termination, upon, 72-15-302, 72-15-303
- appointment, 7-3-441, 7-4-2203
- attorney's fees, 72-15-301
- bond, 72-15-103, 72-15-208, 72-15-213
- city-county consolidated government department of law, duties of director, 7-3-1341
- compensation, 7-4-2501, 72-15-301, 72-15-304, 72-16-211, 72-16-214; Const., XI, 3
  - accounting, 72-15-207
  - register, information in, 72-15-204
- conflict of interest, 72-15-211
- conservator, appointment, 72-5-410, 72-5-415, 72-15-301
- death, final disposition of body — authorizing agent, 37-19-101, See **MORTICIANS, FUNERAL DIRECTORS, AND CREMATORY FACILITIES**
- deposit of money with county treasurer, 72-14-202, 72-15-205, 72-15-206, 72-15-212, 72-15-213
- distribution, 72-15-203, 72-15-204
- election of, 7-3-441, 7-4-2203, 13-12-207; Const., XI, 3
- escheated estates
  - deposit or payment of money, 72-14-202, 72-15-213
  - sale of property, 72-14-204, 72-15-212
- fees paid by, 72-15-210
- final settlement, 72-15-212, 72-15-213
- inheritance tax duties, Title 72, chapter 16
- in-kind payment of inheritance or estate taxes, 72-16-445 — 72-16-450
- inventory by, 72-15-201
- investment of estate assets, 72-15-205, 90-7-113
- letters of administration, 72-15-102, 72-15-103, 72-15-107, 72-15-204, 72-15-302
- loss or waste, when property subject to — notice, 72-15-106
- mausoleum-columbarium authorities
  - disposition of remains, 35-21-810
  - removal of remains, 35-21-812
- misappropriation of estate by third parties, 72-15-109, 72-15-110
- notice
  - loss or waste, when property subject to, 72-15-106
  - stranger's death, 72-15-105
- oath
  - administering by, 72-15-209
  - of, 72-15-103
- personal representative
  - as, 72-3-502, 72-15-302
  - delivery of estate to, 72-15-202
- recovery of property
  - action for, 72-15-104
  - register, information in, 72-15-204
- register, duty to keep, 72-15-204
- sale of property
  - bond required when, 72-15-103
  - escheated property, order, 72-14-204, 72-15-212
  - final settlement, at, 72-15-212
  - register, information in, 72-15-204

ESTATES AND PROBATE (Continued)
Public administrator (Continued)

  statement describing property, demand for, 72-15-107, 72-15-108
  stranger's death, notice, 72-15-105
  successor, 72-15-303, 72-15-304
  supervision by court, 72-15-201
  supplemental provisions, 72-15-101
  termination, 72-15-302 — 72-15-304
  when to take charge of estate, 72-15-102
Public Health and Human Services, Department of — list of deaths to county clerk and recorder, 72-16-217
Quiet title, heirs of deceased entryman, Title 70, chapter 28
Real estate broker and salesperson provisions, exemption from, 37-51-103
Receivers, administration by, Title 25, chapter 20, M.R.Civ.P., Rule 66
Records required, 3-5-513, 7-4-2613, 72-1-204
  conservatorship, 72-1-204, 72-5-424
  revenue, department of — furnished to, 72-16-216
  wills, 7-4-2613, 7-4-2619, 72-1-204
Recovery of estate property
  alleged decedent, by, 72-3-317
  appointment in error, when, 72-3-602
  conservator, right of, 72-5-427
  distribution, when improper, 72-3-905, 72-3-906, 72-3-1013
  insurance benefits, 33-15-201
  personal representative, right of, 72-3-606, 72-3-614, 72-3-905
  small estates, for distribution, 72-3-1102
  statutes of limitation, 27-2-304, 27-2-401, 72-3-1013
Relatives, See **Heirs**; **Intestate succession**; **Kinship**
Renunciation, See also **Waivers**
  devolution of estate, substitutes, 72-3-101
  personal representative
    compensation, 72-3-631
    right to nominate or to an appointment, 72-3-504
  succession, 72-2-224
    conservator, by, 72-5-421
Representation, 72-1-303
Representation, taking by, 72-2-113, 72-2-116, 72-2-613, 72-2-716, 72-2-717, 72-2-811
Residence, See also **Nonresident decedents**
  certified copies to indicate, 72-1-204
  elective share of surviving spouse, 72-2-221
  exempt property and allowances, 72-2-411, See **Exempt property and allowances**
  formal testacy proceedings to determine, 72-3-313
  notice at, 72-1-301
  personal representative, domiciliary — priority, 72-3-506, 72-3-526, 72-3-604
  venue determined by, 72-3-112 — 72-3-114, 72-5-407
  wills, conflict of laws, 72-2-526
Retirement benefits, See **Pension, profit-sharing, or retirement benefits**
Revocation of probate and nonprobate transfers by divorce or annulment, 72-2-814
Rules of Appellate Procedure, applicability, 72-1-207, 72-1-209
Rules of Civil Procedure, applicability, 72-1-207
Rules of Evidence, applicability, 72-1-108
Sales by
  conservator, 72-5-427
  court, for protected persons, 72-5-422
  personal representative, 72-3-613, 72-3-914, 72-16-436, 72-31-103
  public administrator, 72-15-103

ESTATES AND PROBATE (Continued)

Securities, 72-1-103
  accessions, 72-2-615
  conservatorship, See **Conservators and conservatorship**
  devise, 72-2-615
  distribution in kind, 72-3-902
  escheat, sale by state, 72-14-205
  exempt transactions, 30-10-105
  inheritance tax, Title 72, chapter 16
  living trust proceedings, 30-10-908, 30-10-913
  location, determination, 72-3-113
  nonprobate transfers on death, 72-6-111
  personal representative's authority, 30-8-117, 30-10-908, 72-3-613
  registration in beneficiary form, Title 72, chapter 6, part 3, See **Nonprobate transfers**
  small estates, transfer, 72-3-1101
  transfers, **TAXATION, ESTATES**, **Inheritance tax**, securities
Security interest in property of estate
  claim against estate, 72-3-104, 72-3-804
  community property, 72-9-110
  conservator's authority, 72-5-427
  devise, specific — nonademption, 72-2-616
  devise subject to, nonexoneration, 72-2-617
  distribution
    effect, 72-3-812
    purchase from distributee, 72-3-907, 72-9-110
  exempt property, 72-2-413
  filing exceptions, 30-9-302
  name of debtor, sufficiency, 30-9-523
  payment, 72-3-812
  perfection upon attachment, 30-9-329
  personal representative's authority, 72-3-812
  surrender of security, 72-3-811
Separation
  decree of, effect, 72-2-812
  renunciation of succession, 72-2-224
Service of process, Title 25, chapter 20, M.R.Civ.P., Rules 4A, 4D; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 4A, 4D
  foreign personal representative, 72-4-203
  nonprobate transfers, multiple-person accounts — financial institution, 72-6-226
  personal representative, Title 25, chapter 20, M.R.Civ.P., Rules 4B, 4D; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 4A, 4D
  successor personal representative, 72-3-527
Settlement, 72-1-103, 72-3-101, See **Administration**; **Closing of estate**; **Distribution and distributees**
Simultaneous death
  death or status of individual, evidence of, 72-1-108
  120-hour rule, 72-2-114
Small business corporations, estate as shareholder, See **TAXATION, ESTATES**
Small business investment capital companies, tax credit for investment in, 90-8-202
Small estates
  distribution and closing statement, 72-3-1103, 72-3-1104
  personal property, collection by affidavit, 72-3-1101, 72-3-1102
  recovery of property, 72-3-1102
Snowmobile certificate of ownership, transfer of interest, 23-2-612
Special administrator, 72-1-103, See also **Personal representative**
  alien heirs, report, 72-2-215

ESTATES AND PROBATE (Continued)
Special administrator (Continued)

  appointment, 72-3-304, 72-3-701 — 72-3-704
    notice, exemptions, 72-3-603
    priority, applicability of laws, 72-3-508
    probate, effect, 72-3-222
    termination, 72-3-705
  bond, 72-3-513
  in-kind payment of inheritance or estate taxes, 72-16-445 — 72-16-450
  inventory requirements, exclusion, 72-3-607
  powers and duties generally, 72-3-703, 72-3-704
Spouse, See also **Heirs**
  allowances, See **Exempt property and allowances**
  community property, Title 72, chapter 9, part 1
  conservatorship, See **Conservators and conservatorship**
  disability, person under — distribution to spouse, 72-3-917
  dissolution or annulment of marriage or decree of separation, effect, 72-2-224, 72-2-812, 72-2-814
  distribution, authority of personal representative, 72-3-611, 72-3-917
  elective share of surviving spouse, See **Elective share of surviving spouse**
  entitlement, 72-2-331
  exempt property, See **Exempt property and allowances**
  foreign capital depositories, deposit account transfers, 32-8-316
  formal testacy proceedings, notice, 72-3-305
  heir, defined as, 72-1-103, See **Intestate succession**
  inheritance tax
    apportionment, 72-16-607
    closely held businesses, 72-16-453
    exemption, 72-16-313, 72-16-607
    waiver, 72-16-315
  interested person, 72-1-103, See **Interested persons**
  intestate share, 72-2-112, See **Intestate succession**
  nonprobate transfers, multiple-party accounts, Title 72, chapter 6, part 2
  omitted, 72-2-813
  personal administrator, as, 40-2-108, 72-3-502
  premarital agreements, 40-2-605, 72-2-1005
  premarital will, 72-2-331
  remarriage, effect, 72-2-721, 72-2-814
  silicosis benefits, continuation to, 39-73-109
  unemployment insurance benefits, continuation to, 39-51-2205
  veteran's employment preference to, Title 39, chapter 29
Subdivision of land by, 72-3-613, 72-5-427
Succession, See also **Distribution and distributees**; **Intestate succession**; **Wills**
  acquisition of property by, 70-1-110, 70-19-406
  contracts pertaining to, 72-2-534
  distribution, evidence of, 72-3-905
  farm implements dealership ownership, Title 30, chapter 11, part 8
  future interests in property, passing by, 70-1-326
  motor carrier certificates of public convenience and necessity, 69-12-325
  motor vehicle dealerships, succession to, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**, **Dealers and wholesalers**, succession to ownership
  occupancy does not bar title by, 70-19-406
  paternity proceedings, effect, 40-6-108
  renunciation, 72-2-224, 72-3-101, 72-5-421
  "successors" defined, 72-1-103
Suicides
  estates to descend or vest as in cases of natural death, Const., II, 30

ESTATES AND PROBATE (Continued)
Suicides (Continued)

notes from deceased, to personal representative, 7-4-2917
Summary administration and distribution, See **Small estates**
Supervised administration, 72-1-103, 72-3-401
  ancillary administration, applicability of laws, 72-4-401
  claims against estate, order for payment, 72-3-808
  closing orders, 72-3-406
    domiciliary personal representative, distribution to, 72-3-822
    small estate, summary closing prohibited, 72-3-1104
    statement of personal representative, prohibited by, 72-3-1004
  effect, 72-3-403, 72-3-611
  formal proceedings, petition to indicate if supervised administration is sought, 72-3-301
  hearing, 72-3-403
  notice, 72-3-402, 72-3-403, 72-3-406
  orders, 72-3-402
    closing, 72-3-406
    distribution of estate, 72-3-401, 72-3-404, 72-3-405
    interim, 72-3-405
  personal representative, 72-3-404, 72-3-605, 72-3-611, 72-3-618, 72-3-1104
  petition, 25-1-201, 72-3-105, 72-3-402, 72-3-403
  purchase of property by personal representative, 72-3-613
  scope of provisions when no supervised administration, 72-3-121
  termination, 72-3-401, 72-3-406
Sureties
  conservator, on bond, 72-5-411, 72-5-412
  personal representative, on bond, 72-3-515, 72-3-516, 72-3-1014
  public administrator, on bond, 72-15-103, 72-15-213
Surviving spouse, See **Spouse**
Survivorship, See also **Joint tenants**; **Simultaneous death**
  augmented estates, 72-2-222
  community property, 72-9-103
  120-hour rule, 72-1-108, 72-2-114, 72-2-712
  stepchild, 72-2-716
  survive, 72-1-103
  trust, future interest under terms of, 72-2-717
Taxation, Title 72, chapter 16
Tenancy in common
  dissolution or annulment of marriage, effect, 72-2-814
  homicide by joint tenant, effect, 72-2-813
  inheritance tax, closely held businesses, 72-16-453
  in-kind payment of inheritance or estate taxes, 72-16-445 — 72-16-450
  nonprobate transfers, multiple-party accounts, 72-6-212
Tenants by the entireties
  nonprobate transfers, multiple-party accounts — effect, 72-6-216
  right of survivorship, 72-2-712
  securities, registration in beneficiary form, 72-6-302
Tenants in common, securities registered in beneficiary form, 72-6-302, 72-6-307
Testacy
  closing of estate, determination in, 72-3-1001, 72-3-1002
  formal proceedings, See **Formal testacy and appointment proceedings**
Testamentary trusts, See also **TRUSTS**, generally
  additions to trusts, testamentary — exclusion, 72-2-531
  "beneficiary" defined, 72-1-103
  compromise agreements, 72-3-132
  death taxes deductions, effect, 72-16-607
  "devisee" defined, 72-1-103

ESTATES AND PROBATE (Continued)
Testamentary trusts (Continued)

- "distributee" defined, 72-1-103
- farm implements dealership ownership, succession, Title 30, chapter 11, part 8
- inheritance tax deductions, effect, 72-16-607
- jurisdiction, continuing — transfer or removal, 72-35-301, 72-35-312
- successor, trustee as, 72-3-915
- venue, 72-35-106

Third parties
- alleged decedents, protection against, 72-3-317
- conservators, protection of transactions with, 72-5-427, 72-5-435
- dissolution or annulment of marriage, severance of interest — effect, 72-2-814
- distributees, protection of purchasers from or lenders to, 72-3-907
- elective share of surviving spouse, protection, 72-2-228
- foreign personal representatives, protection of transactions with, 72-4-307, 72-4-308, 72-4-311
- homicide of decedent, actions concerning, 72-2-813
- 120-hour rule, notice of claimed lack of entitlement, 72-2-712
- personal representative, transactions with, See **Personal representative**
- small estates, collection of personal property by affidavit, 72-3-1102

Timeshare sales, Title 37, chapter 53
Title
- community property, 72-9-103, 72-9-108 — 72-9-110
- conservator, vesting in, 72-5-425 — 72-5-427
- determination, 72-3-606, 72-3-911
- distributee, purchaser from or lender to, 72-3-907
- distribution, evidence of, 72-3-904, 72-3-905
- escheat upon failure of, 72-14-102
- occupancy does not bar, 70-19-406

Transfer of proceedings, 72-1-203, 72-3-112
Treason, conviction not to cause loss of property to relatives or heirs, Const., II, 30
Trusts, 72-1-103, See also **Governing instrument**; **TRUSTS**
- animals, domestic or pet — for, 72-2-1017
- augmented estate, 72-2-222
- beneficiary, 72-1-103
- claims against estate, payment, 72-3-814
- compromises affecting, 72-3-131, 72-3-132
- dissolution or annulment of marriage, revocation of nomination of trustee, 72-2-814
- distribution to, 72-3-915, 72-3-916
- elective share of surviving spouse, 72-2-222, 72-2-223, 72-2-415
- future interest under terms of, survivorship, 72-2-717
- homicide, effect, 72-2-813
- honorary, 72-2-1017
- in-kind payment of inheritance or estate taxes, 72-16-445 — 72-16-450
- location of trust property, determination, 72-3-113
- nonprobate transfers on death, 72-6-111
- notice binding one binds another, 72-1-303
- orders binding trustee bind beneficiary, 72-1-303
- perpetuities, statutory rule against, 72-2-1002, 72-2-1003, 72-2-1005
- pleadings, 72-1-303
- records, 72-1-204
- testamentary, See **Testamentary trusts**
- testamentary additions, 72-2-531
- venue, 72-1-203
- wills, construction and operation — applicability, 72-33-106

ESTATES AND PROBATE (Continued)

Unborn persons
- afterborn
  - heir, 72-2-118
  - omitted after-born child, 72-2-332
  - perpetuities, statutory rule against, 72-2-1002
- compromises affecting, 72-3-131
- disclaimer of property interests, 72-2-811
- notice, 72-1-303
- orders, who bound, 72-1-303

Unclaimed estates, See **Escheated estates**

Uniform Disposition of Community Property Rights at Death Act, Title 72, chapter 9, part 1

Uniform Durable Power of Attorney Act, 72-5-501, 72-5-502

Uniform Probate Code, Title 72, chapters 1 — 5; Title 72, chapter 16, part 6
- citation, 72-1-101
- clerk of the court, duties, 72-1-205
- definitions, 72-1-103
- effective date, 72-1-107
- implied repeal, construction against, 72-1-105
- oath or affirmation on filed documents, 72-1-206
- precedence of provisions, 72-1-106
- rules of appellate procedure, applicability, 72-1-207, 72-1-209
- rules of civil procedure, applicability, 72-1-207
- supplementary principles of law, 72-1-104
- territorial extent, 72-1-201
- venue, 72-1-203

Uniform Statutory Rule Against Perpetuities, 72-2-1001 — 72-2-1007

Uniform Testamentary Additions to Trusts Act, 72-2-531

Uniform TOD Security Registration Act, Title 72, chapter 6, part 3

Unknown persons
- compromises affecting, 72-3-131, 72-3-132
- formal testacy proceedings, notice, 72-3-305
- judgments and decrees, effect, 25-3-505
- notice, 72-1-301, 72-1-303, 72-3-305
- orders, 72-1-303
- parties, as, 25-3-504, 25-3-505; Title 25, chapter 20, M.R.Civ.P., Rule 4D; Title 25, chapter 23, M.J.C.C.R.Civ.P, Rule 4D

Venue, 72-1-203, 72-3-112
- conservatorship proceedings, 72-5-407
- domicile of decedent, determination, 72-3-114
- escheated estates, action for claim of, 72-14-301
- formal testacy proceedings, 72-3-310, 72-3-313
- informal probate and appointment, determination, 72-3-202, 72-3-212, 72-3-222
- location of property, determination, 72-3-113
- paternity proceedings, effect, 40-6-109
- recovery of estate, 25-2-123
- testamentary trust, 72-35-106

Veterans
- employment preference to surviving spouse, Title 39, chapter 29
- interment benefits, waiver of, 10-2-501
- taxes, property — exemption, 15-6-211

Violations
- falsification of documents relating to, 72-1-206
- public administrator, refusal to furnish statement to, 72-15-108

ESTATES AND PROBATE (Continued)

Waivers
  appointment, right to, 72-3-221
  claim against the estate, statute of limitations, 72-3-802
  disclaimer of property interests, 72-2-811
  distribution, right to object, 72-3-903
  inheritance taxes, 72-4-304, 72-16-315
  jury trial, 72-1-208
  nonresident decedents, inheritance taxes, 72-4-304
  notice, 72-1-302, 72-3-106, 72-5-403
  spouse's rights, 72-2-224
  veterans, interment benefits, 10-2-501
Wills, 1-1-205, 72-1-103, 72-2-901, See also **Governing instrument**
  acquisition of property by, 70-1-110, 70-19-406
  addition to, 72-2-523
  ademption by satisfaction, 72-2-616, 72-2-619, 72-3-911
  affidavits of witnesses when, 72-2-524, 72-3-213, 72-3-307, 72-3-309
  alteration, 72-2-523
  anatomical gift by, 72-17-102, 72-17-201
  antilapse, 72-2-613
  appeals permitted, Title 25, chapter 21, M.R.App.P., Rule 1
  causa mortis gifts, effect, 70-3-203, 70-3-204
  certificate of probate, 3-1-206
  class gift, 72-2-613
  codicils, 1-1-205, 72-1-103, 72-2-717, 72-2-1017
  community property, applicability, 72-9-107, 72-9-116
  confidentiality, 72-2-535, 72-2-909
  conflict of interest, authorization of transactions involving, 72-3-615
  conflict of laws, 72-2-526
  conservator, examination by, 72-2-535, 72-5-431
  conservatorship, effect, See **Conservators and conservatorship**, will entries
  construction
    after-acquired property, 72-2-612
    controversies, compromise, 72-3-131
    declaratory judgments, 27-8-204
    extrinsic evidence, 28-2-905, 70-20-202
    international wills, 72-2-910
    jurisdiction of court, 72-1-202
    property, all passes, 72-2-612
    scope of rules, 72-2-611
    trusts, applicability, 72-33-106
  contest
    penalty clause unenforceable, 72-2-537, See **Formal testacy and appointment proceedings**
    proceedings, statute of limitations, 72-3-122
    validity or probate, 72-12-206
  contract for will, 72-2-534
    perpetuities, statutory rule against, 72-2-1005
  conveyance of property by, 70-1-110, 70-19-406, 70-21-301
  corepresentatives, authority provided by, 72-3-624
  cultural and aesthetic projects, matches for challenge grants, 22-2-309
  custodian, delivery by, 72-2-535, 72-2-536, 72-5-429
  declaratory judgments, availability, 27-8-202, 27-8-204
  deposit in court, 72-2-535
  destruction, 72-2-527, 72-3-301
  devisees, See **Devise and devisees**

ESTATES AND PROBATE (Continued)
Wills (Continued)

- devolution of estate, 72-3-101
- distribution to be in accordance with, 72-3-610, See **Distribution and distributees**
- elective share of surviving spouse, petition filed when, 72-2-225
- electronic records and signatures, exception to provisions, 2-20-104
- events of independent significance, reference to, 72-2-532
- execution, 72-2-522, 72-2-523
  - conflict of laws, 72-2-526
  - events of independent significance, 72-2-532
  - formal testacy proceedings, proof, 72-3-307, 72-3-309
  - health care information, disclosure for, 50-16-535
  - informal probate, rules, 72-3-213
  - international wills, 72-2-901, 72-2-904, 72-2-905, 72-2-909
  - revocation by execution of new will, 72-2-527
  - self-proved will, 72-2-524, 72-3-309
- extrinsic evidence, 28-2-905, 70-20-202
- failure of testamentary provision, 72-2-614
- failure to make will, 72-2-111, See also **Intestate succession**
- fees, 25-1-201, 72-12-206
- foreign trust company, appointment as executor, 32-1-1002
- foreign wills, 72-3-213, 72-3-301, 72-3-316, 72-5-212, 72-5-303
- formal probate, See **Formal testacy and appointment proceedings**
- fraud, See **Fraud**; **CONTRACTS, Consent**
- fraudulent conveyance, exclusion, 70-20-401
- future interests in property, passing by, 70-1-326
- generation-skipping transfers, tax on, 72-16-1001 — 72-16-1007
- guardian, testamentary appointment, See **GUARDIANS AND GUARDIANSHIP, Incapacitated persons**; **Minors**
- handwriting analysis, 72-12-401 — 72-12-407
- handwritten wills, 72-2-522, 72-2-903
- holographic wills, 72-2-522, 72-2-533
- homicide, effect, 72-2-813
- index, 7-4-2619
- informal probate, See **Informal probate and appointment proceedings**
- institutional funds, gift instrument creating, 72-30-102
- intent of testator controls
  - abatement, 72-3-901
  - lack of testamentary intent, 72-3-310
- international wills
  - authorized person, 72-2-903, 72-2-904, 72-2-908, 72-2-905
  - certificate, 72-2-904 — 72-2-906
  - confidentiality of information, 72-2-909
  - definitions, 72-2-901
  - execution, 72-2-901, 72-2-904, 72-2-905, 72-2-909
  - information registration, 72-2-909
  - invalidity, 72-2-902, 72-2-904
  - requirements, 72-2-903, 72-2-904
  - revocation, 72-2-907
  - source and construction of provisions, 72-2-910
  - validity, 72-2-902, 72-2-903, 72-2-906
- intestate succession, exclusion or limitation, 72-2-111
- invalid
  - anatomical gift, effect on, 72-17-201
  - international wills, 72-2-902, 72-2-904
- joint tenancy, creation by, 70-1-307
- judgment or order, effect, 26-3-201

ESTATES AND PROBATE (Continued)
Wills (Continued)

- late discovery of wills, 72-3-311, 72-3-317
- living wills, Title 50, chapter 9, parts 1 and 2
- lost, formal testacy or appointment petition — contents, 72-3-301
- marriage subsequent to execution, entitlement of spouse, 72-2-331
- mausoleum-columbarium authorities, plots — disposition, 35-21-827, 35-21-828
- minors, transfers to
  - authorization, 72-26-605, 72-26-606
  - nomination of custodian, 72-26-601
- mistake of fact or law, See **Defect**; **CONTRACTS, Consent**
- nonademption of specific devises, 72-2-616
- nonprobate transfers
  - designation of persons for payment, 72-6-111
  - multiple-party accounts, right of survivorship — alteration prohibited, 72-6-213, 72-6-216
- nonprofit corporations, promises to — merger, effect, 35-2-614
- omissions, child, 72-2-332, 72-3-611
- organ donation by, 72-17-102, 72-17-201
- parol evidence, 28-2-905, 70-20-202
- pecuniary devises, provision of interest rate, 72-3-913
- penalty clause for contest, 72-2-537
- personal property, separate writing for disposition, 72-2-533
- personal representative
  - bond requirement, 72-3-513
  - compensation, 72-3-631
  - designation, 72-3-502
- power of appointment, 70-1-704, 72-2-618
- power of attorney, statutory — authority, 72-31-231
- premarital agreement provisions, to carry out, 40-2-605
- premarital will, 72-2-331
- principal and income determination, expenses of estate settlement charged against, 72-34-406
- probate required, 72-3-102
- property management provisions, exemption, 37-51-602
- records, 7-4-2613, 7-4-2619, 72-1-204
- reference, incorporation of writings by, 72-2-530
- residuary clause, 72-2-223, 72-2-613, 72-2-717, 72-2-1017
- residuary devise, 72-2-614, 72-3-901
- revenue, department of — copy to, 72-16-401
- revocation, 72-1-103, 72-2-527, 72-2-528, 72-2-1005
  - anatomical gift, manner, 72-17-201
  - burden of proof, 72-3-310
  - events of independent significance, 72-2-532
  - international wills, 72-2-907
  - revival, 72-2-523, 72-2-529
  - writing, by, 72-2-523, 72-2-527
- securities, devise, 72-2-615
- security interest, devise subject to, 72-2-617
- self-proved will, 72-2-524, 72-3-309
- several instruments, 72-3-314
- special administrator, appointment, 72-3-702
- statute of frauds, applicability, 70-20-102
- subsequent wills, 72-2-527, 72-2-529
- supervised administration, may direct, 72-3-402
- survivorship requirements, 72-2-613
- taxes, apportionment directed in, 72-16-603

ESTATES AND PROBATE (Continued)
Wills (Continued)

- transfers after death considered as by will, 72-16-306
- trusts, See also **Testamentary trusts**; **Trusts**
  - construction and operation, applicability, 72-33-106
  - named by, when, 72-33-207
  - testamentary transfer of property, creation by, 72-33-201
- undue influence, 72-2-524
- validity, 72-2-525, 72-2-526, 72-2-902, 72-3-102, 72-3-131, 72-12-206
- who may make, 72-2-521
- witnesses, 72-2-522
  - handwriting analysis, 72-12-401 — 72-12-407
  - health care information relevant to, 50-16-535
  - international wills, 72-2-903, 72-2-905
  - self-proved will, 72-2-524
  - who may be, 72-2-525
- writings
  - intended as, 72-2-523
  - personal property, separate writing for disposition, 72-2-533
  - reference, incorporation by, 72-2-530
  - revocation, by, 72-2-523, 72-2-527

Workers' compensation, Title 39, chapter 71, See **WORKERS' COMPENSATION, Death**

ESTATE TAX, Title 72, chapter 16, part 9
See **TAXATION, ESTATES**

ESTHETICS AND ESTHETICIANS
See **COSMETOLOGY AND COSMETOLOGISTS**

ESTOPPEL
Agency by, 28-10-103, See **AGENCY, Authority of agent**, ostensible
Defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
Documents of title, applicability of laws, 30-7-502
Estate distribution, effect, 72-3-906
Foreign-money claims, supplementary principles of law, 25-9-714
Fraudulent transfers, applicability of laws, 31-2-342
Insurers, title — policies issued in violation of provisions, 33-25-214
Landlord and tenant, applicability of laws, 70-24-105
Motor vehicle liability insurance policy renewal, effect on grounds for cancellation, 33-23-214
Municipal finance consolidation bonds or notes, validity, 17-5-1625
Pollution abatement, applicability of laws, 75-5-102
Premarital agreements, defenses, 40-2-610
Presumption, 26-1-601
Royalty interest in land acquired by county by tax deed, defense in action to challenge title, 15-17-326
Subdivisions, applicability of laws, 76-4-110
Unemployment insurance determinations, applicability, 39-51-110
Uniform Commercial Code, applicability of laws, 30-1-103
Water, appropriation by — prohibited, 85-2-301
Workers' compensation benefit claims, waiver of time limitation, 39-71-601

ETHICS
Chemical dependency counselors, 37-35-101, 37-35-201
Chiropractic, See **MALPRACTICE, CHIROPRACTIC**
Code of, Const., XIII, 4; Title 2, chapter 2, part 1
Fair campaign practices, Title 13, chapter 35, part 3, See **ELECTIONS, Campaign practices**

ETHICS (Continued)

Lobbying, practice of, 5-7-101, See generally **LOBBYING AND LOBBYISTS**
Medical, See **MALPRACTICE, MEDICAL**
Midwives, direct-entry — standards, 37-27-105
Nepotism, Title 2, chapter 2, part 3
Open meetings, Title 2, chapter 3, part 2, See **PUBLIC PARTICIPATION IN GOVERNMENT**
Tax personnel, 15-7-106

EUTHANASIA, 50-9-205

EVIDENCE
  See also **WITNESSES**
Account, when pleading, 25-4-302
Admissibility, See also **Excluded evidence**; **Relevant evidence**
  authentication, See **Authentication or identification**
  character evidence, Title 26, chapter 10, M.R.Ev., Rules 404, 405, 608
  conditional, Title 26, chapter 10, M.R.Ev., Rules 104, 1008
  confessions, Title 26, chapter 10, M.R.Ev., Rule 104
  discovery of admissible evidence, Title 25, chapter 20, M.R.Civ.P., Rule 26(b)
  error, Title 25, chapter 20, M.R.Civ.P., Rule 61; Title 26, chapter 10, M.R.Ev., Rule 103
  foreign laws, books containing, 26-1-603
  habit and routine practice, Title 26, chapter 10, M.R.Ev., Rule 406
  hearsay, 2-4-604; Title 26, chapter 10, M.R.Ev., Rule 802
  inconsistent statements, Title 26, chapter 10, M.R.Ev., Rule 613
  judicial notice, Title 26, chapter 10, M.R.Ev., Rule 202
  liability, insurance against, Title 26, chapter 10, M.R.Ev., Rule 411
  limited, Title 26, chapter 10, M.R.Ev., Rule 105
  mediator's report and information, inadmissibility, 26-1-813
  pleas of guilty or nolo contendere, Title 26, chapter 10, M.R.Ev., Rule 410
  preliminary questions, 26-1-201; Title 26, chapter 10, M.R.Ev., Rules 101, 104
  pretrial conference, subject of, Title 25, chapter 20, M.R.Civ.P., Rule 16(c)
  questions of law, 25-7-102, 26-1-201
  relevant evidence, Title 26, chapter 10, M.R.Ev., Rule 402
  standing masters, ruling on, 3-5-124
  theft, photographs of items allegedly taken or converted — procedure, 26-1-608
  transcript of testimony, Title 25, chapter 20, M.R.Civ.P., Rule 80
  voluntary payment of liability claim, inadmissibility, 26-1-704; Title 26, chapter 10, M.R.Ev., Rule 409
  workforce drug and alcohol testing results, nonadmissibility, 39-2-211
  writings and recordings, Title 26, chapter 10, M.R.Ev., Rules 1003, 1004, 1008
Affidavits as evidence, 26-1-1001
  injunction order granted on, 27-19-303
  motions, evidence on, Title 25, chapter 20, M.R.Civ.P., Rule 43(e)
  person before whom taken
    chiropractors, board of, 37-12-201
    housing authority officials, 7-15-4458
    judges and justices, 3-1-404, 26-1-1003 — 26-1-1006
    labor and industry, commissioner of or his deputy, 39-3-210
    notaries public, 1-5-416, 1-5-418, 26-1-1003, 26-1-1004
    optometrists, board of — president and secretary, 37-10-201
    when made in
      another state, 26-1-1004, 26-1-1006
      foreign country, 26-1-1005
      this state, 26-1-1003
  printer's or publisher's affidavit, 26-1-1011, 26-1-1012
    certification of rates charged to state, 18-7-204, 18-7-205

EVIDENCE (Continued)
Affidavits as evidence (Continued)
  printer's or publisher's affidavit (Continued)
    executive clemency, order for hearing, 46-23-304, 46-23-306
    oil and gas hearing notices, proof of service, 82-11-141
    partnerships, fictitious names — register and proof of publication, 35-11-202
    rural special improvement district notices, 7-12-2106
    special improvement district notices, 7-12-4107
    summons and complaint, proof of service, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  uses, 26-1-1002; Title 25, chapter 20, M.R.Civ.P., Rule 43(e)
  verification, 26-1-1006
  witnesses, declarations by, 26-1-101
Appeals, civil or criminal
  pendency, hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
  statement of evidence, Title 25, chapter 21, M.R.App.P., Rule 9; Title 25, chapter 30, part 2, U.M.C.R.App., Rule 9
  supreme court to review questions of fact on evidence when, 3-2-204
  writings to refresh witness' memory, Title 26, chapter 10, M.R.Ev., Rule 612
Authentication or identification
  official records, 26-1-623; Title 25, chapter 20, M.R.Civ.P., Rule 44; Title 26, chapter 10, M.R.Ev., Rule 902
  pretrial conference, subject of, Title 25, chapter 20, M.R.Civ.P., Rule 16(c)
  requirement of, Title 26, chapter 10, M.R.Ev., Rule 901
  self-authentication, Title 26, chapter 10, M.R.Ev., Rule 902
  subscribing witness, testimony unnecessary, Title 26, chapter 10, M.R.Ev., Rule 903
Burdens of proof
  order of trial based on, 25-7-301
  persuasion, burden of, 26-1-402, 26-1-403
  who has, 26-1-401
  writings, alteration — explanation, 26-1-106
Character evidence, 46-15-322, 46-15-323; Title 26, chapter 10, M.R.Ev., Rule 404
  hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
  proof, Title 26, chapter 10, M.R.Ev., Rule 405
Circumstantial evidence, 26-1-102, See also **Inference**; **Presumptions**
City courts, specific provisions
  discovery, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 13A
  exhibits or public records, Title 25, chapter 24, M.U.R.J.C.C., Rule 3
  offer to compromise and failure to accept, inadmissibility, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
  presentation of evidence, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 19
  pretrial conferences, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14B
  service of process, affidavit of inquiry for personal service, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
Compromise or offers to compromise, admissibility, Title 25, chapter 20, M.R.Civ.P., Rule 68; Title 26, chapter 10, M.R.Ev., Rule 408
  appellate alternative dispute resolution/mediation process, applicability, Title 25, chapter 21, M.R.App.P., Rule 54(f)
  voluntary payment of liability claims, 26-1-703, 26-1-705
Conclusive evidence, 26-1-102
  effect, 26-1-203
  judgments or final orders, 26-3-201, 26-3-205
  judicial notice, Title 26, chapter 10, M.R.Ev., Rule 201
  statutes, recitals in, 26-1-604
Conduct, evidence on
  character, conduct proves, Title 26, chapter 10, M.R.Ev., Rules 405, 608
  character evidence inadmissible to prove conduct, Title 26, chapter 10, M.R.Ev., Rule 404
  compromise negotiations, inadmissible when from, Title 26, chapter 10, M.R.Ev., Rule 408
  habit or routine practice, Title 26, chapter 10, M.R.Ev., Rule 406

EVIDENCE (Continued)
Conduct, evidence on (Continued)

  hearsay declarant, Title 26, chapter 10, M.R.Ev., Rule 806
  hearsay statement, as, Title 26, chapter 10, M.R.Ev., Rule 801
  remedial measures, subsequent, Title 26, chapter 10, M.R.Ev., Rule 407
Confidential communications, See **Privileges**
Contemporaneity, preference for, 1-3-226
Copies, See **Writings, recordings, and photographs**
Corroborative evidence, 26-1-102; Title 26, chapter 10, M.R.Ev., Rule 406
Court, powers
  admissibility
    conditional, determination, Title 26, chapter 10, M.R.Ev., Rules 104, 1008
    limited, Title 26, chapter 10, M.R.Ev., Rule 105
    preliminary determination, Title 26, chapter 10, M.R.Ev., Rules 101, 104
  decisions, correctness of published reports presumed, 26-1-602
  informant, powers when identity undisclosed, Title 26, chapter 10, M.R.Ev., Rule 502
  issues of fact, decisions, 26-1-202
  issues of law, decisions, 26-1-201
  judicial notice, See **Judicial notice**
  jurisdiction, presumption of lawful exercise, 26-1-602
  presumptions, application when inconsistent, Title 26, chapter 10, M.R.Ev., Rule 301
  privilege, comment improper, Title 26, chapter 10, M.R.Ev., Rule 505
  printer's or publisher's affidavit — filing with, certification by, 26-1-1012
  rules of evidence, applicability, Title 26, chapter 10, M.R.Ev., Rule 101
  rulings by, Title 26, chapter 10, M.R.Ev., Rule 103
  weight of evidence judged by, 26-1-203
Court reporter, transcript of proceedings, 3-5-612; Title 25, chapter 20, M.R.Civ.P., Rule 80
Crime victims and witnesses, protection, See **CRIME VICTIMS AND WITNESSES**
Criminal convictions
  hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
  witness' answer respecting, Title 26, chapter 10, M.R.Ev., Rule 609
Criminal procedure, specific provisions
  accomplices, testimony of, 26-1-303, 46-11-405, 46-16-213
  acquittal, insufficient evidence to warrant conviction, 46-11-503
  additional evidence, disclosure, 46-15-327
  bail forfeiture used as restitution, inadmissibility, 46-9-512
  burden of persuasion, 26-1-403
  character evidence, 46-15-322, 46-15-323; Title 26, chapter 10, M.R.Ev., Rules 404, 405
  codefendant, testimony of, 26-1-303, 46-11-405, 46-16-213
  confessions
    admissibility, hearings out of hearing of jury, Title 26, chapter 10, M.R.Ev., Rule 104
    entered into evidence when, 46-16-215
    homicide, to, 45-5-111
    suppress, motion to, 46-13-301
    treason, to, 46-16-202; Const., II, 30
  crime victim, property returned to, 46-24-206
  death penalty
    review by supreme court, 46-18-310
    sentencing hearing, 46-18-302
  DNA, forensic typing, 44-6-101
  exclusion, 46-15-329
  exclusionary rule, 46-13-301, 46-13-302
  execution, immunity when obtained in proceedings in aid of, 25-14-106
  expert testimony, 46-11-315, 46-11-319, 46-15-116
  extradition, evidence of transportation for, 46-30-226

EVIDENCE (Continued)
Criminal procedure, specific provisions (Continued)

- grand jury, before, 46-11-308, 46-11-314 — 46-11-316, 46-11-319; Title 26, chapter 10, M.R.Ev., Rule 101
  - indictment, sufficiency for, 46-11-331
- guilty intent, presumption, 26-1-602
- guilty plea or withdrawal, admissibility, Title 26, chapter 10, M.R.Ev., Rule 410
- habeas corpus, hearing, 46-22-305
- hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rules 803, 804
- informant
  - discovery, 46-15-322, 46-15-324
  - effect when identity undisclosed, Title 26, chapter 10, M.R.Ev., Rule 502
- information, evidence supporting, 46-11-201
- initial appearance, admissibility of statements made at, 46-7-102
- innocence, presumption, 26-1-602, 46-16-204
- insufficient to go to jury, 46-16-403
- judgment, review — consideration, 46-18-904
- judicial notice, effect, Title 26, chapter 10, M.R.Ev., Rule 201
- jury
  - admonition to, presumption, 46-16-501
  - deliberations, 46-16-503 — 46-16-505
  - improper selection or drawing, burden of proof on movant, 46-16-112
  - view of place or property, 46-16-502
- lesser included offense instruction to jury, 46-16-607
- mental disease or defect of defendant
  - admissibility to prove lack of required mental state, 46-14-102, 46-14-217
  - commitment, evidence for release, 46-14-301, 46-14-302
    - revocation of conditional release, 46-14-304
  - predisposition investigation, 46-14-301
  - privileged information, 46-14-217
  - psychiatric or psychological testimony, 46-14-213, 46-14-221, 46-14-302
  - sentencing, consideration in, 46-14-311
- new trial, hearing on motion for, 46-16-702
- nolo contendere, admissibility, Title 26, chapter 10, M.R.Ev., Rule 410
- obstruction of investigation or prosecution, admissibility of evidence on compromise, Title 26, chapter 10, M.R.Ev., Rule 408
- order of presenting, 46-16-401
- pen registers or trap and trace devices, procedural irregularity — effect, 46-4-405
- postconviction hearing, 46-21-104, 46-21-201
  - petition, newly discovered evidence, 46-21-102
- preliminary examination, 46-10-202, 46-10-204
- pretrial diversion agreements, stipulations, 46-16-130
- pretrial proceedings and records, closure and sealing when, 46-11-701
- probation and parole, interstate supervision — hearings, 46-23-1105
- production compelled, 46-15-331
- reasonable doubt, 26-1-403, 46-16-606, 46-16-607
- release or detention of defendant, determination upon weight of evidence, 46-9-109
- rules of evidence
  - applicability, 46-16-201, 46-16-216; Title 26, chapter 10, M.R.Ev., Rule 101
  - judges pro tempore or special masters, proceedings before, 3-5-113
  - other crimes, wrongs, or acts — notice, applicability, 46-13-109
  - persistent felony offender status, notice — applicability, 46-13-108
- sentence
  - deferred or suspended, revocation hearing, 46-18-203
  - presumption of correctness, 46-18-904
- sexual offenses, 45-5-511
  - medical evidence, payment, 46-15-411

EVIDENCE (Continued)
Criminal procedure, specific provisions (Continued)
  sexual offenses (Continued)
    videotaped testimony, 46-15-402, 46-15-403, 46-16-216
  suppression, 46-11-701, 46-13-110, 46-13-302
    appeal
      by state, 46-20-103; Title 25, chapter 21, M.R.App.P., Rule 1
      errors noted on, 46-20-701
    confessions or admissions, 46-13-301
    obstructing justice by, 45-7-303
    presumption created by, 26-1-602
  suppress, motion to, 46-13-110, 46-13-301, 46-13-302
    not proper when, 46-10-202
  testing of evidence, costs, 46-4-306
  treason, on trial for, 46-16-202
  videotaped testimony, 46-15-402, 46-15-403, 46-16-216
  witnesses, See also **WITNESSES, Criminal proceedings, in**
    accomplices, testimony of, 26-1-303, 46-11-405, 46-16-213
    detention to secure testimony, Const., II, 23
    exclusion from proceedings, 3-1-313
    material witness, recognizance by or deposition of, 46-11-601
    state's witness, 46-11-405
    subpoena, certificate on, 46-15-112, 46-15-113
  writing to refresh memory, noncompliance with order to produce, Title 26, chapter 10, M.R.Ev., Rule 612
Cumulative evidence, 26-1-102
Definitions
  advocate and victim, 26-1-812
  affidavit, 26-1-1001
  business, Title 26, chapter 10, M.R.Ev., Rule 803
  general definitions, 26-1-101
  habit and routine practice, Title 26, chapter 10, M.R.Ev., Rule 406
  hearsay, statement, declarant, and statements which are not hearsay, Title 26, chapter 10, M.R.Ev., Rule 801
  inference, 26-1-501
  kinds of evidence, 26-1-102
  person, 26-1-702
  presumption, Title 26, chapter 10, M.R.Ev., Rule 301
  relevant evidence, Title 26, chapter 10, M.R.Ev., Rule 401
  testify, 1-1-202
  unavailability as a witness, Title 26, chapter 10, M.R.Ev., Rule 804
  writings and recordings, 1-1-203; Title 26, chapter 10, M.R.Ev., Rule 1001
Depositions, See **CIVIL PROCEDURE**; **CRIMINAL PROCEDURE**
Direct evidence, 26-1-102
Discovery, procedure, See **CIVIL PROCEDURE**; **CRIMINAL PROCEDURE**
Disputable presumptions, 26-1-602, 26-3-202; Title 26, chapter 10, M.R.Ev., Rule 301, See also **Presumptions**
District courts, specific provisions
  court reporter's transcript of proceedings as prima facie evidence, 3-5-612
  custody and disposal, Title 25, chapter 19, M.U.Dist.Crt.Rule 12
  proposed findings and conclusions, failure to file — effect, Title 25, chapter 19, M.U.Dist.Crt.Rule 8
  standing masters, proceedings before, 3-5-124, 3-5-125
Documents, See **Writings, recordings, and photographs**
Effect, See **Weight and sufficiency of evidence**
Error, Title 25, chapter 20, M.R.Civ.P., Rule 61; Title 26, chapter 10, M.R.Ev., Rule 103
Evaluation, See **Court, powers**; **Weight and sufficiency of evidence**
Excited utterance, 26-1-103; Title 26, chapter 10, M.R.Ev., Rule 803

EVIDENCE (Continued)

Excluded evidence, See also **Admissibility**
  error, Title 25, chapter 20, M.R.Civ.P., Rule 61; Title 26, chapter 10, M.R.Ev., Rule 103
  relevant evidence, grounds, Title 26, chapter 10, M.R.Ev., Rule 403
Expert or opinion testimony, See **WITNESSES**
Extrinsic evidence, See **Parol**
False swearing, 45-7-202
Foreign laws, 26-1-603; Title 25, chapter 20, M.R.Civ.P., Rule 44.1; Title 26, chapter 10, M.R.Ev., Rule 202
Handwriting, See **Writings, recordings, and photographs**
Hearsay, See also **Excluded evidence**
  administrative procedure, contested cases, 2-4-604
  admissibility, 2-4-604; Title 26, chapter 10, M.R.Ev., Rule 802
  declarant, Title 26, chapter 10, M.R.Ev., Rule 801
    availability immaterial, Title 26, chapter 10, M.R.Ev., Rule 803
    credibility, Title 26, chapter 10, M.R.Ev., Rules 401, 806
    unavailable, Title 26, chapter 10, M.R.Ev., Rule 804
  definitions, Title 26, chapter 10, M.R.Ev., Rule 801
  exceptions, 26-1-103; Title 26, chapter 10, M.R.Ev., Rules 801, 803, 804
  hearsay within hearsay, Title 26, chapter 10, M.R.Ev., Rule 805
  transaction, what comprises, 26-1-103
Identification, See **Authentication or identification**
Immunity, See **WITNESSES**
Impeachment of evidence
  assigned counsel, false financial statement to obtain, 46-8-111
  hearsay declarant, Title 26, chapter 10, M.R.Ev., Rule 806
  judicial record, 26-3-105
  plea of guilty, offer to plead guilty, or plea of nolo contendere — admissibility, Title 26, chapter 10, M.R.Ev., Rule 410
  relevance, subsequent remedial measures, Title 26, chapter 10, M.R.Ev., Rule 407
  youth court, statements in, 41-5-1303
Indirect evidence, See **Circumstantial evidence**; See also **Inference**; **Presumptions**
Inference, 26-1-501, See also **Circumstantial evidence**
  arises when, 26-1-502
  experts' testimony, Title 26, chapter 10, M.R.Ev., Rules 703, 705
  privilege, no inference from claim, Title 26, chapter 10, M.R.Ev., Rule 505
  ultimate issue, on, Title 26, chapter 10, M.R.Ev., Rule 704
  witness' testimony, Title 26, chapter 10, M.R.Ev., Rule 701
Informants
  privilege, rule of, Title 26, chapter 10, M.R.Ev., Rule 502
  tampering with, 45-7-206
Instruments, See **Writings, recordings, and photographs**; See also **INSTRUMENTS, Proof of execution**
Insufficiency, See **Weight and sufficiency of evidence**
Interpreters, applicability of rules, Title 26, chapter 10, M.R.Ev., Rule 604
Interrogatories, See **CIVIL PROCEDURE, Discovery**
Introduction
  dismissal of action prior to, Title 25, chapter 20, M.R.Civ.P., Rule 41(c)
  partial, Title 26, chapter 10, M.R.Ev., Rule 106
  prohibited when, Title 25, chapter 20, M.R.Civ.P., Rules 35(b), 37(b)
Issues, See also **CIVIL PROCEDURE, Issues**; **CRIMINAL PROCEDURE, Issues**
  fact, province of jury, 26-1-202
  law, province of court, 25-7-102, 26-1-201; Title 26, chapter 10, M.R.Ev., Rule 202
  opinion on ultimate issue, admissibility, Title 26, chapter 10, M.R.Ev., Rule 704
  pleadings, amendment for conformance, Title 25, chapter 20, M.R.Civ.P., Rule 15(b)

EVIDENCE (Continued)

Judicial notice
  administrative procedure, contested cases — facts, 2-4-612
  facts, 2-4-612; Title 26, chapter 10, M.R.Ev., Rule 201
  labor and industry, department of — seal, 39-51-301
  law, Title 25, chapter 20, M.R.Civ.P., Rule 44.1; Title 26, chapter 10, M.R.Ev., Rule 202
  state tax appeal board seal, 15-2-106
Judicial records, 1-1-202
  foreign court of admiralty, effect, 26-3-204
  foreign tribunals, 26-3-205
  impeachment, 26-3-105
  judgment, 26-3-102, 26-3-201, 26-3-205
  jurisdiction necessary to sustain, 26-3-101
  orders, effect, 26-3-201, 26-3-202
  out-of-state, effect, 26-3-203
  parties, 26-3-101, 26-3-103, 26-3-104
  presumptions, 26-1-602
  public writing, defined as, 2-6-101
  surety, principal also bound, 26-3-104
Judicial Standards Commission, proceedings privileged, 3-1-1105, 3-1-1122
Juries and jurors, See **JURIES AND JURORS**
Justices' courts, specific provisions
  discovery, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 13A
  docket entries to be evidence of facts therein, 3-10-502
  exhibits or public records, Title 25, chapter 24, M.U.R.J.C.C., Rule 3
  jurisdiction of court, 25-31-101, 25-31-102
  offer to compromise and failure to accept, inadmissibility, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
  postponement for, 25-31-705
  presentation of evidence, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 19
  pretrial conferences, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14B
  service of process, affidavit of inquiry for personal service, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
  signatures, genuineness, 25-31-512
  small claims division, 25-35-702
  variance, 25-31-523
Kinds of evidence, 26-1-102
Laws
  books, presumption of correctness, 26-1-602, 26-1-603
  conclusive evidence, 26-1-102
  issues, province of court, 25-7-102, 26-1-201; Title 26, chapter 10, M.R.Ev., Rule 202
  judicial notice, Title 25, chapter 20, M.R.Civ.P., Rule 44.1; Title 26, chapter 10, M.R.Ev., Rule 202
  Montana code annotated
    effect and presumption of legislative construction, 1-11-103
    references to other titles, chapters, parts, or sections within, 1-2-108
  recitals in statutes, conclusive evidence, 26-1-604
Letters rogatory, by, Title 25, chapter 20, M.R.Civ.P., Rule 28(b)
Liability, insurance against — admissibility, Title 26, chapter 10, M.R.Ev., Rule 411
Masters, powers of, Title 25, chapter 20, M.R.Civ.P., Rules 53(c), 53(d), 53(e)
Media Confidentiality Act, 26-1-901 — 26-1-903, See also **Privileges**
Missing persons, official reports and records — prima facie evidence, 26-1-622, 26-1-623
Motions, evidence on, Title 25, chapter 20, M.R.Civ.P., Rule 43(e)
Motion to strike, Title 26, chapter 10, M.R.Ev., Rule 103
Newly discovered evidence, 25-11-102, 25-11-103; Title 25, chapter 20, M.R.Civ.P., Rule 60(b); Title 25, chapter 21, M.R.App.P., Rule 7

EVIDENCE (Continued)

New trial, decision on — reference to, Title 25, chapter 20, M.R.Civ.P., Rule 59(d)
Objections, Title 26, chapter 10, M.R.Ev., Rule 103
Obligations
  presumptions, 1-1-206, 26-1-602
  third persons, 26-1-104
Offers of proof, Title 26, chapter 10, M.R.Ev., Rule 103
Official acts and writings, See also **Public records**; **Writings, recordings, and photographs**
  authentication, 26-1-623; Title 26, chapter 10, M.R.Ev., Rule 902
    acts of congress relating to, Refer to Annotations to Montana Code Annotated, Vol. 1, Federal materials
  missing persons, pursuant to federal law — prima facie evidence, 26-1-622, 26-1-623
  postconviction hearing, 46-21-201
  presumptions, 26-1-602
  prima facie evidence, 26-1-605, 26-1-606
Oral, See **Parol**
Parol, 1-4-102
  conduct of witness, prohibited for, Title 26, chapter 10, M.R.Ev., Rule 608
  contracts, 28-2-904, 28-2-905, 28-3-402, 30-2A-202, 70-20-202, 72-2-534
    sales, 30-2-202, 30-2-316, 30-2-326
  documents not required for authentication when, Title 26, chapter 10, M.R.Ev., Rule 902
  inconsistent statements, Title 26, chapter 10, M.R.Ev., Rule 613
  instruments, interpretation by judge, 1-4-102
  leases, 30-2A-202, 30-2A-214
  real property conveyances, 28-2-905, 70-20-202
  trusts for domestic or pet animals, transferor's intent, 72-2-1017
  wills, 28-2-905, 70-20-202, 72-2-522, 72-2-534
Perjury, 45-7-201, See also **WITNESSES**
Perpetuation of testimony
  action for, Title 25, chapter 20, M.R.Civ.P., Rule 27(c)
  deposition, by, See **CIVIL PROCEDURE**; **CRIMINAL PROCEDURE**
Persuasion, burden of, 26-1-402, 26-1-403, See also **Burdens of proof**
Photographs, See **Writings, recordings, and photographs**
Pleadings amended to conform to, Title 25, chapter 20, M.R.Civ.P., Rule 15(b)
Pleas of guilty or nolo contendere, Title 26, chapter 10, M.R.Ev., Rules 410, 803
Preponderance of evidence, 26-1-403, See also **Burdens of proof**
Presentation, mode and order, 25-7-301; Title 26, chapter 10, M.R.Ev., Rule 611
Presumptions, Title 26, chapter 10, M.R.Ev., Rule 301, See also **Circumstantial evidence**
  authentication of signatures and documents, Title 26, chapter 10, M.R.Ev., Rule 902
  conclusive, 26-1-601, 26-3-201, 26-3-205; Title 26, chapter 10, M.R.Ev., Rule 301
  disputable, 26-1-602, 26-3-202; Title 26, chapter 10, M.R.Ev., Rule 301
  federal law, applicability, Title 26, chapter 10, M.R.Ev., Rule 302
  foreign laws, books containing — correctness, 26-1-603
  grant includes essentials, 1-3-213
  inconsistent, Title 26, chapter 10, M.R.Ev., Rule 301
  jury, evaluation of evidence, 26-1-303
  "malice or maliciously" denoting state of mind, establishment, 1-1-204
  Montana code annotated
    effect and presumption of legislative construction, 1-11-103
    references to other titles, chapters, parts, or sections within, 1-2-108
  truthfulness of witness, 26-1-302
  writings, construction of terms, 1-4-107
Pretrial procedure, Title 25, chapter 20, M.R.Civ.P., Rule 16(b), 16(c), 16(d); Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14B

EVIDENCE (Continued)

Prima facie evidence, 26-1-102
- authentication of signatures and documents, Title 26, chapter 10, M.R.Ev., Rule 902
- court reporter's transcript of proceedings, 3-5-612
- decedent, writings of, 26-1-607
- justice's court, docket entries, 3-10-502
- missing persons, official reports and records, 26-1-622, 26-1-623
- Montana code annotated, as official laws of Montana, 1-11-103
- notarial acts, 1-5-604, 1-5-606 — 1-5-608
- official acts and writings, 26-1-605, 26-1-606
- printer's or publisher's affidavit, 26-1-1012
- third person's obligation, 26-1-104

Privileges
- accountant-client, 37-50-402
- accounting review board members when, 37-50-403
- administrative procedure, contested cases, 2-4-604
- attorney-client, 26-1-803, 41-3-204, 41-3-404, 41-5-1303, 53-9-123, 53-9-124
- audiologist-client, 26-1-806
- child abuse and neglect records and proceedings not subject to, 41-3-201, 41-3-204, 41-3-404
- child custody determination, enforcement hearings not subject to, 40-7-310
- chiropractic legal panel members, 27-12-703
- chiropractic physician-patient, waiver before chiropractic legal panel, 27-12-302, 27-12-306
- claim of privilege
  - comment upon or inference from, Title 26, chapter 10, M.R.Ev., Rule 505
  - no opportunity, Title 26, chapter 10, M.R.Ev., Rule 504
- clergy, confessions to, 26-1-804
- comment improper, Title 26, chapter 10, M.R.Ev., Rule 505
- compulsion, disclosure under, Title 26, chapter 10, M.R.Ev., Rule 504
- crime victims reparation proceedings, effect, 53-9-123, 53-9-124
- criminal proceedings
  - investigative subpoenas, 46-4-305
  - mental disease or defect of defendant, 46-14-217
- deaf persons and interpreters, official proceedings, 49-4-511
- dentist-patient, 26-1-805, 41-1-403
  - medical legal panel, before, 27-6-302, 27-6-306
- developmental disabilities, persons with — abuse, neglect, or exploitation reports excluded, 52-3-821
- discovery, exempt from, 46-15-332; Title 25, chapter 20, M.R.Civ.P., Rule 26(b); Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 13A
- elder abuse, neglect, or exploitation reports excluded from, 52-3-821
- exclusions, Title 25, chapter 20, M.R.Civ.P., Rule 26(b); Title 26, chapter 10, M.R.Ev., Rule 501
- family law mediation, mediator, 40-4-303
- health maintenance organizations, 33-31-113
- hearsay declarants, Title 26, chapter 10, M.R.Ev., Rule 804
- hospital medical staff committee information and proceedings, 50-16-203 — 50-16-205
- infant mortality and morbidity information, 50-16-102
- informants, Title 26, chapter 10, M.R.Ev., Rule 502
- judicial standards commission, testimony given before, 3-1-1105
- media
  - citation of media confidentiality act, 26-1-901
  - extent of privilege, 26-1-902
  - waiver of privilege or disclosure of source, 26-1-903
- mediation proceedings, parties to and mediator, 26-1-813, 40-4-303, 41-3-404
- medical legal panel members, 27-6-704
- medical professional review committees, proceedings and records, 37-2-201

EVIDENCE (Continued)
Privileges (Continued)

- mental health professionals, 27-1-1103
- midwife-client, 37-27-310
- motor vehicle theft and insurance fraud information, 61-3-106
- nurse-patient, 26-1-809
- partner or family member assault, sexual assault, or stalking — victim's advocate, 26-1-812
- physician-patient, 26-1-805
  - child abuse and neglect records and proceedings not subject to, 41-3-201, 41-3-204, 41-3-404
  - medical legal panel, before, 27-6-302, 27-6-306
  - mentally ill persons, 53-21-141
  - minors, release of information concerning, 41-1-403
  - violent behavior of patient, duty to warn of — exception for, 27-1-1103
- policy of law, 26-1-801
- preliminary questions on, Title 26, chapter 10, M.R.Ev., Rule 104
- professional corporations, extended to, 35-4-405
- professional counselor-client, 26-1-809, 27-1-1103, 37-23-301
- psychiatrist-client, 41-1-403
- psychologist-client, 26-1-807, 26-1-809, 27-1-1103, 41-1-403
- psychology teachers and observers, information gathered by, 26-1-808
- public officers, 26-1-810; Title 26, chapter 10, M.R.Ev., Rule 502
- rules of evidence, applicability, Title 26, chapter 10, M.R.Ev., Rule 101
- sexually transmitted disease information, 50-18-109
- social worker-client, 27-1-1103, 37-22-401
- speech-language pathologist-client, 26-1-806
- spouses, 26-1-802
  - child custody determination, enforcement hearings not subject to, 40-7-310
  - child support enforcement proceedings not subject to, 40-5-175
  - criminal proceedings, 46-16-212
  - prostitution, offenses of — admissibility, 45-5-604
- teacher-student, 26-1-808, 26-1-809
- voluntary disclosure, Title 26, chapter 10, M.R.Ev., Rules 502, 503
- waiver of privilege, Title 25, chapter 20, M.R.Civ.P., Rule 35(b); Title 26, chapter 10, M.R.Ev., Rule 503
  - child abuse and neglect reports, 41-3-201, 41-3-204, 41-3-404
  - health care information, production by compulsory process or discovery not waiver, 50-16-536
- youth court, 41-5-1303

Public records, See also **Official acts and writings**; **Writings, recordings, and photographs**
- authentication, Title 25, chapter 20, M.R.Civ.P., Rules 44(a), 44(c); Title 26, chapter 10, M.R.Ev., Rules 901, 902, 1005
  - acts of congress relating to, Refer to Annotations to Montana Code Annotated, Vol. 1, Federal materials
- copies, 2-6-102, 2-6-111; Title 26, chapter 10, M.R.Ev., Rules 902, 1005
- hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
- lack of record, Title 25, chapter 20, M.R.Civ.P., Rules 44(b), 44(c); Title 26, chapter 10, M.R.Ev., Rule 803
- removal from office when essential, 2-6-105
- withdrawal at conclusion of hearing, Title 25, chapter 19, M.U.Dist.Crt.Rule 12; Title 25, chapter 24, M.U.R.J.C.C., Rule 3

Questions of fact or law, See **Issues**
Reasonable doubt, 26-1-403, 46-16-606, 46-16-607
Rebuttal, 25-7-301, 30-14-904, 39-71-117, 39-71-118, 46-16-401; Title 26, chapter 10, M.R.Ev., Rules 611, 801
Recordings, See **Writings, recordings, and photographs**

EVIDENCE (Continued)

Records, official, See **Official acts and writings**; **Public records**
Refusal to testify or produce evidence
  contempt, as, See **CONTEMPT**, **Acts or omissions which constitute**, witnesses
  hearsay declarant, Title 26, chapter 10, M.R.Ev., Rule 804
  no privilege, Title 26, chapter 10, M.R.Ev., Rule 501
Relevant evidence, Title 26, chapter 10, M.R.Ev., Rule 401
  admissibility, Title 26, chapter 10, M.R.Ev., Rule 402
  character evidence, See **Character evidence**
  exclusion, grounds, Title 26, chapter 10, M.R.Ev., Rule 403
  habit or routine practice, Title 26, chapter 10, M.R.Ev., Rule 406
  informant, testimony by, Title 26, chapter 10, M.R.Ev., Rule 502
  remedial measures, subsequent, Title 26, chapter 10, M.R.Ev., Rule 407
Reputation evidence
  character, on, Title 26, chapter 10, M.R.Ev., Rules 405, 608, 803
  hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
Res gestae, 26-1-103; Title 26, chapter 10, M.R.Ev., Rules 801, 803
Res judicata, 46-9-512; Title 25, chapter 20, M.R.Civ.P., Rule 8(c); Title 26, chapter 3
Rules of Evidence, Const., VII, 2; Title 26, chapter 10
  applicability, Title 26, chapter 10, M.R.Ev., Rule 101
    administrative procedure, contested cases, 2-4-612
    commerce, department of — hearings on state building code variances, nonapplicability, 50-60-206
    criminal proceedings, 46-16-201, 46-16-216
    dairy products, official test procedures, 81-22-101
    depositions, use, 46-15-204; Title 25, chapter 20, M.R.Civ.P., Rule 32(a)
    eminent domain, 70-30-201
    foreign law, determination, Title 25, chapter 20, M.R.Civ.P., Rule 44.1
    health care information, disclosure not waiver
      patient authorization, patient's rights, 50-16-526
      production by compulsory process or discovery, privilege, 50-16-536
    insurance, commissioner of — hearings, 33-1-704
    interpreters, Title 26, chapter 10, M.R.Ev., Rule 604
    interrogatories, use of answers, Title 25, chapter 20, M.R.Civ.P., Rule 33(b)
    judge pro tempore or special master, proceedings before, 3-5-113
    masters, records of evidence, Title 25, chapter 20, M.R.Civ.P., Rule 53(c)
    megalandfill siting certification proceedings, 75-10-928
    mentally ill persons, commitment, 53-21-115
    other crimes, wrongs, or acts — notice, 46-13-109
    personnel appeals, board of
      collective bargaining proceedings, nonapplicability, 39-31-207, 39-31-406
      employee grievance hearings, nonapplicability, 2-18-1002, 2-18-1012
    persistent felony offender status, notice, 46-13-108
    police commission hearings and decisions, 7-32-4155
    professional and occupational licensing and regulatory hearings, 37-1-310
    state tax appeal board, nonapplicability, 15-2-301, 15-2-302
    telecommunications services, interconnection of carriers — arbitration proceedings, 69-3-837
    videotaped testimony, 46-15-402, 46-16-216
    wage claim hearings, nonapplicability, 39-3-216
    water-related administrative proceedings, 85-2-121
      ground water areas, controlled — hearings on designation or modification, 85-2-507
  citation, Title 26, chapter 10, M.R.Ev., Rule 100
  construction and purpose, Title 26, chapter 10, M.R.Ev., Rule 102
    questions of law, 26-1-201
  health maintenance organization hearings, 33-31-404

EVIDENCE (Continued)
Rules of Evidence (Continued)

  jury, instruction that deliberations be in subordination to, 26-1-303
  Montana code annotated, effect on adoption of rules, 1-11-103
  questions of law, decision by court, 25-7-102
  scope, Title 26, chapter 10, M.R.Ev., Rule 101
  standing masters, proceedings before — record of evidence, 3-5-124
  workers' compensation hearings, nonapplicability, 39-71-318
  workers' compensation judge bound by, 39-71-2903
Rulings on evidence, Title 26, chapter 10, M.R.Ev., Rule 103
  error, Title 25, chapter 20, M.R.Civ.P., Rule 61; Title 26, chapter 10, M.R.Ev., Rule 103
Search and seizure, Title 46, chapter 5, See **SEARCH AND SEIZURE**
Self-incrimination, See **WITNESSES**
Statutes, See **Laws**
Statutes of fraud, See **STATUTES OF FRAUD**
Subpoenas for production of, 26-2-101, 26-2-301; Title 25, chapter 20, M.R.Civ.P., Rules 45(a), 45(b), See **SUBPOENAS**
Sufficiency, See **Weight and sufficiency of evidence**
Suppression, See **Criminal procedure, specific provisions**
Supreme court, original proceedings in, Title 25, chapter 21, M.R.App.P., Rule 17
Tampering with, 45-7-206, 45-7-207
Testimony generally, See also **WITNESSES**
  defined as evidence, 26-1-101
  party not bound, Title 26, chapter 10, M.R.Ev., Rule 607
  perpetuation, action for, Title 25, chapter 20, M.R.Civ.P., Rule 27(c)
  "testify" defined, 1-1-202
Transactional rule, 26-1-103
Value of evidence, See **Weight and sufficiency of evidence**
Voluntary payment of liability claim
  admission of fault or waiver, payment is not, 26-1-703, 27-1-210
  inadmissibility, 26-1-704; Title 26, chapter 10, M.R.Ev., Rule 409
  interest on damages, payment not admission, 27-1-210
  judgment, effect on, 26-1-706
  legislative policy, 26-1-701
  "person" defined, 26-1-702
  settlement, final — effect on, 26-1-705
Weight and sufficiency of evidence
  appeal, when insufficiency to be urged, Title 25, chapter 21, M.R.App.P., Rule 9
  burdens of proof, See **Burdens of proof**
  dismissal of action for insufficiency, 46-16-403
  false swearing, 45-7-202
  findings of fact, question of sufficiency when tried by court, Title 25, chapter 20, M.R.Civ.P., Rules 52(b), 52(d)
  jury to judge, 26-1-203, 26-1-303, 26-1-403
  new trial when insufficient, 25-11-102
  perjury, 26-1-301, 45-7-201
  preliminary evidence, Title 26, chapter 10, M.R.Ev., Rule 104
  presumptions, when inconsistent, Title 26, chapter 10, M.R.Ev., Rule 301
  relevant evidence, exclusion, Title 26, chapter 10, M.R.Ev., Rule 403
  treason, 26-1-301, 46-16-202; Const., II, 30
  who to judge, 26-1-203
  witnesses
    number necessary to prove a fact, 26-1-301, 45-7-201, 46-16-202; Const., II, 30
    number not to affect jury decision, 26-1-303
Witnesses, See **WITNESSES**

EVIDENCE (Continued)

Writings, recordings, and photographs, See also **Official acts and writings**; **Public records**
  affidavits, See **Affidavits as evidence**
  alterations, explanation, 26-1-106
  ancient documents, Title 26, chapter 10, M.R.Ev., Rules 803, 901
  authentication, See **Authentication or identification**
  collateral evidence, original unnecessary, Title 26, chapter 10, M.R.Ev., Rule 1004
  construction, questions of law, 26-1-201
  copies, Title 26, chapter 10, M.R.Ev., Rules 1001, 1006
    admissibility, Title 26, chapter 10, M.R.Ev., Rule 1003
  court, determination on admissibility, Title 26, chapter 10, M.R.Ev., Rule 1008
  criminal proceedings, discovery, 46-15-322, 46-15-323
  decedent, of — prima facie evidence, 26-1-607
  definitions, 1-1-203, 26-1-101; Title 26, chapter 10, M.R.Ev., Rule 1001
  duplicate, Title 26, chapter 10, M.R.Ev., Rules 1001, 1006
    admissibility, Title 26, chapter 10, M.R.Ev., Rule 1003
  foreign documents, authentication, Title 26, chapter 10, M.R.Ev., Rule 902
  handwriting, 46-15-323; Title 26, chapter 10, M.R.Ev., Rule 901
  hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rules 801, 803
  issue of law, province of court, 25-7-102
  masters, authority, Title 25, chapter 20, M.R.Civ.P., Rule 53(c)
  memory of witness, to aid, Title 26, chapter 10, M.R.Ev., Rules 612, 803
  original, Title 26, chapter 10, M.R.Ev., Rules 1001, 1004, 1006, 1007
    requirement of, Title 26, chapter 10, M.R.Ev., Rule 1002
  partial introduction, Title 26, chapter 10, M.R.Ev., Rule 106
  presumptions, 26-1-602
  proof, Title 26, chapter 10, M.R.Ev., Rule 1007, See also **Authentication or identification**
  publication, printer's or publisher's affidavit, 26-1-1011, 26-1-1012
  refusal to produce, no privilege, Title 26, chapter 10, M.R.Ev., Rule 501
  signature, 1-1-203; Title 26, chapter 10, M.R.Ev., Rule 902
  summaries, Title 26, chapter 10, M.R.Ev., Rule 1006
  terms, presumption of use, 1-4-107
  theft, photographs of items allegedly taken or converted — description, 26-1-608
Youth court, See **YOUTH COURT**

EXAMINERS, BOARD OF, 2-15-1007
Bonds and bond issues, duties
  CERCLA, 75-10-623, 75-10-625, 75-10-626
  coal severance tax, Title 17, chapter 5, part 7
  drinking water state revolving fund program, 75-6-225
  employment security building, Title 17, chapter 5, part 6
  highway general obligation, Title 17, chapter 5, part 5
  highway revenue, 60-3-201; Title 17, chapter 5, part 9
  long-range building program, Title 17, chapter 5, part 4
  refunding, 17-5-721; Title 17, chapter 5, part 3
  renewable resource, 85-1-603, 85-1-617, 85-1-620, 85-1-624
  state building energy conservation program, 90-4-602, 90-4-611, 90-4-612
  state general obligation, Title 17, chapter 5, part 8
  validation, Title 17, chapter 5, part 2
  volume cap, Title 17, chapter 5, part 13
  water development revenue bonds, 17-5-721
  water pollution control state revolving fund program, 75-5-1121
Composition, 2-15-201, 2-15-401, 2-15-501, 2-15-1007
Drinking water state revolving fund program, duties, 75-6-211, 75-6-225
Interest rate, nonapplicability, 17-5-101

EXAMINERS, BOARD OF (Continued)

Notes, tax and revenue anticipation — issuance, 17-1-201, 17-1-203
Water pollution control state revolving fund program, duties, 75-5-1106, 75-5-1121

EXCESS TAX REFUND AGREEMENT (EXTRA), 15-30-195

EXCLUSIONARY RULE, 46-13-301, 46-13-302

EX-CONVICTS OR FELONS
  See **OFFENDERS, FORMER**

EXECUTION
  See also **ATTACHMENT OF PROPERTY**; **GARNISHMENT**; **JUDGMENTS AND DECREES**, generally
Actions
  debt or interest in property, recovery by judgment creditor, 25-14-104
  redemption period, rents and profits — accounting, 25-13-822
  sales
    bidder's refusal to pay, recovery of loss and costs, 25-13-705
    eviction, recovery of price with interest, 25-13-713
    injury to property, recovery of damages, 25-13-825
Affidavits
  availability of property, proof, 25-14-102, 25-14-103
  secured party, by, 25-13-506
  redemption, 25-13-804, 25-13-807
  warrant of execution, application for, 25-13-213
Alcoholic beverages seized under, 16-6-301
Appeals, for costs, 25-10-503
Arrest of defendant, See **Imprisonment of judgment debtors**
Attachment
  plaintiff's affidavit, 27-18-202
  property not exempt from execution subject to, 27-18-102
  property under, subject to execution, 25-13-501, 27-18-903
  sale of property, applicability, 27-18-801, 27-18-802, 27-18-804
  satisfaction of judgment by, 27-18-903, 27-18-905, 27-18-906
  third party claims, proceedings, 25-13-503
Attorney general, duty, 2-15-501
Availability of property, determination
  answer of judgment debtor concerning property, 25-14-101, 25-14-102, 25-14-304
  contempt, 25-14-108
  debts owed to judgment debtor, 25-14-103, 25-14-104
  holders of judgment debtor's property, 25-14-103, 25-14-104
  order to apply property to satisfaction, 25-14-107
  receiver, See also **RECEIVERS**, generally
    appointment, 25-14-201, 25-14-202, 25-14-204, 25-14-205, 27-20-102
    contempt when, 25-14-108
    oath and undertaking, 25-14-203
    title of receiver, relation back, 25-14-205
    vesting of property when, 25-14-204
    witnesses, 25-14-105, 25-14-106
  withholding property, answer or arrest, 25-14-102
  witnesses, 25-14-105, 25-14-106, 25-14-108
Bail forfeitures, surety, 46-9-511
Bonds, official — separate judgments, effect, 2-9-516
Child support
  exemptions, applicability, 25-13-608, 40-5-165, 40-5-185, 40-5-403, 40-5-601
  time for execution, 25-13-101

EXECUTION (Continued)
Child support (Continued)

  tribunal, responding — duty, 40-5-162
  veterans' and social security benefits, exemption not applicable, 25-13-608, See also **CHILD SUPPORT, Duty of support**
  writ for, See **Writ**
City courts, 25-33-201, 25-33-204, 46-17-302; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 23
Clerk of the court
  costs, collection, 25-10-406
  process to enforce grantable by, Title 25, chapter 20, M.R.Civ.P., Rule 77(c)
Constables, deputy — service, 3-10-704
Contribution, 25-13-104
Counties or county officers
  judgment against, 25-13-205, 25-31-1111
  nonpayment of money collected, commencement of action — statute of limitation, 27-2-209
County sheriff
  costs, collection, 25-10-406
  vacancy in office when, 7-32-2101
Criminal fines, applicability, 46-19-102
Criminal judgments, See **CRIMINAL PROCEDURE, Judgment**
Criminal offender's assets, forfeiture and sale for restitution to victim, 46-18-244
Death of party, effect, 25-13-103
Delivery of property, judgment requiring, 25-13-203, 25-33-201
Deposits in court, judgment requiring, 25-13-203
Distraint, warrant for — upon, 15-1-701, 15-1-706, 15-1-707, 72-16-432
Earnings of judgment debtor, 25-13-402, 25-13-610, 25-13-614
Evidence
  execution book as, 25-13-405
  immunity when obtained in proceedings in aid of execution, 25-14-106
  imprisonment of judgment debtor, hearing on application for discharge, 25-14-304
Exemptions from
  assignment for benefit of creditors, effect, 31-2-213, 31-2-227
  attachment, property exempt from execution exemption, 27-18-102
  bankruptcy, applicability of laws, 31-2-106
  cemeteries or burial plots, 25-13-608, 25-13-613, 35-20-217
  child support, 25-13-608, 40-5-165, 40-5-185, 40-5-202, 40-5-247, 40-5-403, 40-5-601
  claim enforceable against, 25-13-607
  claim for exemption by judgment debtor and hearing, 25-13-211, 25-13-212
  cooperative association, shares in, 35-15-404
  crime victims compensation benefits, 53-9-129
  earnings of judgment debtor, 15-72-113, 25-13-610, 25-13-614
  electricity buying cooperative members, when, 35-19-204
  entitlement, 25-13-606
  escrow business escrow funds, 32-7-117
  estate of decedent, 72-3-813
  fire department relief association benefits, 19-18-612
  governmental functions, property for, 25-13-613
  grazing district preferences, 76-16-405
  hail insurance benefits, 80-2-245
  homesteads, 25-13-615, 70-32-201, See **PROPERTY, REAL, Homesteads**
  housing authorities, municipal — property, 7-15-4532
  individual retirement account assets, 25-13-608
  insurance benefits, 33-15-511 — 33-15-514
  insurers, delinquent — during pendency of liquidation proceedings, 33-2-1386
  investments, board of, 17-5-1648
  levy against, 25-13-607
  liberal laws required, Const., XIII, 5

EXECUTION (Continued)
Exemptions from (Continued)

- lien on real property of judgment debtor, judgment as — nonapplicability, 25-9-301 — 25-9-303, 25-31-914
- life insurance
  - benefits, 33-15-511, 33-15-512
  - unmatured contracts, 25-13-609
- medicaid recipients, lien on real property of — surviving spouse's assets not included, 53-6-182
- motor vehicle financial responsibility, money or securities for proof of — when, 61-6-138
- parking commission property, when, 7-14-4666
- personal property
  - traceable proceeds, 25-13-610
  - value limitations, 25-13-609
- police officers' retirement benefits, 19-19-504
- property exempt without limitation and exceptions, 25-13-608
- public assistance payments, 25-13-608, 53-2-607
- public employees' retirement
  - benefits and pension trust fund money, 19-2-1004
  - family law orders, alternate payee's rights and interests, 19-2-907
- satisfaction of judgment, order to apply property to — nonapplicability, 25-14-107
- silicosis benefits, 39-73-110
- sureties' qualifications, 2-9-507, 27-16-205, 27-16-403, 27-17-309, 33-26-102, 46-9-403
- taxpayer rights, 15-1-222
- teachers' retirement
  - benefits, contributions, and funds, 19-20-706
  - family law orders, alternate payee's rights and interests, 19-20-305
- unemployment insurance benefits, 39-51-3105
- university system optional retirement program — contracts, benefits, and contributions, 19-21-212
- urban renewal property, 7-15-4260
- utilities, rural cooperatives — private property of members, 35-18-302
- waiver in unsecured note unenforceable, 25-13-601
- withholding property from execution, disposal by debtor prohibited when, 25-14-102
- workers' compensation benefits, 39-71-743
- writ to contain document describing, 25-13-301

Fees, 7-4-2525, 7-4-2631, 7-32-2141, 7-32-2142, 25-1-201, 25-31-112
Forcible entry and detainer and unlawful detainer, 70-27-111, 70-27-205
Foreign judgments
- distribution of proceeds, 25-9-504
- foreign capital depositories, 25-9-803, 25-9-805
- stay, 25-9-503, 25-9-505, 27-19-103

Fraudulent transfer, remedy, 31-2-339
Funds transfers, creditor process, 30-4A-502
Gold dust, treated as payment of money, 25-13-501
Imprisonment of judgment debtors, Const., II, 27
- arrest of debtor, 25-13-201, 25-13-308
- discharge, 25-14-301
  - effect, 25-14-309
  - hearing, 25-14-304
  - interrogatories by plaintiff, 25-14-305
  - judgment unaffected, 25-14-310
  - justices' courts, 25-31-1106
  - notice of application, 25-14-302, 25-14-303
  - oath by prisoner, 25-14-306
  - order, 25-14-307
  - plaintiff's request for, 25-14-311

EXECUTION (Continued)
Imprisonment of judgment debtors (Continued)
  discharge (Continued)
    reapplication, 25-14-308
    support of prisoner, discharge upon failure of plaintiff to advance, 25-14-312
  undertaking, for failure to enter, 25-14-102
Indebtedness
  payment in satisfaction of execution, 25-13-502
  subject to execution, 25-13-501, 25-13-607
Insurers
  levying against insurer, prevention when, 33-2-1309, 33-2-1386
  lien obtained by, 33-2-1353
Joint debtors, 25-13-104
Judgment for, 25-13-102, 46-19-102
Jurors, fines — upon, 3-15-321
Justices' courts, See **JUSTICES' COURTS**
Leases
  liens, priority arising by, 30-2A-307
  transfer of rights by, 30-2A-303
Levying officers, See **CIVIL PROCEDURE**, **Process servers or levying officers**; **COUNTY SHERIFF**
Liens
  death of party, effect, 25-13-103
  officers, special lien, 71-3-1503
  real property, judgment of, 25-13-305
  salaries and wages, priority, 71-3-303, 71-3-305
  sale of property invalidated, revival of judgment — effect, 25-13-713
Mandamus, upon, 27-26-402
Money judgments, See also **JUDGMENTS AND DECREES**
  disobedience to judgment, 25-13-203
  order for payment, applicability of laws, 25-13-204, 61-8-711, 61-9-511
  surety, subrogation, 25-13-105
  writ to enforce, 25-13-201, 25-13-301
Motion for, 25-13-102
Motor carrier compensation, fees, or charges as lien — effect, 69-12-422
Motor vehicle
  financial responsibility, money or securities deposited as proof of, 61-6-138
  violations, enforcement of fines, 61-8-711, 61-9-511
Negotiable instruments
  exemption, waiver unenforceable when, 25-13-601
  status of holder when instrument acquired in, 30-3-302
Partnerships
  interest, 35-10-506
  partnership or partner assets, 35-10-312
Perishable property, sale, 25-13-402, 25-13-701; Title 25, chapter 21, M.R.App.P., Rule 7, See also **Sale of property**
Personal property, specific provisions, 25-13-501
  claim and delivery
    plaintiff's affidavit, 27-17-201
    return of damaged property for sale, 27-17-404
    sureties' qualifications, 27-17-309
  possession, judgment for, 25-13-201, 25-13-203, 25-13-307
  priority, 25-13-304
  proceeds, tracing, 25-13-610
  representative, property in the hands of, 25-13-306
  sale, See **Sale of property**
  security interest, subject to, 25-13-505
  third party claims, 25-13-503

EXECUTION (Continued)
Personal property, specific provisions (Continued)

  value limitations on exemptions, 25-13-609
  warrant of execution, 25-13-213
Person of judgment debtor, 25-13-201, 25-13-308
Pleadings, supplemental — for enforcement of judgment, 25-13-102
Police department director, powers, 7-3-1343
Possession of property, judgment for
  delivery of, writ to enforce, 25-13-307
  writ to enforce, 25-13-201
Possession, writ of — fee, 7-4-2525, 7-32-2141
Principal debtor, priority, 25-13-302
Procedure on and proceedings supplementary to and in aid of, applicability of laws, Title 25, chapter 20, M.R.Civ.P., Rule 69
Property subject to, 25-13-402, 25-13-501, 25-13-607, See also **Availability of property, determination**; **Perishable property**; **Personal property, specific provisions**; **Real property, specific provisions**; **Sale of property**
Protection of property, 25-13-606
Public officers, garnishment, 25-13-504
Public safety, department director — powers, 7-32-105
Real estate recovery account, applicants for payment from — remedies, 37-51-504
Real property, specific provisions, 25-13-501
  conveyance, judgment requiring, 25-13-203
  eminent domain, for assessment, 70-30-308
  estates at will, 70-15-206
  homesteads, 25-13-615; Title 70, chapter 32; Const., XIII, 5, See **PROPERTY, REAL**
  lien, judgment for, 25-13-305
  partition costs or sales, applicability of laws, 70-29-218, 70-29-301
  possession, judgment for, 25-13-201, 25-13-307
  priority, 25-13-304
  redemption, See **Redemption of real property**
  representative, property in hands of, 25-13-306
  sale, See **Sale of property**
  sale under court order, applicability of laws, 70-21-206
Receivers, See **Availability of property, determination**
Redemption of real property
  amount to be paid, 25-13-802 — 25-13-805, 25-13-822
  certificate of redemption, 25-13-809
  certificate of sale, statement in, 25-13-711
  conveyance, 25-13-804, 25-13-810, 25-13-811
  corporation or stockholder, by, 25-13-801, 25-13-804
  injunctions, 25-13-823, 25-13-824
  injury to property, 25-13-824, 25-13-825
  medicaid medical assistance secured by lien, sale to recover — nonapplicability, 53-6-184
  mortgages, applicability, 71-1-228, See **MORTGAGES, Redemption**
  notices, 25-13-806, 25-13-807, 25-13-810, 25-13-823
  papers required, 25-13-807
  payment to whom, 25-13-808
  possession during redemption period, 25-13-821
  property subject to, 25-13-710
  rents and profits, 25-13-822
  spouse, by or from, 25-13-801, 25-13-803, 25-13-805, 25-13-809
  subsequent redemption, 25-13-803
  time for, 25-13-802, 25-13-810, 25-13-822
  waste of property, restraint, 25-13-823
Repayment, 25-13-104, 25-13-105
Representative, 25-4-402, 25-13-103, 25-13-306

EXECUTION (Continued)

Residence, effect, 25-13-606, 25-13-613, 25-14-101
Restitution, writ of — fee, 7-4-2525, 7-32-2141
Return of execution, 25-13-404, 25-13-405, 25-31-112; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 23
Return of satisfaction, docketing, 25-9-311
Revival of judgment, 25-13-713
Sale of property
- alcoholic beverages seized under execution, 16-6-301
- boat certificate of ownership, transfer of interest, 23-2-510
- certificate of sale, 7-4-2619, 7-4-2631, 25-13-708, 25-13-709, 25-13-711
- conduct of, 25-13-704
- drug violations, forfeited property, 44-12-205
- fees, 7-4-2525, 7-4-2631, 7-32-2141, 25-1-201
- fire hazards, demolition of structure — salvage sale, 50-62-107
- estates at will, not liable to, 70-15-206
- grain, for satisfaction of hail insurance liens, 80-2-231
- joint debtors, contribution or repayment, 25-13-104
- judgment requiring, 25-13-202
- landlord and tenant, tenant's abandoned personal property, 70-24-430
- livestock
  - range stock running at large, 81-8-315
  - stolen, vehicles used to transport — applicability of provisions, 81-5-110
  - trespassing, 81-4-307
- mausoleum-columbarium property, dedication — effect, 35-21-821
- medicaid medical assistance secured by lien, recovery, 53-6-184 — 53-6-186
- mobile home occupying mobile home park space, abandoned, 70-24-432
- motor vehicle certificate of ownership, transfer of interest, 61-3-201
- notice, 7-32-2141, 25-13-701 — 25-13-703
- payment, refusal by purchaser, 25-13-705 — 25-13-707
- personal property, specific provisions
  - claim and delivery, return of damaged property for sale, 27-17-404
  - loggers' liens, applicability, 71-3-614, 71-3-615
  - manual delivery, capable of, 25-13-704, 25-13-708
  - manual delivery, not capable of, 25-13-709
  - notice, 25-13-701
  - security interest, subject to, 25-13-712
- possession during redemption period, 25-13-821
- postponement or cancellation, 7-32-2141, 25-13-703
- proceeds, 25-13-202, 25-13-402, 25-13-712; Title 25, chapter 21, M.R.App.P., Rule 15
- real property, specific provisions, 25-13-704
  - certificate of sale, 7-4-2619, 25-13-711
  - conveyance, 25-13-810, 25-13-811
  - defect, 25-13-713, 25-13-714
  - index, 7-4-2619, 7-4-2620
  - injury to property, 25-13-824, 25-13-825
  - notice, 25-13-701
  - partition sales, 70-29-301
  - redemption, subject to, 25-13-710, See **Redemption of real property**
  - validation and deed, 25-13-714
  - what interest transferred, 25-13-710
- resale, 25-13-705, 25-13-707
- revival of judgment, 25-13-713
- rural rehabilitation, acquisition of property, 80-2-104
- security interest, upon default, 30-9-601
- snowmobile certificate of ownership, transfer of interest, 23-2-612

EXECUTION (Continued)
Sale of property (Continued)

state land purchaser, interest in irrigation district — applicability, 77-2-315
warranty, 30-11-222
what may be sold, 25-13-402, 25-13-704
Secured party, duty of, 25-13-506
Security interest, upon property subject to, 25-13-505, 25-13-506, 25-13-712, 30-9-501, 30-9-601
Seizure, notice of, 25-13-211
Sheriff's sale, See **Sale of property**
Small claims court, 25-35-807
Special proceedings in courts of limited jurisdiction, review of decisions other than by appeal — costs, 25-10-105
Specific performance, judgment requiring, 25-13-203; Title 25, chapter 20, M.R.Civ.P., Rule 70
Stay of execution when, Title 25, chapter 20, M.R.Civ.P., Rule 62(b); Title 25, chapter 21, M.R.App.P., Rules 7, 8
foreign judgment, 25-9-503, 25-9-505, 27-19-103
justice's court or city court, appeal from, 25-33-201, 25-33-204
workers' compensation judgments or orders, 39-71-2910
Supplemental proceedings, See **Availability of property, determination**
Surety, 25-13-104, 25-13-105, 25-13-302, 46-9-511
Tax delinquencies, applicability, 15-1-701, 15-1-706, 15-1-707, 15-16-401, 72-16-432
Third party claims, 25-13-503, 25-13-704
Time for issuance, 25-13-101, 25-13-102
Unemployment insurance
benefits, exemption, 39-51-3105
taxes, delinquent — collection, applicability, 39-51-1304
Warrant of execution, 25-13-213
Water commissioners
ditches under joint or corporate control, order for apportionment of costs, 85-5-408
orders for fees and expenses, upon, 85-5-206
Writ, See also **WRITS**, generally
assigned counsel, nonpayment of costs by defendant — for collection, 46-8-115
child support
administrative orders, effect, 40-5-227
distraint, warrant for — effect, 40-5-247
income withholding order, 19-2-909, 19-20-305, 40-5-423
judgment, for enforcement, 25-13-101
proceedings supplementary to and in aid of writ, 40-5-202
contents, 25-13-301; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 23
costs, security for, 25-13-403
delivery of possession of property, when required, 25-13-307, 25-13-401; Title 25, chapter 20, M.R.Civ.P., Rule 70
execution, 25-13-402
fees, 7-4-2525, 7-4-2631, 7-32-2141
foreign-money claims, united states dollar value of — determining, 25-9-712
form, 25-13-301; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 23
governmental entities, security or collection of claims or judgments against — nonapplicability, 2-9-318
issuance, 15-16-401, 25-13-101, 25-13-213, 25-13-301, 25-13-401; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 23
liability of county sheriff, 7-32-2131
lien on real property, effect, 25-13-305
livestock, taking possession by, 81-8-315
masters, entitlement for compensation, Title 25, chapter 20, M.R.Civ.P., Rule 53(a)
medicaid medical assistance secured by lien, recovery, 53-6-175 — 53-6-187

EXECUTION (Continued)
Writ (Continued)

- money judgment, for enforcement, 25-13-201
- multiple defendants, when only some served, 25-13-303
- partnerships, claims against, 35-10-312
- person of judgment debtor, when writ against, 25-13-201, 25-13-308
- possession of property, for enforcement, 25-13-201
- principal debtor, priority over surety, 25-13-302
- property, order of resort, 25-13-304
- railroads, grain elevators or warehouses along — right, privilege, and easement granted by, 69-14-904
- range stock running at large, sale under, 81-8-315
- recording of return, 25-13-405
- representative, when property in the hands of, 25-13-306
- return, 25-13-213, 25-13-404, 25-13-405
- sale of property, when judgment requires, 25-13-202
- taxes, issuance for
  - inheritance taxes, 72-16-432
  - personal property, delinquent, 15-16-401
- warrant of execution, conditions, 25-13-213

EXECUTIVE BRANCH
See also specific agency or officer; **STATE GOVERNMENT**
Administrative rules and procedure, Title 2, chapters 4 and 5, See **ADMINISTRATIVE PROCEDURE**; **ADMINISTRATIVE RULES**
Advisory councils, 2-15-122, 2-15-123; Const., VI, 7
Agencies, 2-3-301, 2-15-102, 2-15-121; Const., VI, 7

- accounting system, 17-1-102
- administratively created, prohibited, 2-15-123
- advisory councils, creation, 2-15-122
- allocation, 2-15-121, 2-15-125
- antiquities, duties concerning, Title 22, chapter 3, part 4, See **ANTIQUITIES**
- boards, quasi-judicial — designation as, 2-15-124
- communication systems, 2-17-302
- department heads, rights prior to assumption of office, 2-15-113
- federal statutes
  - implementation, 2-1-404
  - legislative review, information to be provided, 2-1-408
- functions, abolition or transfer
  - existing transactions, rights and duties, 2-15-135
  - legal proceedings, effect on, 2-15-134
  - legislative review as result of, 2-8-121
  - personnel, rights of, 2-15-131
  - property, rights to, 2-15-132
  - records, transfer, 2-6-211
  - references, 2-15-136
  - rules and orders, 2-15-133
- future agencies, 2-15-125
- heritage properties, 2-17-107; Title 22, chapter 3, part 4, See **ANTIQUITIES**
- investments, board of — assistance by, 17-6-201
- legislative interim committees, duties, 5-5-215
- privatization of programs, 2-8-301 — 2-8-304
- public comment pursuant to statute, rule, or policy — electronic acceptance, 2-3-301
- reapportionment commission, cooperation and assistance, 5-1-107
- rulemaking authority, statutes delegating, 5-4-103
- session laws, copies to, 5-11-203
- termination, procedures, 2-19-101, 2-19-102

EXECUTIVE BRANCH (Continued)
Agencies (Continued)

- treasurer for, 17-6-105

Appropriations, See also **APPROPRIATIONS**
- claims, payment, 17-8-202
- general fund spending reductions, 17-7-140
- nongeneral fund money, expenditure first, 17-2-108

Attorney general, opinions, 2-15-501, See **ATTORNEY GENERAL**
Auditor, State, See **STATE AUDITOR**
Audits, See **Legislative review**; See also **LEGISLATIVE AUDIT DIVISION**
Boards, Const., VI, 7
- quasi-judicial, 2-15-124
- session laws, copies to, 5-11-203

Budget provisions, 17-7-102, See **BUDGET AND BUDGETING**
Bureaus, 2-15-104; Const., VI, 7
Commissions, Const., VI, 7
Communications equipment and facilities, 2-17-302
Constitutional provisions, Const. VI
Contracts, public, Title 18, See **PUBLIC CONTRACTS**
Data and information technology resources, 2-15-102, 2-15-114
Definitions, 2-3-301, 2-8-102, 2-15-102, 2-15-124
Department heads, 2-15-102, See also **Directors**
- administrative rule notices, appointment of person to review, 2-4-110
- advisory councils, creation, 2-15-122
- agencies, See also **Agencies**
  - administratively created, prohibition, 2-15-123
  - duties, 2-15-121
  - rights of department head prior to assumption of office, 2-15-113
- appointment, 2-15-111, 39-29-101, 39-30-103; Const., VI, 8
- business disclosure statements, 2-2-106
- communications equipment or systems, recommendations and advice, 2-17-302
- data and information technology resources, security responsibilities, 2-15-114
- elected officials, powers as, 2-15-105
- impeachment, subject to, Const., V, 13; Title 5, chapter 5, part 4, See **IMPEACHMENT OF PUBLIC OFFICERS**
- legislative proceedings, fee exemption, 5-11-214
- motor vehicles, state-owned — violations by officers or employees, effect, 2-17-421
- nepotism, Title 2, chapter 2, part 3
- powers and duties, 2-15-112
- qualifications, 2-15-111
- termination of agencies and programs, testimony, 2-8-113
- term of office and vacancy, 2-15-111; Const., VI, 8

Departments, 2-15-102, 2-15-104
- agencies allocated to and duties, 2-15-121, See also **Agencies**
- allocation of functions, 2-15-104, 2-15-125; Const., VI, 7
- directors, See **Directors**
- heads of departments, See **Department heads**
- number of departments, 2-15-101; Const., VI, 7
- offices, 2-15-112
- session laws, copies to, 5-11-203
- structure, 2-15-104, 2-15-112, 2-15-123
- supervision, 2-15-103; Const., VI, 8
- transfer of functions, 2-15-125, 2-15-132 — 2-15-137

Directors, 2-15-102, 49-2-308, See also **Department heads**
- appointment and qualifications, 2-15-111, 49-2-308
- heritage properties, identification — request for, 2-17-107
- publishing policy committee, appointment to, 2-15-1017

EXECUTIVE BRANCH (Continued)
Directors (Continued)

state employee incentive program awards, ineligibility, 2-18-1105
travel expenses, 2-18-501, 2-18-502
Disabilities, persons with — employment preference, Title 39, chapter 30, See **LABOR AND EMPLOYMENT, Disabilities, persons with**
Divisions, 2-15-104
Elected officers, Const., VI, 1, See also subject heading for specific officer; **PUBLIC OFFICERS OR EMPLOYEES**
agencies and records, rights prior to assumption of office, 2-15-113
candidacy for other office, Const., VI, 5
department heads, powers as, 2-15-105
disabilities, persons with — employment preference, nonapplicability, 39-30-103
discriminatory employment practices justifiable when, 49-2-308, See also **DISCRIMINATION, Government, state and local**
duties generally, Const., VI, 4
election, Const., VI, 1; VI, 2; VI, 6
governor's permission or approval required when, 2-15-105
group insurance, 2-18-701, 2-18-702
impeachment, subject to, Const., V, 13; Title 5, chapter 5, part 4, See **IMPEACHMENT OF PUBLIC OFFICERS**
information to governor, Const., VI, 15
legislative proceedings, fee exemption, 5-11-214
oath, 2-16-211; Const., III, 3
personal staff, 2-18-101, 2-18-104
public employees' retirement system, applicability, 19-3-403, 19-3-412
public office, may not hold other public office, Const., VI, 5
qualifications, Const., VI, 3
records, official, See **PUBLIC RECORDS, Executive branch officers**
salaries, 2-16-405, 2-16-406, 17-7-140; Const., VI, 5
statewide classification and pay plans, exception, 2-18-103
succession, See **PUBLIC OFFICERS OR EMPLOYEES**
travel expenses, 2-18-501, 2-18-502
vacancy in office, Const., VI, 6
veterans' employment preference, nonapplicability, 39-29-101
Energy conservation program, state building, Title 90, chapter 4, part 6
Environmental Quality Council, duties, 85-2-105
Ethanol-blended fuel, use in state vehicles — requirements, 2-17-414
Ethics, Code of, Title 2, chapter 2, part 1; Const., XIII, 4
Evaluation, See **Legislative review**
Federal funds
advisory councils, creation when, 2-15-122
compliance, 2-15-102
department heads, authority, 2-15-112
reorganization, conflicts regarding, 2-15-137
Functions, 2-15-102, 2-15-125
Governor, chief executive officer, 2-15-103; Const., VI, 4, See **GOVERNOR**
Health Care Advisory Council, representation on, 50-4-203
Incentive program for employees, Title 2, chapter 18, part 11
Indian reservation residents, hiring preference, 2-18-111, 18-1-110
Investigation by gubernatorial committee, Const., VI, 15
Legislative Branch computer planning and systems, coordination with, 5-11-401, 5-11-403, 5-11-404
Legislative fiscal analyst, investigative authority, 5-12-303
Legislative review
criteria for, 2-8-112
definitions, 2-8-102

EXECUTIVE BRANCH (Continued)
Legislative review (Continued)

  determination of agencies and programs for, 2-8-105
  hearings, 2-8-113
  prereview, agency responsibilities, 2-8-111
  purpose of provisions, 2-8-101
  reestablishment of agency or program, 2-8-101, 2-8-112, 2-8-113, 2-8-121, 2-8-122
  termination of agencies and programs, 2-8-101
    criteria for, 2-8-113
    effect, 2-8-121
    recommendations for, 2-8-105, 2-8-112
Legislative Services Division, investigative authority, 5-11-106
Lieutenant governor, See **LIEUTENANT GOVERNOR**
Nepotism, Title 2, chapter 2, part 3, See **NEPOTISM**
Office hours, 2-16-117
Officers, See See **Elected officers**; See also subject heading for specific officer
Performance audits, See **Legislative review**
Policies, administration, 2-15-103
Policy of state, 2-15-101
Printing provisions, 18-7-302, See **PUBLIC CONTRACTS**, **Printing**, state printing
Privatization of state programs, Title 2, chapter 8, part 3
Property, private — action with taking or damaging implications, assessment, 2-10-101 — 2-10-105, See also **STATE GOVERNMENT**, **Property**
Publications library distribution center, 22-1-211 — 22-1-218, See **LIBRARIES**, **State publications library distribution center**
Purchase of goods and services, Title 18, chapters 4 and 5
Purpose of provisions, 2-15-101
Records management and preservation, 22-3-203; Title 2, chapter 6, part 2, See **PUBLIC RECORDS**, **Management**
Records, official, Const., VI, 4; Title 2, chapter 6, part 3, See **PUBLIC RECORDS**, **Executive branch officers**
Reorganization, See **Agencies**, functions, abolition or transfer
Reports to governor, See **GOVERNOR**, **Reports from other agencies**
Review
  by governor, 2-7-103
  legislative, See **Legislative review**
Secretary of state, See **SECRETARY OF STATE**
Separation of powers, Const., III, 1
Session laws, copies to, 5-11-203
State auditor, See **STATE AUDITOR**
Statewide classification and pay plans, exception when, 2-18-103
Structure, 2-15-101, 2-15-104
Superintendent of public instruction, See **SUPERINTENDENT OF PUBLIC INSTRUCTION**
Veterans' employment preference, Title 39, chapter 29, See **LABOR AND EMPLOYMENT**, **Veterans**
Workers' compensation, Title 39, chapter 71, See **WORKERS' COMPENSATION**

EXECUTIVE CLEMENCY, Const., VI, 12
  See **PROBATION, PAROLE, AND CLEMENCY**

EXPLOSIONS AND EXPLOSIVES
Arson, 45-6-103
  negligent arson, 45-6-102
Beaver dam destruction, for, 87-1-224
Boiler and steam engine safety, 50-74-215
Burglary, use of explosives in, 45-6-204, 45-6-205

EXPLOSIONS AND EXPLOSIVES (Continued)

Cities and towns
  purchases, exemption from bid requirements, 7-5-4303
  smokeless powder and small arms primers, storage, 50-61-120
City or town councils, powers, 7-33-4205, 7-33-4206
Construction blasting, Title 37, chapter 72
Counties
  emergency expenditures and liabilities, 7-6-2341
  purchases, exemption from bid requirements, 7-5-2304
  smokeless powder and small arms primers, storage, 50-61-120
Definitions, 37-72-101, 45-8-332, 61-1-506
Destructive device, 45-8-332
  possession, 45-8-334, 45-8-337
    street gang activity, pattern of, 45-8-405
"Disaster" defined, 10-3-103, See **EMERGENCIES AND EMERGENCY POWERS**
Electrical installaltions in buildings, 50-60-601, See **BUILDINGS AND BUILDING REGULATIONS**
Electricians' licensing provisions, purpose, 37-68-101
False alarm or report of explosion, 45-5-203, 45-8-101
Fireworks, See **FIREWORKS**
Fish, use in taking unlawful, 87-2-806, 87-3-206
Innkeepers, eviction of guests or refusal of services when, 70-6-511, 70-6-512
Insurance
  against loss or damage by, 33-1-206, 33-1-209, See **INSURANCE, CASUALTY**; **INSURANCE, MARINE**
  agricultural commodity warehouse operators, 80-4-502
Intimidation, offense of, 45-5-203
Malicious use, 45-8-333
Manufacture of explosives, 50-3-102
Mines
  coal, firedamp in — notice, 50-73-306
  use in operations, 82-4-222, 82-4-231, 82-4-356
Minors
  charged as adults in district court, 41-5-206, 41-5-341, 46-18-201
  detention when, 41-5-341
  employment, handling during prohibited, 41-2-106, 41-2-107
  possession by, 41-5-206
  sale or giving to, 45-5-623
Oil and gas pools, enhanced recovery — nonapplicability, 82-11-101
Possession of explosives, 41-5-206, 45-8-334, 45-8-335, 45-8-337
  street gang activity, pattern of, 45-8-405
Railroads, transportation by — unlawful when, 69-14-562
Reckless use, 45-8-333
Sale of explosives
  minors, to — unlawful, 45-5-623
  rulemaking authority, 50-3-102
Schools, emergency closure, 20-9-802
School trustee meetings, effect on, 20-3-322
Seismic operations for geophysical exploration, use in, 82-1-108
Smokeless powder and small arms primers, storage, 50-3-103, 50-61-102, 50-61-120, 50-61-121
State buildings, threat of explosives in, 50-3-102
Storage of explosives
  cities, in, 7-33-4205, 50-61-120
  rulemaking authority, 50-3-102, 50-3-103, 50-61-102
  smokeless powder and small arms primers, 50-3-103, 50-61-102, 50-61-120, 50-61-121

EXPLOSIONS AND EXPLOSIVES (Continued)

Threat of explosion, 45-5-203
Trademarks and service marks, classification of goods, 30-13-331
Transportation of explosives, See **Vehicles carrying**
Underground storage tanks, hazard, 75-11-202, See **UNDERGROUND STORAGE TANKS**
Vehicles carrying, 61-9-413
  definitions, 61-1-506, 61-1-507
  railroad grade crossings, stopping at, 61-8-349
  rulemaking authority, 50-3-102, 50-3-103
  warning devices, 61-9-411, 61-9-412
Workforce drug and alcohol testing, 39-2-205 — 39-2-211

EX POST FACTO LAWS, Const., II, 31; XIII, 1
  See **LAW**

EXPRESSION, FREEDOM OF, 45-8-107; Const., II, 7

EXTENDED JURISDICTION PROSECUTION ACT, Title 41, chapter 5, part 16
  See **YOUTH COURT**

EXTRADITION
Definitions, 46-30-101
Detainers, interstate agreement, Title 46, chapter 31
Detention centers, persons held in pending, 7-32-2242, 46-30-226, 46-30-302
From another state, procedure
  affidavits, 46-30-401
  assistance of public officer, 46-30-412, 46-30-413
  confinement or prosecution pending in another state, 46-30-403
  demand, 46-30-401, 46-30-402
  expenses, 46-30-403, 46-30-411 — 46-30-413
  prosecution for other crimes, no immunity, 46-30-405
  service of civil process, immunity, 46-30-404
  transportation, 46-30-411
Governor, authority, 2-15-201, 46-30-101, See also **GOVERNOR**
Juveniles, Title 41, chapter 6, See **MINORS, Interstate Compact on Juveniles**
Nonsupport, persons charged criminally for, 40-5-153, 40-5-154
Nonwaiver by this state, 46-30-102
Official detention, 45-2-101
  offenses committed while in, 46-18-220, 46-18-303
Rules of Evidence inapplicable, Title 26, chapter 10, M.R.Ev., Rule 101
To another state, procedure
  absence from demanding state when crime committed, 46-30-204
  affidavits, 46-30-211, 46-30-227
  alias warrant, 46-30-214
  arrest, 46-30-201, 46-30-215 — 46-30-217, 46-30-227
  arrest warrant, 46-30-213 — 46-30-215, 46-30-227 — 46-30-229
  arrest without warrant, 46-30-301, 46-30-305
    bail, 46-30-302 — 46-30-305
    commitment awaiting demand, 46-30-302, 46-30-304
  confinement of accused, 46-30-226, 46-30-302, 46-30-304
  demand, 46-30-211, 46-30-212, 46-30-217
  duty of governor, 46-30-201
  guilt or innocence, inquiry prohibited, 46-30-225
  habeas corpus, 46-30-217, 46-30-228, 46-30-229
  investigation upon demand, 46-30-212
  involuntary departure from demanding state, 46-30-203

EXTRADITION (Continued)
To another state, procedure (Continued)

  prosecution pending in this state, 46-30-202
  rights of the accused, 46-30-217, 46-30-218, 46-30-228, 46-30-229
  waiver of proceedings, 46-23-215, 46-23-1011, 46-30-228, 46-30-229
Western Interstate Corrections Compact, escaped prisoner under, 46-19-301

F

FACILITY SITING
Actions, 75-20-404, 75-20-405, 75-20-408
Administration of provisions, 75-20-215, 75-20-408
Affidavit requirements, 75-20-404
Air and water quality
  board review of department decisions, 75-20-223
  compliance with standards, 75-20-401
  hazardous waste disposal, transportation, or storage — concurrent studies, 75-10-407
  local air pollution control program, authority — limitation, 75-2-301
Alternative sites
  applications, requirements, 75-20-211, 75-20-225
  waiver of compliance with provisions when, 75-20-304
Appeals
  air and water quality decisions, 75-10-407, 75-20-223
  amendments to certificate, from departmental determination, 75-20-219
  decisions, from, 75-20-406, 75-20-223
  pending, limitations on stay or suspension, 75-20-410
  permit or certification denial, 75-20-406
Applicability of provisions in definition of facility, 75-20-104
Applicants, See also **Applications**
  compliance statement, 75-20-303
  contracts for information, 75-20-106, 75-20-215, 75-20-225
  filing fees, 75-20-213, 75-20-215, 75-20-217, 75-20-225
  monitoring expenses, 75-20-402
  renewal of certificate, 75-20-225
  supplemental material submitted when, 75-20-213
Applications, 75-20-104, See also **Applicants**
  amendments, 75-20-213
  combination of two or more facilities, 75-20-211, 75-20-215
  contents, 75-20-211, 75-20-225
  decisions concerning, See **Decisions**
  false statements, 75-20-217, 75-20-403
  filing, 75-20-211, 75-20-225
  form and content
    failure to file in, 75-20-217
    rules for, 75-20-225
  hazardous waste disposal, transportation, or storage — effect, 75-10-407
  notices and proof thereof, 75-20-211, 75-20-213, 75-20-225
  receipt of, procedures following, 75-20-216, 75-20-226
  renewal of certificate, 75-20-225
  review, expedited, 75-20-231, 75-20-232
  service of copies
    failure of, cure for, 75-20-212
    proof of, 75-20-211, 75-20-225
  voiding when, 75-20-217

FACILITY SITING (Continued)

Certificate of environmental compatibility, 75-20-104
  amendments, 75-20-213, 75-20-219
  appeals from denial, 75-20-406
  applicants or applications, See **Applicants**; **Applications**
  board review of department decisions, 75-20-223
  coal impact grant eligibility, effect on, 90-6-207
  conditions
    compliance statement, 75-20-303
    imposition, 75-20-302
    noncompliance, 75-20-403
  conformance, operation of facility in, 75-20-201
  enforcement, 75-20-408
  environmental evaluation statements, inclusion, 75-20-303
  issuance
    additional requirements following, not permitted when, 75-20-401
    decisions concerning, See **Decisions**
  lapse, 75-20-303
  local government powers, 7-1-111
  nuclear facilities, approval requirements, 75-20-201, 75-20-1203
  renewal
    application — form, contents, filing, and fee, 75-20-225
    study, hearing, reports, and decision, 75-20-226
  required, 75-20-102, 75-20-201
  revocation or suspension, 75-20-403
  time limits for construction, inclusion, 75-20-303
  transferability, 75-20-203
  void when, 75-20-303
  waiver when, 75-20-304
  yellowstone river diversions contingent upon, 85-2-806
Certification proceedings
  decisions, See **Decisions**
  findings necessary for, 75-20-301
  waiver of provisions, 75-20-304
Citation of Major Facility Siting Act, 75-20-101
Commence to construct, 75-20-104, 75-20-201
Construction of facilities
  electric transmission lines, requirements, 75-20-207, 75-20-208
  good faith effort to complete, 75-20-303
  jurisdiction of courts, 75-20-407
  monitoring, plan for, 75-20-303
  strip or underground mine operations, commencement, 82-4-221
  waiver of compliance with provisions when, 75-20-304
Contempt when, 75-20-404
Courts
  appeals, pending
    limitations on stay or suspension, 75-20-410
    surety bond, 75-20-411
  decision by board, review, 75-20-406
  jurisdiction restricted, 75-20-407
Dam Safety Act, facilities exempt when, 85-15-107
Decisions
  appeals, 75-20-406
  board review, 75-20-223
  conditions, imposition, 75-20-302
  findings necessary for certification, 75-20-301

FACILITY SITING (Continued)
Decisions (Continued)

- expedited review, 75-20-231, 75-20-232
- judicial review, 75-20-406
- opinion issued with, contents, 75-20-303
- rendered when, 75-20-301
- renewal, 75-20-226

Educational impact statements required when, 20-1-208, 20-1-209
Electric transmission lines and associated facilities, 75-20-104
- notice requirements, when, 75-20-207
- verification of requirements, 75-20-208

Eminent domain, inclusion in definition of "commence to construct", 75-20-104
Enforcement, 75-20-404, 75-20-408
Environmental evaluation statements, inclusion with certificate, 75-20-303
Environmental impact statements, See also **ENVIRONMENTAL PROTECTION**
- decisions by department in lieu of, 75-20-216
- fees, exemption, 75-1-207, 75-20-204
- filing fees, credit against — when, 75-20-215

Environmental impact studies, 75-20-211, 75-20-226
Environmental Quality Council, applications — copies to, 75-20-211, 75-20-225
Evidence, amendments to certificate, requirements, 75-20-219
"Facility" defined, 75-20-104
Federal agencies, applications — copies to, 75-20-211, 75-20-225
Federal energy regulatory commission jurisdiction, facilities subject to, 75-20-204
Federal facilities, applicability of provisions, 75-20-201
Fines, disposition, 75-20-112, 75-20-408
Funds, 75-20-111, 75-20-226
Geothermal exploration, 75-20-1001, See also **GEOTHERMAL RESOURCES AND EXPLORATION**
Grants, 75-20-111
Hazardous wastes
- coordination of provisions, 75-10-404
- disposal, transportation, or storage — effect of applications resulting in, 75-10-407

Impact statements, See **Environmental impact statements**
Injunction, 75-20-408
Landowner's property
- electric transmission lines, consent for construction, 75-20-408
- optional payments for location of facility on, 75-20-409

Laws and rules, other — provisions to supersede, 75-20-103
Legislative findings, 75-20-102
Monitoring, plan for, 75-20-303, 75-20-402
Nuclear, Title 50, chapter 79, See **RADIOACTIVE SUBSTANCES**, **Nuclear Compact, Western Interstate**
Nuclear energy conversion, 75-20-1202
- approval requirements, 75-20-201, 75-20-1201
- bond requirements, 75-20-1203
- certificate issuance, requirements, 75-20-1203
- disposal of radioactive materials, effect of provisions for, 50-79-302
- emergency approval authority invalid, 75-20-1205
- evacuation and emergency medical aid plans, review, 75-20-1204
- purpose of provisions, 75-20-1201

Operation of facility, conformance with certificate, 75-20-201
Penalties, disposition, 75-20-112, 75-20-408
Plant closures, waiver of certification proceedings, 75-20-304
Policy of state, 75-20-102
Public officers or employees, failure to enforce provisions, 75-20-404
Reconstruction or relocation of facilities, 75-20-304

FACILITY SITING (Continued)

Revegetation of rights-of-way and disturbed areas, plans, 7-22-2152
Rules to implement provisions, 75-20-105
Safety
  nuclear facilities, 75-20-1201, 75-20-1203
  standards, failure to maintain, 75-20-403
Surety bond required when, 75-20-411
Taxes, disposition, 75-20-112
Transmission substation, 75-20-104, 75-20-215
Upgrading of facilities, cost — effect on filing fee, 75-20-215
Utilities, 75-20-104
  considerations applicable to, 75-20-301
  yellowstone river moratorium, applicability of laws, 85-2-607
Violations
  certificate revocation or suspension for, 75-20-403
  civil actions, 75-20-204, 75-20-408
  penalties, 75-20-204, 75-20-408
Water quality, See **Air and water quality**
Water supplies, contamination — recovery of damages, 75-20-405
Water use
  appropriation permits or approval, 85-2-124, 85-2-311
  yellowstone river
    diversions, consolidation of proceedings, 85-2-806
    moratorium, applicability of laws, 85-2-607

FACSIMILE SIGNATURES OF PUBLIC OFFICIALS ACT, UNIFORM, 2-16-114
  See **PUBLIC OFFICERS OR EMPLOYEES, Signatures**

FAIRS
Agricultural products, county — promotion, 7-21-3201
Agriculture, Department of — duties concerning, 80-1-102
Amusement games, Title 23, chapter 6, part 1
Amusement rides, 27-1-741 — 27-1-745
Beer or wine sales, 16-3-103, 16-4-111, 16-4-204, 16-4-301, 16-4-501
Carnival games, Title 23, chapter 6, part 1
Carnivals
  hours of work for employees, 39-4-112
  motor vehicle gross vehicle weight fees, exemption when, 61-10-211
Circuses
  hours of work for employees, 39-4-112
  licensing, city, 7-21-4201, 49-3-204
  "roadside menagerie" defined, 87-4-801
Community service volunteer projects, 90-14-105
County fair commission
  amusement game operators, agreement with, 23-6-101
  appointment, 7-21-3401
  budget and revenue amount, 7-21-3455 — 7-21-3457
  capital improvement fund, 7-21-3413, 7-21-3414
  creation, 7-21-3401
  district, See **County fair districts**
  duties, 7-21-3407, 7-21-3454
  fairgrounds and buildings, 7-21-3408 — 7-21-3410
  joint fair and civic center commission, 7-21-3451, 7-21-3452, 7-21-3454
  officers, 7-21-3455
  powers, 7-21-3406, 7-21-3451
  prizes awarded by, nonapplicability of gift enterprise provisions, 23-5-112
  term of members, 7-21-3453

FAIRS (Continued)
County fair commission (Continued)

- transition, 7-1-202

County fair districts
- additional counties, joining, 7-21-3424
- budgets, 7-21-3429
  - approval, 7-21-3431, 7-21-3432
  - certification and filing, 7-21-3430
  - meeting on, 7-21-3431, 7-21-3432
- county fair money, transfer to, 7-21-3434
- creation, 7-21-3421 — 7-21-3423
- directors, board of, 7-21-3425
  - additional counties joining district, authorization, 7-21-3424
  - amusement game operators, agreement with, 23-6-101
  - budget, 7-21-3429, 7-21-3430
  - duties, 7-21-3426
  - organization, 7-21-3426
  - powers, 7-21-3427
  - property, title provisions, 7-21-3428
  - warrants, 7-21-3435
- fairgrounds, 7-21-3427
- money, management, 7-21-3435
- protests to creation, 7-21-3422, 7-21-3423
- records, 7-21-3426
- tax levy, 7-21-3433

County fairs, Title 7, chapter 21, part 34
- activities, funding, 7-16-2109, 7-21-3410, 7-21-3411
- advertising exemption from county printing provisions, 7-5-2414
- agricultural products, promotion, 7-21-3201
- annual, 7-21-3407, 7-21-3455
- beer or wine sales, 16-3-103, 16-4-111, 16-4-204, 16-4-301, 16-4-501
- budget, 7-21-3455 — 7-21-3457
- commission, duties, 7-21-3407
- control and operation, 7-21-3406
- district fairs, money transferred to, 7-21-3434
- districts, See **County fair districts**
- exhibition contracts, 7-21-3407
- exhibits at other fairs, payment of expenses, 7-21-3412
- fairgrounds and buildings
  - budget, 7-21-3455 — 7-21-3457
  - capital improvement fund, 7-21-3413
  - land for, 7-21-3408, 7-21-3410
  - lease, 7-21-3406, 7-21-3409
  - revenue, 7-21-3409, 7-21-3455, 7-21-3456
  - supervision and management, 7-21-3406, 7-21-3407, 7-21-3455
- fees, admission and entrance, 7-21-3407
- horseracing, county funds not to be used for, 7-21-3411
- labor, employment, 7-21-3407
- prizes, 7-21-3407
  - gift enterprise provisions, nonapplicability, 23-5-112
- property, 7-21-3407
  - acquisition, 7-21-3408
  - capital improvement fund, 7-21-3413
- revenue, 7-21-3455, 7-21-3456
- tax levy for, 7-16-2109, 7-21-3410, 7-21-3411, 7-21-3457

Equine activities, liability, 27-1-725 — 27-1-728

Exhibits, 7-21-3412

FAIRS (Continued)

Fair and civic center commission, joint, 7-21-3451
  amusement game operators, agreement with, 23-6-101
  authority of county commissioners, 7-21-3458
  budget and revenue amount, 7-21-3455 — 7-21-3457
  composition, 7-21-3452
  duties, 7-21-3454
  officers and meetings, 7-21-3452, 7-21-3455 — 7-21-3457
  powers, 7-21-3451
  records and accounts, 7-21-3452
  term of commissioners, 7-21-3453
Fair associations, 50-37-107, 61-10-211
Fairgrounds and civic centers
  budget and revenue, 7-21-3455 — 7-21-3457
  management and operation, 7-21-3451, 7-21-3455
  tax levy for, 7-21-3457
Fireworks displays, 50-37-107, 50-37-108, See **FIREWORKS**
Horseracing
  county funds not to be used for, 7-21-3411
  provisions applicable to, 23-4-101, 23-4-201
Menageries, Title 87, chapter 4, part 8, See **FISH AND WILDLIFE, Zoos and menageries**
Transportation of passengers or property, free or reduced rates when, 69-11-109

FALSE IMPRISONMENT
  See also **ARREST, False or unlawful arrest**; **CRIMES, Kidnapping**; **TORTS**, generally
Contracts, consent obtained by, 28-2-402, 28-2-403
Criminal charges, 45-5-301
Justices' courts, no jurisdiction, 3-10-301
Municipal infractions, citations or proceedings not to provide action for, 7-1-4152
Protection from, personal right, 49-1-101
Statute of limitations, 27-2-204

FAMILY EDUCATION SAVINGS ACT, Title 15, chapter 62
  See **TAXATION, GENERAL PROVISIONS**

FAMILY LAW MEDIATION
Abuse, exception, 40-4-301, See also **ABUSE; ASSAULT AND BATTERY, Partner or family member assault; CHILD ABUSE AND NEGLECT**
Actions
  enumerated, 40-4-301
  records not to be used in, 40-4-303
Appellate alternative dispute resolution/mediation, Title 25, chapter 21, M.R.App.P., Rule 54; Rule 54 Appendix, Forms 1 — 6
Attorneys at law
  exclusion, 40-4-301, 40-4-302
  mediation agreement, counsel, 40-4-305
Child custody or support, See **CHILD CUSTODY; CHILD SUPPORT**
Clerk of district court, mediator list — maintenance, 40-4-306, 40-4-307
Confidentiality of proceedings and records, 40-4-303
Dissolution of marriage, See **DISSOLUTION OF MARRIAGE**
District court jurisdiction
  appointment of mediator, 40-4-301
  fees, establishment, 40-4-308
  mediation agreement, adoption, 40-4-305
  mediator list, establishment and maintenance, 40-4-306
  rules for implementation, 40-4-301
Exception, 40-4-301

FAMILY LAW MEDIATION (Continued)

Evidence, 40-4-303
Fees, 40-4-308
Implementation, 40-4-301
Mediator
    appointment, 40-4-301
    list, maintenance, 40-4-301, 40-4-306
    qualifications, 40-4-307
    recommendation, 40-4-304
Mediation
    agreement, 40-4-305
    proceeding, 40-4-302, 40-4-303
Paternity, questions of, See **PARENT AND CHILD, Paternity proceedings**
Records, confidentiality, 40-4-303
Statute of limitations, tolling, 40-4-302
Youth court, See **YOUTH COURT**

FAMILY PLANNING
Clinics, contraceptive dispensation, 37-2-104, 37-7-103, 50-31-307
Services
    health maintenance organizations, basic health care services, 33-31-102
    MIAMI project services, 50-19-311
    programs for, 50-1-202

FAMILY POLICY ACT, 41-7-101, 41-7-102

FAMILY PRACTICE TRAINING ACT OF 1985, 50-5-601 — 50-5-603, 50-5-611
    See **PHYSICIANS AND SURGEONS, Family practice training program**

FAMILY SUPPORT ACT, UNIFORM INTERSTATE, Title 40, chapter 5, part 1
    See **CHILD SUPPORT; DISSOLUTION OF MARRIAGE**

FANTASY SPORTS LEAGUES, Title 23, chapter 5, part 8
    See **GAMBLING**

FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT, Title 81, chapter 30, part 1
    See **ANIMALS**

FARMING AND FARMERS
    See **AGRICULTURE**, generally

FEDERAL LIEN REGISTRATION ACT, UNIFORM, Title 71, chapter 3, part 2
    See **LIENS, Federal liens**

FEDERAL MANDATES ACT, Title 2, chapter 1, part 4
    See **STATE GOVERNMENT**

FEES
    See specific subject

FELONY MURDER RULE, 45-5-102

FENCES
Actions
    damages, recovery, 81-4-103, 81-4-104
    partition fences, common occupancy ceases — refusal to build, 70-16-208
Adjoining owners, duties, 70-16-205 — 70-16-210
Alternative livestock ranches, 87-4-409, 87-4-410, 87-4-426, 87-4-427
Animal and research facilities protection, "notice" defined, 81-30-102

FENCES (Continued)

Barbed wire and other wire
  fallen
    notice to owner, 81-4-106
    nuisance, declared as, 81-4-105
    sale of removed wire, 81-4-107, 81-4-108
  repairs required, 81-4-104, 81-4-106
"Barrier" defined, 23-2-301, See **RIVERS AND STREAMS, Recreational use**
Cattle guards
  county roads, 7-14-2130
  highways, 60-7-103
  legal fence, effect of construction, 81-4-102
  railroads
    eminent domain for building, 70-30-301, 70-30-307
    placement and maintenance, 69-14-701, 69-14-703, 69-14-706
Cemetery associations, sale of lots — use of proceeds, 35-20-214
City or town council, regulation when, 7-15-4126
Community decay, shielding, 7-5-2111
Conservation districts, land use regulations, 76-15-706
County roads
  encroachments, removal, 7-14-2134 — 7-14-2137
  livestock, control, 7-14-2130
Ditches, open, 7-31-4204
Easements for, 70-17-101
Entry upon land, requirements, 45-6-201, 77-1-806
Fishing access sites, installation and repair, 23-1-127
Fur farms, 87-4-1003, 87-4-1012
Game bird farms, 87-4-904, 87-4-906, 87-4-913
Gates
  failure to close, 45-6-101
    wardens, fish and game — enforcement powers, 87-1-504, 87-1-505
  livestock
    county roads, control, 7-14-2130
    open range, stock gates or passes, 60-7-103
Grazing districts, within, Title 76, chapter 16, See **GRAZING DISTRICTS**
Highways, encroachment upon, 60-6-101 — 60-6-105
Improvement, as, 15-1-101, 77-2-336, 77-6-112, 77-6-201, 77-6-212, 77-6-301
Irrigation ditches, 85-7-2211
Junkyards, screening, Title 75, chapter 15, part 2
Legal fences, 81-4-101
  car pass construction, effect on character, 81-4-102
  grazing districts
    farmland within, requirements, 76-16-322
    trespassing livestock, impoundment, 76-16-312
  railroads, maintenance, 69-14-701
  trespassing livestock, 76-16-312, 81-4-215, 81-4-217
Liability regarding, 69-14-701, 69-14-714, 81-4-103, 81-4-215, 81-4-217
Life tenants, duties, 70-16-103
Livestock
  barbed wire fences, See **Barbed wire and other wire**
  county roads, control, 7-14-2130
  highways, grazing on, 60-7-201, 60-7-202
  injury to, liability, 69-14-701, 69-14-714, 81-4-103, 81-4-104
  open range for, 60-2-208, 60-7-101 — 60-7-103, 81-4-203, 81-4-501
  trespassing, 76-16-312, 81-4-215 — 81-4-217

FENCES (Continued)

Maintenance
    adjoining owners, 70-16-205, 70-16-206, 70-16-208, 70-16-209, 70-17-101
    county commissioners, board of, 7-14-2130
    execution, redemption period — waste of property, 25-13-823
    grazing districts, 76-16-320
    liability, 69-14-701, 69-14-714, 81-4-103
    railroads, 69-14-701, 69-14-714
    wildlife habitat, acquisition policies, 87-1-241
Mining reclamation, 82-4-233, 82-4-336
Motor vehicle wrecking facilities and graveyards, shielding from public view, Title 75, chapter 10, part 5
Open ditches, 7-31-4204
Partition fences, 7-15-4126, 70-16-206 — 70-16-210
Prison fence, inmate housing outside when, 53-30-141
Railroads
    eminent domain by, provision, 70-30-301, 70-30-307
    livestock protection, maintenance for, 69-14-701 — 69-14-706, 69-14-714
Rangeland improvement loan program, 76-14-111
State lands
    lessees, opening or moving when, 77-2-107
    liens, 77-2-336, 77-6-112
    purchaser, removal of fence after default, 77-2-332
    recreational use requirements, 77-1-806
    surface leases, improvements and management, 77-6-201, 77-6-212, 77-6-301
State parks, installation and repair, 23-1-127
Transfers of real property, 15-7-303, See **TAXATION, PROPERTY, Transfers of real property**
Well or other hole, failure to fence, 45-8-113
Wire, See **Barbed wire and other wire**

FERRIES AND WHARVES
    See also **WATER USE, Navigable waters**
Bond requirements, 7-14-2805, 7-14-2823, 7-14-2827
Carriers
    freight, delivery, 69-11-404
    passenger, time schedule — establishment, 69-11-202
Cities and towns, 7-14-2804, See also **CITY FINANCE, Bond issues; Indebtedness**
Construction
    cost, report, 7-14-2828
    financing, See **CITY FINANCE, Bond issues; Indebtedness**
    generally, 7-14-2803, 7-14-2804, 7-14-2823
    joint ferries, 7-14-2802
    lakes, construction on, See **LAKES, Construction projects**
    land acquisition for, 7-14-2829, See also **Property**
    landowner, preference for, 7-14-2824
    who may build, 85-16-101
County license, 7-14-2823, 7-14-2830
County-owned, 7-14-2805
Existing ferries, establishment near, 7-14-2825
Ferry and bridge fund, combined, 7-14-2502, 7-14-2807
Ferrymen
    banks of streams, upkeep, 7-14-2826
    bond requirements, 7-14-2827
    county-owned ferries, 7-14-2805
    joint ferries, 7-14-2802

FERRIES AND WHARVES (Continued)
Ferrymen (Continued)

reports, 7-14-2802, 7-14-2828
rules governing, 7-14-2826
Free ferries, 7-14-2803, 7-14-2805
Hearings, 7-14-2823
Insurance against loss or damage to wharves, 33-1-209, 33-1-226, See **INSURANCE, MARINE**, generally
Interpretation of laws, 85-1-103
Joint ferries, 7-14-2802
Landings and approaches
acquisition and maintenance, 7-14-2802 — 7-14-2804
banks, upkeep, 7-14-2826
tolls, rates to be posted, 7-14-2806
Laying out, 7-14-2801
Lease, 7-14-2805, 7-14-2806
Maintenance, 7-14-2801 — 7-14-2803
Management and control, 7-14-2801, 7-14-2803, 7-14-2805
Nighttime trips, 7-14-2826
Notice of application to operate, 7-14-2821 — 7-14-2823, 7-14-2825
Penalties for violations, 7-14-2826, 7-14-2831
Petition for establishment and operation, 7-14-2803
Property
acquisition for, 7-14-2803, 7-14-2804, 7-14-2829
eminent domain for, 7-14-2803, 7-14-2804, 7-14-2829, 70-30-102, 70-30-103, See also **EMINENT DOMAIN**
"land under water" defined, 85-16-104
owners' rights, 7-14-2824, 85-16-101
title to land not affected, 85-16-103
Public use of docks and wharves, 85-16-102
Repairs, 7-14-2807, 7-14-2828
Right-of-way, acquisition, 7-14-2829
Rules, 7-14-2806, 7-14-2826
Steamboats, 7-14-2826
Tax
assessment, 15-8-405
levy, 7-14-2801, 7-14-2807
license, 7-14-2823, 7-14-2830
Toll ferries
establishment, 7-14-2803, 7-14-2805, 7-14-2825
operation, notice of application, 7-14-2821, 7-14-2822
hearing and decision, 7-14-2823
rates, 7-14-2806, 7-14-2823, 7-14-2826
reports, 7-14-2828
rules, 7-14-2826
term of operation, 7-14-2823
Uniting two counties, construction and maintenance, 7-14-2802

FETAL, INFANT, AND CHILD MORTALITY PREVENTION ACT, Title 50, chapter 19, part 4

FICTITIOUS NAMES
See **NAMES AND FICTITIOUS NAMES**

FIDUCIARIES
Action against, demand prerequisite, 27-2-301
Agricultural loan guaranty fund held by, 80-12-216

FIDUCIARIES (Continued)

Alcoholic beverages, employees of departments of justice and revenue — conflict of interest, 16-1-304
Arrest, prejudgment — when, 27-16-102
Art dealer-artist relationship, 22-2-504
Cigarettes
  sales, 16-10-304
  tax, "person" defined, 16-11-102
Common trust funds, Title 32, chapter 1, part 7
Confidential employment, applicability of laws, 39-2-103
Conservators, as, 72-5-423, See **ESTATES AND PROBATE, Conservators and conservatorship**
Corporation as, oath, 72-31-101
Debt adjustment by, 31-3-203
Declaratory judgments, availability, 27-8-204
Economic development bonds, investment, 17-5-1525
Estate taxes, 72-16-609, See also **TAXATION, ESTATES**
Foreign capital depositories, 32-8-103, 32-8-314, 32-8-315
Foreign trust companies, 32-1-1001 — 32-1-1007
Fraudulent transfers, Title 31, chapter 2, part 3
Guardians, See **GUARDIANS AND GUARDIANSHIP**, generally
Health Facility Authority bonds as legal investment, 90-7-113
Health maintenance organization personnel, responsibilities, 33-31-223
Home owners' loan corporation bonds, investment in, 72-31-102
Housing authority bonds, investment, 7-15-4505
Income tax, individual — estates or trusts, See **TAXATION, INDIVIDUAL INCOME, Estate or trust income**
Inheritance tax, alternate valuation — eligible qualified heir, 72-16-345, See also **TAXATION, ESTATES**
Insurance, 33-1-206, See **INSURANCE, CASUALTY, Professional liability**
Insurance administrators, accounts, 33-17-613
Insurance producers
  premiums, accountability, 33-17-1102
  title insurance producers
    accounts, maintenance, 33-25-201
    examinations, 33-17-213
Insurers
  domestic mutual, membership, 33-3-503
  managing general agents, 33-2-1602
  reciprocal, exchange of interinsurance contracts, 33-5-503
  rehabilitation
    breach of fiduciary obligation, 33-2-1333
    grounds for, 33-2-1331
  reinsurance intermediaries, 33-2-1702, 33-2-1705
Justices' and city courts, party in, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 10A
Lease contracts, injury to goods — actions against third parties, party plaintiff, 30-2A-531
Limited liability companies, execution of documents, 35-8-204
Limited partnerships
  certificates, filing requirements, 35-12-606
  estate, distribution of interest in partnership, 35-12-802
Municipal finance consolidation notes or bonds, investments in, 17-5-1628
Neglect of duty, 27-16-102, 72-16-609
Negotiable instruments, 30-3-205, 30-3-308
Nonprofit corporations
  documents, execution, 35-2-119
  members, as, 35-2-542

FIDUCIARIES (Continued)

Oil and gas conservation, "person" defined, 82-11-101
Partnerships, duty of partners to each other, 35-10-405
Perpetuities, statutory rule against — exclusions, 72-2-1005
Personal representatives, 72-3-610, See **ESTATES AND PROBATE**
Power of attorney, statutory — authority, 72-31-201, 72-31-231
Public obligations, registration of — depositories, 17-5-1121
Public servant, fiduciary defined as, 45-2-101
Real property
  deeds by, validation, 72-31-103
  transfers, 15-7-303, See **TAXATION, PROPERTY, Transfers of real property**
Sales, injury to goods — third party actions, 30-2-722
Securities, 30-8-412
  deposit of, 32-1-425 — 32-1-427
Surety bonds, depository for money or assets, 33-26-107
Theft involving, statute of limitations on prosecution, 45-1-205
Treasury funds
  fiduciary fund category, 17-2-102
  investment funds, 17-6-203
Trustees, See **TRUSTS**, generally
Urban renewal bonds, investment, 7-15-4306
Water conservancy districts, owners of title to property, 85-9-103
Water judges or water masters, 3-7-401, 3-7-402

FINANCE COMPANIES
  See **CONSUMER LOAN BUSINESSES; CREDIT TRANSACTIONS, Retail installment sales; INSURANCE, Premium finance companies; MOTOR VEHICLES AND TRAFFIC REGULATIONS, Manufacturers, distributors, and importers**, financing sale of vehicles

FINANCIAL INSTITUTIONS
  See **BANKS AND TRUST COMPANIES; BUILDING AND LOAN ASSOCIATIONS; CAPITAL COMPANIES; CONSUMER LOAN BUSINESSES; CREDIT UNIONS; DEVELOPMENT CORPORATIONS; FOREIGN CAPITAL DEPOSITORIES**

FINES
  See also specific subject area
Excessive fines prohibited, Const., II, 22

FINGERPRINTS
Alcoholic beverage licenses, required when, 16-4-403
Concealed weapons, permits to carry — requirement, 45-8-322
Contract security company license applicants, 37-60-304
Criminal justice information, 41-5-1206, 44-5-102, 44-5-103, 44-5-202, 44-5-213, 44-5-214, 44-5-302
Criminal proceedings, discovery, 46-15-323
Developmental disabilities, persons with — in residential facilities, 53-20-143
Law enforcement officers, qualification for employment, 7-32-213, 7-32-303
Local bureaus of investigation, 44-2-202
Lottery, state
  appointees, employees, or licensees, 23-7-306
  gaming suppliers, 23-7-310
Mentally ill persons, institutionalized, 53-21-143
Private investigator, private security guard, and proprietary security organization license applicants, 37-60-304
Public safety communications officers, qualification for appointment, 7-31-202
Sexual or violent offender registration, requirements, 46-23-503, 46-23-504

FINGERPRINTS (Continued)

State Bar of Montana, applicants for admission, 44-5-302
Youth court, order for and records, 41-5-216,41-5-1206

FIREARMS
    See **WEAPONS**

FIRE DEPARTMENT RELIEF ASSOCIATIONS
Accounts, review or examination, 19-18-204, 19-18-206
Applicability of provisions, 19-13-102
Audits, Title 2, chapter 7, part 5
Benefits, 19-18-601
    applications for, 19-18-611
    assignment not allowed, 19-18-612
    bankruptcy, exemption, 19-18-612, 31-2-106
    claim procedures, 19-18-611
    death benefits, 19-18-605, 19-18-607
    disability pension, 19-18-203, 19-18-601, 19-18-604, 19-18-605
    discrimination prohibited, 49-2-309
    legal process, exempt from, 19-18-612
    service pension, 19-18-203, 19-18-601, 19-18-602, 19-18-605
        partial service pension, 19-18-502, 19-18-603
    surviving spouse or children, 19-18-203, 19-18-502, 19-18-601, 19-18-603, 19-18-605
    tax exemption, 19-18-612, See also **TAXATION, INDIVIDUAL INCOME**, **Exemptions**
Board of trustees, 19-18-103
    accounts, review and report, 19-18-204
    benefits, applications and claims, 19-18-611
    composition, 7-33-4109, 19-18-104
    disability and pension fund, duties, 19-18-201, 19-18-402
    local government consolidation, effect, 19-18-107
    management vested in, 19-18-401
    member contributions, accumulated — certification prior to transfer, 19-13-211
    municipal commission-manager government, applicability of provisions, 7-3-4464
City clerk, annual reports by, 19-18-511
Contributions
    members, 19-18-501, 19-18-602
        accumulated contributions, certification prior to transfer, 19-13-211
        beneficiary, paid to — when, 19-18-607
        refunds, 19-18-502, 19-18-603
        return, 19-18-203
    state, 19-18-501, 19-18-512, 19-18-514
Death benefits, 19-18-605, 19-18-607, See also **Benefits**
Definitions, 19-18-101, 19-18-403
Disability and pension fund, 19-18-101
    bank depository securities, protection as, 19-18-208
    benefit payments from, 19-18-602 — 19-18-605, 19-18-611
    city treasurer, transfer of money to, 19-18-106
    contributions to, 19-18-501, See also **Contributions**
    establishment, 19-18-105
    investment, 19-18-203, 19-18-402, 19-18-403, 19-18-501
    local government consolidation, effect, 19-18-107
    management, 19-18-201
    member contributions, 19-18-602
    tax levy for, 7-3-4464, 7-6-4453, 19-18-501, 19-18-503, 19-18-504
    theft, penalty, 19-18-207
    use, 19-18-203
Disability pension, 19-18-203, 19-18-601, 19-18-604, 19-18-605, See also **Benefits**

FIRE DEPARTMENT RELIEF ASSOCIATIONS (Continued)

Discrimination prohibited, 49-2-309
Examination of books and accounts, 19-18-206
Financial reports, 19-18-205; Title 2, chapter 7, part 5
Firefighters' unified retirement system, resolution for election to join and transfer of cash and securities, 19-13-211
Formation, 19-18-102
Fund, See **Disability and pension fund**
Funeral expenses, 19-18-203, 19-18-601
Incorporation, 19-18-102
Management, 19-18-201, 19-18-401
Membership, eligibility, 19-18-102
Municipal commission-manager government, applicability of provisions, 7-3-4464, 7-3-4466
Officers, 19-18-103, 19-18-104, See also **Treasurer**
  benefit claim procedures, 19-18-611
  reports by, 19-18-205
Pension fund, See **Disability and pension fund**
Reports
  board of trustees, by, 19-18-204
  city clerk, by, 19-18-511
  financial, 19-18-205; Title 2, chapter 7, part 5
  secretary and treasurer, by, 19-18-205
Service pension, 19-18-203, 19-18-601, 19-18-602, 19-18-605, See also **Benefits**
  partial service pension, 19-18-502, 19-18-602, 19-18-603
Surviving spouse or children, benefit payments, 19-18-203, 19-18-502, 19-18-601, 19-18-603, 19-18-605
Treasurer, 19-18-103, See also **Officers**
  annual report, 19-18-205
  benefit claim procedures, 19-18-611
  bond requirement, 19-18-202
  city treasurer, transfers from, 19-18-106
  disability and pension fund, duties, 19-18-201
  mishandling of funds, 19-18-206

FIRE DEPARTMENTS AND FIREFIGHTERS
Age requirements for firefighters, 7-33-4107
Alarm system, 7-33-4201, See **FIRES AND FIRE PROTECTION**
Anatomical gift donors, search for document of gift or evidence of refusal, 72-17-213
Appointment of firefighters, 7-3-4254, 7-3-4466, 7-33-4106, 7-33-4122
Arbitration for firefighters, 39-34-101 — 39-34-106, See also **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING, Arbitration**
Arson, 45-6-102, 45-6-103, See also **ARSON**
Asbestos insulation or fireproofing, demolition of building — notice, 50-64-104
Chief engineer, 7-33-2315, 7-33-4105
Chiefs of departments, 7-33-4103
  appointment, 7-3-4254, 7-33-4106, 7-33-4122
  assistant chiefs, 7-33-4103
    appointment, 7-33-4106, 7-33-4122
    city officers, not considered as, 7-33-4113
    compensation, 7-33-4127
    duties, 7-33-4104
    firefighters, suspension, 7-33-4123
    suspension, 7-33-4123
  city-county consolidated government, 7-3-1345
  city officers, not considered as, 7-33-4113
  compensation, 7-33-2313, 7-33-4127

FIRE DEPARTMENTS AND FIREFIGHTERS (Continued)
Chiefs of departments (Continued)
    disciplinary rules, establishment, 7-33-4104
    duties, 7-4-4110, 7-33-2313, 7-33-2315, 7-33-4104
    fire companies
        duties, 7-33-2313, 7-33-2315
        fire control powers and liability, 7-33-2208
    fire department relief association board of trustees, ex officio member, 19-18-104
    firefighters
        privately owned vehicles, use of red light — authorization, 61-9-227
        suspension, 7-3-4259, 7-33-4123
        volunteer, supervision, 7-33-4109
    fire services training advisory council, membership, 2-15-1519
    fireworks displays, supervision, 50-37-107
    hazardous chemicals, duties, 50-78-102, 50-78-301
    hazards
        inspection by, 50-62-101
        order to repair hazardous condition or demolish structure, 50-62-103, 50-62-106
            answer or objections, service upon fire chief, 50-62-104
            salvage sale, conduct, 50-62-107
    inspections, 7-33-2313, 50-61-102, 50-61-114, 50-62-101, 50-78-301, 75-11-213
    investigation of fires, 7-33-2313, 50-63-202
    municipal commission government, 7-3-4254, 7-3-4259
    municipal commission-manager government, 7-3-4466
    rural, 7-33-2202 — 7-33-2204, 7-33-2208
    suspension, 7-33-4123
    underground storage tank installations or closures, inspection, 75-11-213
City-county consolidated governments, 7-3-1248, 7-3-1345, 7-33-2110, 7-33-2316, 7-33-4131, 19-18-107
City departments, See **Municipal departments**
City officers, personnel not considered as, 7-33-4113
Collective bargaining for firefighters, Title 39, chapter 34, part 1, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING, Firefighters**
Compensation
    chiefs of departments, 7-33-2313, 7-33-4127
    firefighters, 7-33-4124, 7-33-4127
        minimum wages, 7-33-4128, 39-3-406
        overtime compensation exclusion, 39-3-406
        partial payment when injured in performance of duty, 7-33-4133
        volunteers, 7-33-4109
County
    rural fire chiefs, 7-33-2202 — 7-33-2204, 7-33-2208
    volunteer fire companies, 7-33-2202
Demolition of buildings
    asbestos insulation or fireproofing, notice to fire department, 50-64-104
    order by fire chief, 50-62-103
Disasters, 10-3-102, 10-3-103, See **EMERGENCIES AND EMERGENCY POWERS**, generally
Emergencies, responsibilities, 10-3-102, 27-1-714, 50-78-301, See generally **EMERGENCIES AND EMERGENCY POWERS; EMERGENCY MEDICAL SERVICES**
Emergency medical services personnel, firefighters as, 50-9-102, See generally **EMERGENCY MEDICAL SERVICES**
Entrances to fire stations — vehicle stopping, standing, or parking distance, 61-8-354
Execution, exemption for property used by, 25-13-613
Fetal, infant, and child mortality review teams — representation on, 50-19-403
Fire companies
    appropriation to, 7-6-2218

FIRE DEPARTMENTS AND FIREFIGHTERS (Continued)
Fire companies (Continued)

- authorization, 7-33-2311
- bylaws, 7-33-2312, 7-33-2315
- certificates of membership, 7-33-2312, 7-33-2315
- chief engineer, 7-33-2315, 7-33-4105
- city-county consolidation, effect, 7-3-1345, 7-33-2110, 7-33-2316
- duties of firefighters, 19-17-105
- execution, furniture and uniforms exempt from, 25-13-613
- exempt certificates, 7-33-2312, 7-33-2315
- exemptions for firefighters, 7-33-2314, 7-33-2315
- fire chief
  - duties, 7-33-2313, 7-33-2315
  - fire control powers and liability, 7-33-2208
- funds, deposit or investment — interest, 7-6-204
- insurance, supplemental — carried by, 19-17-102, 19-17-103
- liability
  - emergency care, 27-1-714
  - fire reports, delays in receiving and transmittal, 7-33-4114
  - fire suppression actions, 7-33-2208
  - hazardous or deleterious substance cleanup, 75-10-725
  - requested assistance, upon receiving, 10-3-209
- medical expense claims, affidavits, 19-17-502
- meetings, 19-17-105
- municipal fire department provisions, nonapplicability, 7-33-4110
- mutual aid agreements, 10-3-202, 10-3-209; Title 10, chapter 3, part 11
- organization, 7-33-2311, 7-33-2312
- penalties for offenses, 7-33-2312
- pension trust fund, reports concerning — availability, 19-17-202
- records, 7-33-2313, 7-33-2315
- requests for assistance, 10-3-209
- rural fire districts
  - appointment and formation, 7-33-2105
  - contracts for services, 7-33-2104, 7-33-2107, 7-33-2109
- tax exemption, 15-6-201
- training programs, 7-33-2313, 19-17-105, 19-17-108
- volunteer, 7-33-2110, 7-33-2202, 7-33-2316
- workers' compensation coverage and effect on retirement benefits, 19-17-501, 39-71-118, 39-71-123

Fire engines and apparatus, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Authorized emergency vehicles**
- chief engineer, management and control, 7-33-4105
- city or town council, authority, 7-14-4103, 7-33-4202
- execution, exemption, 25-13-613
- fire chief, responsibility, 7-33-4104
- reports by city clerk, 19-18-511

Fire hoses
- city or town council, authority, 7-33-4202
- execution, exemption, 25-13-613
- reports by city clerk, 19-18-511
- vehicles crossing, 61-8-364

Fire hydrant maintenance districts, Title 7, chapter 12, part 46
Fire Services Training Advisory Council, membership, 2-15-1519
Fire Services Training School director, qualifications, 2-15-1518
Fireworks displays, supervision, 50-37-107
Hazardous chemicals, responsibilities, 50-78-102, 50-78-301

FIRE DEPARTMENTS AND FIREFIGHTERS (Continued)

Hazardous material incidents
  recovery of costs, 10-3-1215, 75-10-716, 75-10-717
  state emergency response commission, representation on, 10-3-1204
Hazard removal, See **Chiefs of departments**, hazards
Hook-and-ladder houses or trucks, 7-33-4202, 19-18-511, 25-13-613
Hours of work, firefighters, 7-33-4128, 39-4-107
Infectious disease, exposure to, Title 50, chapter 16, part 7
Injuries in performance of duties, compensation, 7-33-4133
Inspections by, 7-33-2313, 7-33-4105, 50-61-114, 50-62-101, 50-78-301, 75-11-213
Insurance for firefighters, 7-33-2316, 7-33-4130, 19-17-102, 19-17-103, 19-18-203
  coverage for spouse and dependents of deceased firefighter when, 33-22-136
Investigation of fires, 7-33-2313, 50-63-202
Justice, Department of — assistance from, 50-3-102
Medical assistance by firefighters, 19-17-105, 27-1-714, See also **EMERGENCY MEDICAL SERVICES**
Military
  duty, firefighters exempt when, 7-33-2314, 7-33-2315
  right-of-way not to interfere with, 10-1-602
Municipal departments
  applicability of provisions, 7-33-4102
  authorization, 7-33-4101, 7-33-4201
  chief, See **Chiefs of departments**
  chief engineer, 7-33-4105
  city electrician, inclusion, 7-33-4103, 7-33-4127
  composition, 7-33-4103
  consolidation, 7-33-4101
  contracts for services, 7-33-4101
  employment of personnel, 7-33-4105, 7-33-4121
  fire companies, nonapplicability of provisions, 7-33-4110
  fire engines and apparatus, 7-33-4104, 7-33-4105
  fire reports, liability for delays in receiving and transmittal, 7-33-4114
  maintenance, 7-33-4105
  mutual aid agreements, 7-33-4112
  required, 7-33-4101
  supplementary volunteer department, See **Volunteer departments**
Municipal commission government, 7-3-4252, 7-3-4254, 7-3-4256, 7-3-4259, 7-33-4102
Municipal commission-manager government, 7-3-4464, 7-3-4466
Mutual aid agreements, 7-3-1345, 7-33-2202, 7-33-4112; Title 10, chapter 3, part 11
9-1-1 emergency telephone system, Title 10, chapter 4, parts 1 — 3
Obedience to public safety workers, 61-8-105, 61-9-105
Organ donors, search for document of gift or evidence of refusal, 72-17-213
Parking commissions, cooperation with, 7-14-4632
Physical examinations of firefighters, 7-33-4107, 7-33-4108
Privately owned vehicles, firefighters — use of red light, 61-9-227, 61-9-514
Probationary period for personnel, 7-33-4122
"Public servant", firefighter defined as, 45-2-101
Public service activities by volunteer firefighters, 19-17-105
Qualifications of firefighters, 7-33-4107
Reduction in number of firefighters, 7-33-4125, 19-13-301
Reinstatement of personnel, 7-33-4124
Reports of fires, liability for delays in receiving and transmittal, 7-33-4114
Retirement, See also **FIRE DEPARTMENT RELIEF ASSOCIATIONS; FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM; VOLUNTEER FIREFIGHTERS' COMPENSATION**
  reduction in number of firefighters, 7-33-4125

FIRE DEPARTMENTS AND FIREFIGHTERS (Continued)
Retirement (Continued)

- social security provisions, exclusion, 19-1-103

Rural
- district fire chiefs, 7-33-2202, 7-33-2204
- fire chiefs, 7-33-2202, 7-33-2203, 7-33-2208
- fire control crews, 7-33-2202
- voluntary urban crews, use in rural areas, 7-33-2207

Salaries, See **Compensation**
School fires, 20-1-405
Search and rescue assistance by volunteer firefighters, 19-17-105
State firefighters, 77-5-103
Suspension of personnel, 7-3-4254, 7-3-4259, 7-33-4123, 7-33-4124
Taxation
- exemption for firefighters when, 7-33-2314
- levies
  - group insurance for firefighters, 7-33-4130
  - municipal commission-manager government, 7-3-4464
  - volunteer departments, for, 7-33-4111

Telephone party line or public telephone, failure to yield to permit emergency call, 45-8-114
Training programs for firefighters, 7-33-2313, 19-17-105, 19-17-108, 77-5-103
Training school, Title 20, chapter 31, See **FIRE SERVICES TRAINING SCHOOL**
Transportation for firefighters, free or reduced rates, 7-3-4256, 7-3-4367, 69-11-208
Unincorporated cities and towns, See **Fire companies**
Unions, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING, Arbitration**; **Firefighters**
University system tuition waiver for survivors of firefighter, 20-25-421
Vehicles, See **Fire engines and apparatus**; See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Authorized emergency vehicles**
Voluntary urban fire crews, use in rural areas, 7-33-2207
Volunteer departments
- audits, Title 2, chapter 7, part 5
- authorization, 7-33-4109
- city-county consolidation provisions, 7-3-1345, 7-33-2110, 7-33-2316
- county, 7-33-2202
- fire reports, liability for delays in receiving and transmittal, 7-33-4114
- insurance, blanket disability, 33-22-601 — 33-22-604
- liability, 7-33-2208
- mutual aid agreements, 7-3-1345, 7-33-2202; Title 10, chapter 3, part 11
- tax levy for, 7-33-4111
- workers' compensation coverage and effect on retirement disability benefits, 39-71-118, 39-71-123

Volunteer firefighters, 7-33-4109, 19-17-102, 39-71-118
- duties as, 19-17-103, 19-17-105
- fire services training advisory council, membership, 2-15-1519
- insurance coverage for spouse and dependents of deceased firefighter when, 33-22-136
- liability for emergency care, 27-1-714
- retirement benefits, Title 19, chapters 17 and 18, See **FIRE DEPARTMENT RELIEF ASSOCIATIONS; VOLUNTEER FIREFIGHTERS' COMPENSATION**
- workers' compensation coverage and effect on retirement disability benefits, 19-17-501, 39-71-118, 39-71-123

Volunteer rural fire control crews, 7-33-2202

FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM
See also **PUBLIC EMPLOYEES' RETIREMENT GENERALLY**
Actuarial investigations, 19-13-212

FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM (Continued)

Administration, 19-13-115; Title 19, chapter 2, See **PUBLIC EMPLOYEES' RETIREMENT GENERALLY**
Benefits, See also **Death benefits**; **Disability retirement benefits**; **Service retirement benefits**; **Survivorship benefits**
  discrimination prohibited, 49-2-309
  family law orders, alternate payees, 19-2-907
  guaranteed annual benefit adjustment, 19-13-1010
  minimum benefit adjustment, 19-13-1007
  support obligation, execution or income withholding for, 19-2-909
Citation of Montana Firefighters' Unified Retirement Act, 19-13-101
Cities, See **Employers**
Contributions, See **Employer contributions**; **Member contributions**
Death benefits, See also **Benefits**; **Survivorship benefits**
  absence of spouse or child, payment in, 19-13-903
  minimum benefit adjustment, 19-13-1007
Definitions, 19-13-104, 19-13-214
Disability retirement benefits, See also **Benefits**
  amount, 19-13-803
  cancellation, 19-13-804, 19-13-805
  eligibility, 19-13-802
  family law orders, alternate payees, 19-2-907
  medical examination requirements, 19-13-804
  minimum benefit adjustment, 19-13-1007
  support obligation, execution or income withholding for, 19-2-909
Discrimination prohibited, 49-2-309
Employer contributions, 19-13-605
  additional, 19-13-607
  public service employment, qualification of service in, 19-13-404
  tax for, 19-13-214
  termination or reduction, 19-13-212
  workers' compensation benefits, inclusion in compensation, 19-13-601
Employers, 19-13-104
  disability retirement benefits, notification of cancellation, 19-13-805
  election by employer to join system, transfers, 19-13-211
  employee contributions, pick up and payment, 19-13-601
  inactive member, reinstatement procedures, 19-13-805
  liabilities, adequate funding — payments for, 19-13-212
  participation in system, 19-13-210
    termination, 19-31-212
  taxing authority, 19-13-214
Enforcement of provisions, 19-2-403
Establishment, 19-13-103
Family law orders, alternate payees, 19-2-907
Full-paid firefighters, 19-13-104, 19-13-210, 19-13-212, 19-13-301, 19-13-1007
Fund, See **Pension trust fund**
Member contributions, 19-13-601
  accumulated contributions, 19-13-601, 19-13-701
    beneficiary, paid to — when, 19-13-903
    certification of funds representing, 19-13-211
    refund, 19-2-709, 19-8-902, 19-13-301
    transfer, 19-2-709
  guaranteed annual benefit adjustment, increase for, 19-13-1010
  military service, qualification, 19-13-403
  public service employment, qualification of service in, 19-13-404
  refund, 19-6-802, 19-7-802, 19-9-405

FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM (Continued)
Member contributions (Continued)

  service credits, additional — purchase, 19-13-405
  withdrawals, 19-2-907, 19-2-909
  workers' compensation benefits, inclusion in compensation, 19-13-601
Membership, 19-13-301
  group life and accidental death and dismemberment insurance premiums, 19-13-601
  ineligibility for other plans, 19-13-302
  prior plans, effect, 19-13-310
Part-paid firefighters, 19-13-104, 19-13-301
Pension trust fund
  employer contributions, 19-13-605
  fire department relief association cash and securities, deposit of transfers, 19-13-211
  member contributions, 19-2-709, 19-13-403 — 19-13-405
  prior plans, excess and unfunded liabilities — effect, 19-13-213
  state contributions, 19-13-604
Prior law, applicability, 19-13-102
Prior plans
  excess and unfunded liabilities, 19-13-213
  members, effect on, 19-13-310
Public Employees' Retirement System
  election to remain in, 19-13-301
  service credits transferred to, 19-3-509
Purpose of provisions, 19-13-102
Service credits
  additional, purchase, 19-13-405
  game wardens' and peace officers' retirement system, transfers to, 19-8-902
  highway patrol officers' retirement system, transfers to, 19-6-802
  inactive vested members, purchase, 19-13-301
  military service, qualification, 19-13-403
  municipal police officers' retirement system, transfers to, 19-9-405
  public employees' retirement system, transfers to, 19-3-509
  public service employment, qualification of service in, 19-13-404
  sheriffs' retirement system, transfers to, 19-7-802
Service retirement benefits, See also **Benefits**
  amount, 19-13-704
  disability retirement benefits, effect of cancellation, 19-13-804
  eligibility, 19-13-701
  family law orders, alternate payees, 19-2-907
  inactive member becoming active member, effect, 19-13-805
  minimum benefit adjustment, 19-13-1007
  support obligation, execution or income withholding for, 19-2-909
State contribution, 19-13-601, 19-13-604
State Firemen's Association
  advisory capacity, 19-13-115
  member contributions, amount remitted to, 19-13-601
Support obligation, execution or income withholding for, 19-2-909
Survivorship benefits, 19-13-902, See also **Benefits**; **Death benefits**
  absence of spouse or child, effect, 19-13-903
  disability retirement benefits, 19-13-803
  family law orders, alternate payees, 19-2-907
  guaranteed annual benefit adjustment, 19-13-1010
  minimum benefit adjustment, 19-13-1007
  service retirement benefits, 19-13-704
  support obligation, execution or income withholding for, 19-2-909
Unfunded liabilities, 19-13-213

FIRE HYDRANT MAINTENANCE DISTRICTS, Title 7, chapter 12, part 46

FIRE MARSHAL, 2-15-2005
  - See also **FIRES AND FIRE PROTECTION**

FIRES AND FIRE PROTECTION

- **Actions**
  - hazardous structures, order to repair or demolish, 50-62-103, 50-62-104
  - insurers, information furnished by — liability, 50-63-405
  - reports, liability for delays by persons receiving and transmitting, 7-33-4114
  - safety violations, occupancy of building enjoined, 50-61-118
  - setting or leaving a fire causing damage, damages and costs, 50-63-103
  - suppression — liability of rural fire chiefs, fire districts, fire companies, or fire service areas, 7-33-2208
- **Alarms**, See also **Protection equipment**
  - cities and towns, 7-33-4201
  - false alarms, 45-5-203, 45-7-204, 45-8-101
  - rules for, 50-3-103
  - schools, 20-1-405
  - security alarm system, nonapplicability, 37-60-101
  - underground communication lines, 69-4-303, See **UTILITIES, Underground conversion**
- **Alcoholic beverage licenses**, denial when, 16-4-402
- **Arson**, 45-6-103, See also **ARSON**
  - county detention center work program, inmate ineligibility, 7-32-2227
  - highway patrol officers, jurisdiction, 44-1-1001
  - home arrest, ineligibility, 46-18-1001, 46-18-1004
  - homicide, deliberate — commission when, 45-5-102
  - hotel or motel outbuildings, liability, 70-6-505
  - investigation, 37-60-101, 46-18-261, 50-3-102, 50-63-203
  - minors charged as adults in district court, 41-5-206, 41-5-341, 46-18-201
  - negligent arson, 45-6-102, 46-18-261
  - recovery of suppression and investigation costs, 46-18-261
  - release of offender, written notice to department of justice, 53-1-104
  - setting or leaving a fire causing damage when, 50-63-102
- **Assembly buildings**, 50-61-103, See also **Public buildings**
  - construction or alteration, approval and permit, 50-61-112
- **Attendance at fire**
  - fire company chief, by, 7-33-2313
  - volunteer firefighters, 7-33-4109, 19-17-105
- **Banks**
  - emergency closure, 32-1-561
  - safe deposit boxes, protection, 32-1-446
- **Boats**, equipment requirements, 23-2-521, 23-2-523
- **Boilers**
  - inspection, 7-33-4105, 7-33-4204, 50-74-215
  - safe working pressure, 50-74-218
- **Bonfires**, regulation, 7-33-4206
- **Building codes**, 50-3-103, 50-60-201, 50-60-202, 50-60-204, See **Construction of buildings**; **Protection equipment**; **Public buildings**; See also **BUILDINGS AND BUILDING REGULATIONS, Municipal and county building codes**; **State building code**
- **Business buildings**, 50-61-103, See **Public buildings**
- **Campfires**, 50-63-102, 50-63-103, 76-13-121, 76-13-123
- **Chimneys**, See also **Hazards**
  - construction, rules for, 50-3-103
  - defective, 50-62-102

FIRES AND FIRE PROTECTION (Continued)
Chimneys (Continued)

inspection, 7-33-4105, 7-33-4204
Cities and towns
alarm system, 7-33-4201
annexation with provision of services, 7-2-4732, 7-2-4734
bonfires, regulation, 7-33-4206
codes, 7-5-4202, 7-33-4208, 50-61-102, 50-61-120
emergency expenditures, 7-5-4303
fire hydrant maintenance districts, See **Fire hydrants**
fire trucks, regulation — exemption, 7-14-4103
indebtedness, purpose for incurring, 7-7-4101, 7-7-4104
industries with fire-causing potential, regulation, 7-33-4207
inflammable materials, regulation, 7-33-4205
inspection program, 50-61-102, 50-61-114
mutual aid agreements, 7-33-2108, 7-33-2202, 7-33-2405
purchase contracts, exemption from bid requirements when, 7-5-4303
rural areas, use of voluntary fire crews, 7-33-2207
rural fire districts
annexation, 7-2-4734, 7-33-2127, 7-33-2129
contracts for services, 7-33-2107, 7-33-2109
mutual aid agreements, 7-33-2108
owner of land adjacent to, annexation, 7-2-4734, 7-33-2127
rural fire protection tax levy, restriction, 7-33-2211
Coal mine safety, Title 50, chapter 73
Community college districts, “emergency” defined, 20-15-323
Community homes, certification
developmental disabilities, persons with — for, 53-20-307
persons with severe disabilities, for, 52-4-204
Community service volunteer projects, 90-14-105
Conservation district projects, 76-15-403
Conservation easements, tree-cutting provisions, 77-2-319
Construction of buildings
building codes, 50-60-201, 50-60-202, 50-60-204
educational, institutional, or assembly buildings — approval and permit required, 50-61-112
inspection, 7-33-2313
plans and specifications, 50-60-202
rules for, 50-3-102, 50-3-103
state-owned buildings designed for human occupancy, 50-61-113
Contractor registration, exemption when, 39-9-211
Counties, See also **Rural fire districts**; **Rural fire protection**; **Rural fire service areas**
emergency expenditures, 7-5-2304, 7-6-2341
insurance for buildings, 7-8-2104
purchase contracts, exemption from bid requirements when, 7-5-2304
state suppression costs, reimbursement when, 7-33-2210
County officers, storage of records — requirements, 7-4-2223
Crematory facilities, rules for, 37-19-703
Criminal justice information system, security, 44-5-401
Day-care facilities, safety requirements, 50-61-103, 52-2-723, 52-2-724, 52-2-733, 52-2-734, See also **Public buildings**
Debris-burning fires, permits for, 7-33-2205, 7-33-2206, 76-13-121, 76-13-122
Definitions, 39-71-118, 50-3-101, 50-30-209, 50-39-108, 50-61-103
Departments, See **FIRE DEPARTMENTS AND FIREFIGHTERS**
Detention centers, 7-32-2222, 50-61-103, See also **Public buildings**
Developmental disabilities, persons with, See also **Institutional buildings**; **Public buildings**
community homes, standards, 53-20-307

FIRES AND FIRE PROTECTION (Continued)
Developmental disabilities, persons with (Continued)

residential facilities, standards, 53-20-142
Disasters, 7-33-2108, 10-3-102, 10-3-103, 10-3-312
property tax, effect on, 15-16-611
District fire code and inspection program, 50-61-102, 50-61-114
Districts, See **Rural fire districts**
Dwellings, See **Residential buildings**
Educational buildings, 50-61-103, See also **Public buildings**; **Schools**
construction or alteration, approval and permit, 50-61-112
inspections, 50-3-102
Election polling places, unavailability due to loss by, 13-3-211
Electrical installations in buildings, purpose of provisions, 50-3-103, 50-60-601, See **BUILDINGS AND BUILDING REGULATIONS, Electrical installations**
Electricians' licensing provisions, purpose, 37-68-101
Elevators, loss or damage — casualty insurance inapplicable, 33-1-206
Emergency services, See also **EMERGENCIES AND EMERGENCY POWERS**
cities and towns, expenditures, 7-5-4303
counties
expenditures, 7-5-2304, 7-6-2341
state suppression costs, reimbursement when, 7-33-2210
hazardous chemicals, concerning, 50-78-301
mutual aid agreements, 7-3-1345, 7-33-2108, 7-33-2202, 7-33-2313, 7-33-2405, 7-33-4112, 10-3-202; Title 10, chapter 3, part 11
9-1-1 emergency telephone system, Title 10, chapter 4, parts 1 — 3
requests for assistance, 7-33-2202, 7-33-2313, 10-3-209
responsibilities, 10-3-312, See generally **EMERGENCIES AND EMERGENCY POWERS**; **EMERGENCY MEDICAL SERVICES**
rural areas, voluntary urban fire crews — use, 7-33-2207
rural fire districts, services and equipment, 7-33-2105, 7-33-2108, 7-33-2109
Environmental contingency account objectives, nonapplicability, 75-1-1101
Exits, See **Fire escapes or exits**
Explosives, See **EXPLOSIONS AND EXPLOSIVES**
Extinguishing equipment, See also **Protection equipment**; **FIRE DEPARTMENTS AND FIREFIGHTERS**, generally
boats, requirements, 23-2-521, 23-2-523
city or town councils, authority, 7-33-4202
insurance against loss or damage caused by, See **INSURANCE, CASUALTY**, generally
motor vehicles to carry when, 61-9-413, 61-9-416
purchase, See **CITY FINANCE, Bond issues**; **Indebtedness**
rules for, 50-3-103
volunteer firefighters, compensation when, 7-33-4109
Facility siting provisions, waiver when, 75-20-304
False alarms or reports of fires, 45-5-203, 45-7-204, 45-8-101
Federal rules, adoption, 50-3-103
Fire codes
city or town, 7-5-4202, 7-33-4208, 50-61-102, 50-61-120
detention centers, compliance, 7-32-2222
district, 50-61-102
fire service areas, 50-61-102
housing, lower income — "rehabilitation" defined, 90-6-103
local government, 7-5-108
pesticide regulations, local, 80-8-120
smokeless powder and small arms primers, storage — exceeding limits, 50-61-120
water supply, public — wellhead protection area ordinances, 75-6-120
Fire companies, See **FIRE DEPARTMENTS AND FIREFIGHTERS**

FIRES AND FIRE PROTECTION (Continued)

Fire drills
  rules for, 50-3-103
  schools, requirements, 20-1-402
Fire engines, See **FIRE DEPARTMENTS AND FIREFIGHTERS**
Fire escapes or exits
  city or town council, authority, 7-15-4124
  condominiums, as common element, 15-8-511, 70-23-102
  lessee, correction of violations, 50-61-116
  obstruction unlawful, 50-61-106
  rules for, 50-3-103
Fire extinguishers, See **Extinguishing equipment**; **Protection equipment**
Firefighters, See **FIRE DEPARTMENTS AND FIREFIGHTERS**
Fire hydrants, See also **Protection equipment**, generally
  maintenance districts, creation
    assessment
      resolution for and options, 7-12-4611, 7-12-4612
      water user entities, exemption, 7-12-4621
    authorization, 7-12-4601
    collection of costs with utility fees, 7-12-4612
    intention to create, resolution of, 7-12-4602
      notice, 7-12-4603
    protests, 7-12-4604 — 7-12-4606
    resolution to create, 7-12-4606
  vehicles — stopping, standing, or parking distance requirement, 61-8-354
Fire inspectors, 50-3-106, 50-61-102, 50-61-114
Fireplaces, inspection, 7-33-4204
Fire prevention and investigation program, 2-15-2005, 50-3-101
  adult foster care homes, requirements for, 50-5-215
  building plans and regulations, review, 50-60-202
  construction of buildings, approval and permit requirements, 50-61-112, 50-61-113
  day-care facilities, duties, 52-2-733, 52-2-734
  developmental disabilities, persons with — certification of community homes, 53-20-307
  disabilities, persons with — licensing requirements for community homes, 52-4-205
  fire inspectors, functions, 50-3-106, 50-61-114
  fire services training advisory council, representation, 2-15-1519
  firewardens, employees as, 77-5-104
  fireworks
    confiscation when, 50-37-109
    permits for supervised public display, 50-37-107, 50-37-108
  hazards, duties, 50-62-101 — 50-62-107, 50-62-110, 50-62-111
  petroleum storage tank systems, standards, 75-11-302
  smokeless powder and small arms primers, storage provisions, 50-61-121
    fire code limits, exceeding, 50-61-120
  state-owned buildings, fire protection services — information pertaining to, 2-17-112
Fire seasons, establishment, 7-33-2205
Fire service areas, See **Rural fire service areas**
Fire Services Training Advisory Council, representation on, 2-15-1519
Fire Services Training School, purpose, 20-31-103, See **FIRE SERVICES TRAINING SCHOOL**
Fireworks, Title 50, chapter 37, part 1, See **FIREWORKS**
Fishing, fire danger areas closed to, 87-3-106
Flues
  construction, rules for, 50-3-103
  inspection, 7-33-4105, 7-33-4204
Foreign capital depository safe deposit boxes, protection, 32-1-446

FIRES AND FIRE PROTECTION (Continued)

Forests, within, See **FORESTS AND FORESTRY**
Furnaces, rules for, 50-3-103, See also **Hazards**
Hazardous chemicals
  fire chiefs, duties, 50-78-102, 50-78-301
  rules concerning, 50-3-103
Hazardous material incidents, recovery of costs, 75-10-716, 75-10-717
Hazardous substances, determination of flammability or combustibility, 50-30-209
Hazards
  appeals from orders, 50-62-110
  failure to comply with orders, penalty, 50-62-111
  farm and ranch storage tank violations, notice, 50-62-112
  inspection, 7-33-4105, 7-33-4204, 50-62-101, 50-62-103
  mining operations, elimination, 82-4-231
  nuisance, public — declaration, 50-62-102, 50-62-103
  order of condemnation, 50-62-105, 50-62-106
    noncompliance, procedure upon, 50-62-107
  order to remove or remedy hazardous conditions or materials, 50-62-102
  order to repair hazardous condition or demolish structure, 50-62-103
    answer or objections of owner or occupant, 50-62-103 — 50-62-105
    hearing, 50-62-104, 50-62-106
    judgment, 50-62-104, 50-62-106
      default judgment, 50-62-105
    service, 50-62-103
  railroad right-of-way, control along, 69-14-721
  revocation of orders, 50-62-110
  rules concerning, 50-3-103
  salvage sales, 50-62-107
  state scientific and recreational park, purpose, 23-1-201
  underground storage tank leaks, 75-11-202
Health care facilities, 50-61-103, See also **Public buildings**
  certificate of need, emergency issuance, 50-5-308, 50-5-309
  standards, 50-5-103, 50-5-104, 53-6-106
Historic properties, tax abatement — disqualification provisions inapplicable, 15-24-1607
Hotels and lodging establishments, 50-51-103, 50-61-103, See also **Public buildings**
  liability for personal property losses, 70-6-503 — 70-6-505
Housing accommodations, See also **Residential buildings**
  lower income, development — "rehabilitation" defined, 90-6-103
  smoke detectors, notice requirement upon sale of dwelling, 70-20-113
  unsafe, 7-15-2101, 7-15-2106, 7-15-4401, 7-15-4407
Hunting
  fire danger areas closed to, 87-3-106
  hunting access enhancement program, benefits — application, 87-1-267
Income tax, individual — estates or trusts, net income deductions, 15-30-136
Industrial buildings, 50-3-102, 50-61-103, See also **Public buildings**
Industries with fire-causing potential, regulation, 7-33-4207
Inflammable materials, regulation, 7-33-4205, 50-3-103, 50-30-209, See also **Hazards**
Injunction when, 50-3-102, 50-39-108, 50-61-118
Inspection of buildings, 50-3-102, 50-61-101, 50-61-114, 50-61-115
  city or town councils, authority, 7-33-4204
  day-care facilities, 52-2-733, 52-2-734
  fire chiefs, by, 7-33-2313, 50-61-102, 50-61-114, 50-62-101, 50-62-103, 50-78-301
  fire department chief engineers, by, 7-33-4105
  fire inspectors, 50-3-106, 50-61-102, 50-61-114
  hazardous chemicals, 50-78-301
  hazards, 7-33-4105, 7-33-4204, 50-62-101, 50-62-103

FIRES AND FIRE PROTECTION (Continued)

Institutional buildings, 50-61-103, See also **Public buildings**
    construction or alteration, approval and permit, 50-61-112
    inspections and reports, 50-3-102
Insurance
    agricultural commodity
        dealers, requirements, 80-4-601
        warehouse operators, requirements, 80-4-502, 80-4-506
    condominiums, common expenses, 70-23-612
    county buildings, 7-8-2104
    credit unions, requirements, 32-3-201
    day-care facilities, requirements, 52-2-723, 52-2-724
    devise, proceeds acquired by — nonademption, 72-2-616
    farm property, stock, and rural buildings, 33-4-101, 33-4-501, 33-4-502, See **INSURERS, FARM MUTUAL**
    home insurance, notice requirements for cancellation or nonrenewal, 33-23-401
    indemnity, measure of and rescission for fraud, 33-24-101
    insurer
        information to state agencies, 50-63-401
            confidentiality, 50-3-102, 50-63-403
            liability limited, 50-63-405
            reports to department of justice, 50-63-203
            suspicious fires, report, 50-63-402, 50-63-405
            testimony by agency personnel when, 50-63-404
        insolvency declared when, 33-2-1303
        reinsurance, limit of risk, 33-2-1201
    leakage and fire extinguishing equipment, against loss or damage caused by, 33-1-206, 33-1-209, See generally **INSURANCE, CASUALTY**; **INSURANCE, MARINE**
    nationwide inland marine, coverage inapplicable, 33-1-228
    premium tax, report requirements and payments from, 33-2-705
    rates, standards, 33-16-201
    recovery on policy, testimony of law enforcement and fire protection personnel, 50-63-404
    tax lien on proceeds when, 33-24-104
Investigation of fires
    arson-caused fires, recovery of costs, 46-18-261
    entry on premises, authorization, 50-63-101
    failure to investigate or file report, 50-63-204
    fire chief, by, 7-33-2313, 50-63-202
    incident reports, 50-63-203, 50-63-204
    initial investigation, 50-63-201 — 50-63-204
    insurance
        adjuster, report by, 50-63-203
        information to state agencies, 50-63-401 — 50-63-405
    private investigators, 37-60-101
    records, 50-3-102
    reports, 50-63-203, 50-63-204
    required when, 50-63-201
    state program, See **Fire prevention and investigation program**
    witnesses, 50-3-102
Land-clearing fires, permits for, 7-33-2205, 7-33-2206, 76-13-121, 76-13-122
Landlord and tenant, applicability of laws, 50-61-103, 50-61-116, 50-61-118, 50-62-103, 70-24-105, 70-24-303, 70-24-409
Leaving a fire causing damage, 50-63-102, 50-63-103, 76-13-122, 76-13-123
Lessee
    fire escapes, correction of violations, 50-61-116

FIRES AND FIRE PROTECTION (Continued)
Lessee (Continued)

- hazards
    - order of condemnation, answer, 50-62-104
    - order to remove or remedy, 50-62-102
- injunction of occupancy upon violation, 50-61-118

Liability
- fire suppression actions, for, 7-33-2208, 50-63-103
- hazardous or deleterious substance cleanup, 75-10-725
- hotels and lodging establishments, for personal property losses, 70-6-503 — 70-6-505
- insurance information to state agencies, 50-63-405
- railroad right-of-way, hazard along — damages for fire caused by, 69-14-721
- rural fire districts
    - annexed territory, for indebtedness of original district, 7-33-2125
    - detracted area, for indebtedness of original district, 7-33-2124
    - fire chiefs, 7-33-2208
    - fire suppression actions, 7-33-2208
    - requested assistance, upon receiving, 7-33-2208, 10-3-209
- rural fire service areas, requests for assistance — upon receiving, 10-3-209
- setting or leaving a fire causing damage, damages and costs, 50-63-103
- state land recreational use, state and lessee, 77-1-805

Mayors, powers, 7-4-4303
Mental health facilities, standards, 53-21-142, See also **Institutional buildings**; **Public buildings**
Mining operations
- hazards, elimination, 82-4-231
- preventive measures, 82-4-434

Montana Conservation Corps, emergency projects, 23-1-303
Motor vehicles, See also **Rural fire districts**
- damaged by fire, 61-3-202, 61-3-210 — 61-3-212
- extinguishing equipment, to carry when, 61-9-413, 61-9-416
- new, extension of warranty period, 61-4-502

Municipal commission government, powers of council, 7-3-4252
Natural resources generally, protection, 76-11-101, 76-11-102, See also **Rural fire protection**
9-1-1 emergency telephone system, Title 10, chapter 4, parts 1 — 3
Occupational safety codes, 50-71-312
Oil and gas operations, requirements, 82-11-123
Open fires
- mining operations, 82-4-434
- permits for igniting or setting, 7-33-2205, 7-33-2206
- setting or leaving a fire causing damage, 50-63-102, 50-63-103
- state lands recreational use, restrictions, 77-1-804

Pedestrian malls, facilities on, 7-14-4704
Planning boards, growth policy, 76-1-601
Predators, bounty scalps or skins — destruction, 81-7-115
Prevention information to public, 20-31-103, 50-3-102
Property
- involuntary deposit resulting from fire, 70-6-103
- rescued from fire, 7-33-2313

Protection equipment, See also **FIRE DEPARTMENTS AND FIREFIGHTERS**
- cities and towns, indebtedness — purpose for incurring, 7-7-4101, 7-7-4104
- insurance against loss or damage, 33-1-206, 33-1-209, See generally **INSURANCE, CASUALTY; INSURANCE, MARINE**
- rural fire districts, 7-33-2105, 7-33-2107, 7-33-2109
- rural fire protection, financing, 7-33-2209
- rural fire service areas, 7-33-2401, 7-33-2402, 7-33-2404

FIRES AND FIRE PROTECTION (Continued)
Protection equipment (Continued)

- sale, installation, or servicing — license and endorsements
  - application, 50-39-102
  - contractor registration, exemption, 39-9-211
  - definitions, 50-39-108
  - examinations, 50-39-102, 50-39-103
  - fees, 50-39-102, 50-39-105, 50-39-106
  - hearings, 50-39-103
  - inspection of premises, 50-39-103, 50-39-108
  - issuance, 50-39-102
  - required, 50-39-101
  - rulemaking authority, 50-39-107
  - uniform regulation for licensing programs without boards, Title 37, chapter 1, part 4, See also **PROFESSIONAL AND OCCUPATIONAL LICENSING AND REGULATION**
- smoke detectors, landlord-tenant provision, 70-24-303
- smokeless powder and small arms primers, storage, 50-61-121
- special improvement districts, creation for, 7-12-4102, See **SPECIAL IMPROVEMENT DISTRICTS**
- volunteer fire departments, financing, 7-33-4111

Protection information to public, 50-3-102

Public buildings, safety in, See also this main heading generally
- administration of provisions, 50-61-102
- application of laws, 50-61-103
- construction, See **Construction of buildings**
- definitions, 50-61-103
- enforcement, 50-61-102
- fire escapes or exits, 50-61-106, 50-61-116
- inspection, 50-3-102, 50-61-101, 50-61-114, 50-61-115, See also **Inspection of buildings**
- purpose of provisions, 50-61-101
- rules for, 50-3-102, 50-3-103, 50-61-102, 50-61-114
- smokeless powder and small arms primers, storage, 50-3-103, 50-61-102, 50-61-120, 50-61-121
- violations, 50-61-106, 50-61-119
  - fire escapes, correction by lessee — reimbursement when, 50-61-116
  - injunction, 50-61-118
  - notice, 50-61-115
  - prosecution, 50-61-117

Public contracts, nonconstruction services, 18-2-401

Public records, storage requirements, 2-6-111, 7-4-2223

Public safety communications officers, 7-31-201 — 7-31-203, 44-4-301, 44-4-302

Railroads
- fireguards, maintenance, 69-14-722
- grain elevators and warehouses, location, 69-14-911
- passenger facilities or stations, 50-61-103, See also **Public buildings**
- right-of-way, hazard along — control, 69-14-721

Reports of fires
- delays in receiving or transmittal, liability, 7-33-4114
- false, 45-5-203, 45-8-101
- state land lessees, 77-1-805
- telephone party line or public telephone, failure to yield to permit emergency call, 45-8-114

Residential buildings, 50-61-103, See **Housing accommodations**; **Public buildings**

Rules by Department of Justice, 50-3-102, 50-3-103, 50-60-204, 50-61-102
- noncompliance, injunction, 50-61-118
- violation, 50-61-114, 50-61-117

FIRES AND FIRE PROTECTION (Continued)

Rural fire districts
- annexation
  - adjacent territory
    - cities or towns, to, 7-2-4734, 7-33-2127
    - contained in district, annexation to another district, 7-33-2126
    - not contained in district, 7-33-2125
  - cities and towns, 7-2-4734, 7-33-2127, 7-33-2129
- appropriation to, 7-6-2218, 7-33-2129
- audits, Title 2, chapter 7, part 5
- bonded indebtedness, 7-33-2124, 7-33-2125, 7-33-2129
- bond issues, 7-33-2109
- boundaries
  - adjustments, 7-3-1345, 7-33-2103
  - annexation of adjacent territory contained in a district, changes, 7-33-2126
  - consolidation, map, 7-33-2120
  - contracts for services, limitations, 7-33-2107
  - division of district, 7-33-2122
- budgets, 7-33-2105, 90-6-323
- bylaws, 7-33-2105
- campaign finance provisions, exception, 13-37-206
- city-county consolidation provisions, 7-3-1345, 7-33-2110, 7-33-2316
- consolidation, 7-33-2120
- contractor registration provisions, nonapplicability, 39-9-211
- contracts for services, 7-33-2104, 7-33-2107, 7-33-2109; Title 18, chapter 8, part 2
- county attorney as counsel for, 7-4-2711
- dissolution, 7-3-1345, 7-33-2128
- division
  - assets and liabilities, distribution, 7-33-2124
  - authorization, 7-33-2121
  - owner of land adjacent to city or town, withdrawal and annexation, 7-33-2127
  - petition, hearing, and notice, 7-33-2122, 7-33-2123
- equipment and facilities, 7-33-2105, 7-33-2107, 7-33-2109, 7-33-2111
- establishment, 7-3-1345, 7-33-2101
  - decision on, 7-33-2103
  - hearing on petition, 7-33-2102, 7-33-2103
  - petition for, 7-33-2101
- fire chiefs
  - appointment and supervision, 7-33-2202
  - compensation, 7-33-2204
  - fire control powers and liability, 7-33-2208
  - firewardens, as, 77-5-104
  - hazardous chemicals, duties, 50-78-102, 50-78-301
  - inspections by, 50-62-101, 50-78-301
- fire companies
  - appointment and formation, 7-33-2105
  - contracts for services, 7-33-2104, 7-33-2107
- fire suppression actions, liability, 7-33-2208
- funds
  - capital improvement fund, 7-33-2111
  - division of district, apportionment, 7-33-2124
  - fire district fund, 7-33-2107
  - interest on deposits or investments, 7-6-204
- hard-rock mining impact, Title 90, chapter 6, part 3
- hazardous or deleterious substance cleanup, 75-10-725

FIRES AND FIRE PROTECTION (Continued)
Rural fire districts (Continued)

- motor vehicles
  - license plates, 61-3-332, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS, License plates**
  - new vehicle sales tax, exemption, 61-3-502
  - registration fees, exemption, 61-3-321
  - weed control fee, exemption, 61-3-510
- mutual aid agreements, 7-3-1345, 7-33-2108, 7-33-2202, 7-33-2313, 7-33-2405, 7-33-4112, 10-3-202, 10-3-209
- operation, 7-33-2104, 7-33-2120
- professional services contracts,, Title 18, chapter 8, part 2
- protests, 7-33-2120, 7-33-2123, 7-33-2125, 7-33-2126
- requests for assistance, 7-33-2208, 10-3-209
- tax exemption, 15-6-201
- tax levies, 7-33-2105, 7-33-2109
- trustees
  - annexation procedures, 7-33-2125, 7-33-2127
  - appointment, 7-33-2104, 7-33-2106
  - capital improvement fund, establishment, 7-33-2111
  - chairman, 7-33-2106, 7-33-2127
  - consolidation procedures, 7-33-2120
  - contracts for services, 7-33-2107
  - election of, 7-33-2106
  - mutual aid agreements, 7-33-2108, 7-33-2313
  - powers and duties, 7-33-2105
  - terms of office, 7-33-2106
  - workers' compensation coverage, election when, 39-71-118
- withdrawal
  - adjacent territory, annexation to another district, 7-33-2126
  - owner of land adjacent to city or town, by, 7-33-2127
- workers' compensation coverage and effect on retirement disability benefits, 39-71-118, 39-71-123

Rural fire protection
- county appropriation to, 7-6-2218, 7-33-2209
- county governing body
  - authority and functions, 7-33-2201, 7-33-2202
  - financing fire control activities, 7-33-2209
  - fire seasons, establishment, 7-33-2205
  - voluntary urban fire crews, organization and training, 7-33-2207
  - workers' compensation coverage, election, 39-71-118
- financing fire control activities, 7-33-2209
- fire chiefs, 7-33-2202 — 7-33-2204
  - fire control powers and liability, 7-33-2208
  - hazardous chemicals, duties, 50-78-102, 50-78-301
- fire seasons, establishment, 7-33-2205
- fire suppression actions, liability, 7-33-2208
- mutual aid agreements, 7-33-2202
- purpose of provisions, 7-33-2201
- state suppression costs, reimbursement when, 7-33-2210
- tax exemption for entities providing, 15-6-201
- tax levy for, 7-33-2209, 7-33-2211
- voluntary urban fire crews, use, 7-33-2207
- volunteer fire companies, 7-33-2202
- volunteer rural fire control crews, 7-33-2202
- workers' compensation coverage and effect on retirement disability benefits, 39-71-118, 39-71-123

FIRES AND FIRE PROTECTION (Continued)

Rural fire service areas
  appropriation, 7-6-2218
  assessments, 7-33-2404
  boundaries, alteration, 7-33-2401
  county attorney as counsel for, 7-4-2711
  dissolution, 7-33-2401
  emergency equipment and medical services, 7-33-2402
  establishment, 7-33-2401
  financing, 7-33-2404
  fire chiefs
    fire control powers and liability, 7-33-2208
    inspections by, 50-61-114
  fire code and inspection program, 50-61-102, 50-61-114
  fire suppression actions, liability, 7-33-2208
  hazardous or deleterious substance cleanup, liability, 75-10-725
  indebtedness, 7-33-2401, 7-33-2404
  investigation of fires, 50-63-202
  mutual aid agreements, 7-33-2108, 7-33-2202, 7-33-2313, 7-33-2405, 7-33-4112, 10-3-202, 10-3-209
  operation and management, 7-33-2403
  rate schedules, 7-33-2401, 7-33-2403, 7-33-2404
  requests for assistance, 10-3-209
  services provided, 7-33-2401, 7-33-2402, 7-33-2404
  trustees, 7-33-2402 — 7-33-2404, 39-71-118
  workers' compensation coverage and effect on retirement disability benefits, 39-71-118, 39-71-123
Schools, See also **Educational buildings**; **Public buildings**
  budget amendments, reason for, 20-9-161
  fires, 20-1-405
    "unforeseen emergency", defined as, 20-3-322, 20-9-802
  inspections, 50-3-102, 50-61-114
School trustee meetings, waiver of notice when, 20-3-322
Setting a fire causing damage, 50-63-102, 50-63-103, 76-13-122, 76-13-123, See also **Arson**
Smoke detectors, 70-24-303, See also **Protection equipment**, generally
  dwellings, notice requirement upon sale of, 70-20-113
Smokeless powder and small arms primers, storage
  fire code limits, exceeding, 50-61-120
  restrictions, 50-61-121
  rules for, 50-3-103, 50-61-102
Special improvement districts, creation for, 7-12-4102, See **SPECIAL IMPROVEMENT DISTRICTS**
Sprinkler systems, See **Protection equipment**, generally
Starting unlawfully, 7-33-2206, 45-6-102, 76-13-122, See also **Arson**
State fire marshal, 2-15-2005
  building codes council, membership, 50-60-115
State fire prevention and investigation program, See **Fire prevention and investigation program**
State lands
  lease rental rates or fees, consideration in setting, 77-1-106
  recreational use
    damages resulting from, 77-1-805
    restrictions, 77-1-804
State-owned buildings, See also **Public buildings**
  construction or alteration, approval required, 50-61-113
  inspections and reports, 50-3-102

FIRES AND FIRE PROTECTION (Continued)
State-owned buildings (Continued)

protection provisions, budget and review, 2-17-112
Stoves and stovepipes, inspection, 7-33-4204
Subdivisions, environmental assessment, 76-3-603
Suppression
    arson-caused fires, recovery of costs, 46-18-261
    community service volunteer projects, 90-14-105
    fire danger areas, request for closure — requirements, 87-3-106
    information to public, 20-31-103
    natural areas, costs — responsibility, 76-12-121
    ordinances relating to, violation — reporting and prosecution, 7-33-2313
    recovery of costs, 46-18-261, 50-63-103, 76-12-121
    rural fire protection, 7-33-2208 — 7-33-2210
    solid waste management systems, 75-10-204
    state land recreational use, lessee's liability, 77-1-805
    waste tire disposal sites, 75-10-216
Suspicious fires, 50-63-203, 50-63-402, 50-63-405
Unincorporated places
    districts, See **Rural fire districts**
    fire companies, Title 7, chapter 33, part 23, See **FIRE DEPARTMENTS AND FIREFIGHTERS**
    fire service areas, Title 7, chapter 33, part 24, See **Rural fire service areas**
    mutual aid agreements, 7-33-2108, 7-33-4112
University system students' rooms, emergency entry, 20-25-513
Urban renewal, blighted areas, 7-15-4202, 7-15-4206
Violations
    arson, See **Arson**
    campfires, 50-63-102, 50-63-103
    false alarms or reports, 45-5-203, 45-7-204, 45-8-101
    fire escapes or exits
        lessee, correction of violations, 50-61-116
        obstruction, 50-61-106
    fire protection equipment sales, installation, or servicing — license or endorsement, failure to have, 50-39-101
    hazards
        failure to comply with orders to correct, 50-62-111
        farm and ranch storage tank violations, notice, 50-62-112
    injunction, 50-61-118
    inspection to determine, 50-61-114
    investigations of fires, failure to investigate or to file report, 50-63-204
    permits to ignite or set fires in certain areas, failure to have, 7-33-2206, 76-13-122
    prosecution, 50-61-117
    public building provisions generally, 50-61-119
    rules of department of justice, 50-3-103, 50-61-114, 50-61-117
    setting or leaving a fire causing damage, 50-63-102, 76-13-122, 76-13-123
    starting unlawfully, 7-33-2206, 45-6-102, 76-13-122
    suppression, ordinances relating to — reporting and prosecution, 7-33-2313
    telephone party line or public telephone, failure to yield to permit emergency call, 45-8-114
Volunteer fire companies, See **FIRE DEPARTMENTS AND FIREFIGHTERS**
Water works for protection, 85-1-102, 85-1-210, See **WATER USE, Projects and works**
Weather modification and control activities, exemption from licensing and permit provisions, 85-3-202
Zoning regulations, purpose, 76-2-203, 76-2-304

FIRE SERVICES TRAINING SCHOOL
Allocation, 20-31-102

FIRE SERVICES TRAINING SCHOOL (Continued)

Budget, 17-7-102, 20-31-102, See **BUDGET AND BUDGETING**
Contractual agreements, 20-31-401
Coordination with other agencies, 20-31-104
Cost recovery fee, 20-31-402
Creation, 20-31-102
Definitions, 20-31-101
Director, 2-15-1518, 2-15-1519, 20-31-101, 20-31-201, 20-31-202, 20-31-302
Fire Services Training Advisory Council, 2-15-1519, 20-31-101, 20-31-301, 20-31-302
Gifts and grants, 20-31-401
Purpose, 20-31-103, 20-31-302, 20-31-401
Supervision, 20-31-102

FIREWARDENS, 77-5-103 — 77-5-106, 87-1-504
    See also **FIRES AND FIRE PROTECTION; FORESTS AND FORESTRY**

FIREWORKS, 50-37-101
Applicability of laws, 50-37-102
City or town councils, regulation, 7-33-4206, 50-37-102
Confiscation when, 50-37-109
Penalties for violations, 50-37-110
Permissible fireworks, 50-37-103 — 50-37-105
Public display, supervised — authorization and bond, 50-37-107, 50-37-108
Sale, 7-33-4206, 50-37-102 — 50-37-104, 50-37-106, 50-37-107
Transportation, 50-37-103
Uses, 7-33-4206, 50-37-102 — 50-37-104, 50-37-107
Wholesaler permits, 50-37-103, 50-37-104

FIRST SPECIAL SERVICE FORCE MEMORIAL MONUMENT PERMANENT TRUST ACT, 10-2-701 — 10-2-703

FIRST-TIME HOME BUYER SAVINGS ACCOUNT ACT, Title 15, chapter 63
    See **TAXATION, GENERAL PROVISIONS**

FISCAL YEAR
City-county consolidated governments, 7-3-1302, 7-6-604
Counties, 7-6-604, 7-6-2201
Credit unions, 32-3-105
Municipalities, 7-3-1302, 7-6-604, 7-6-4101
Public employees' retirement generally, 19-2-303
Schools, 20-1-301
State government, 17-2-110
Unemployment insurance provisions, 39-51-1121
Volunteer firefighters' compensation provisions, 19-17-102
Workers' compensation provisions, 39-71-116

FISH AND GAME LICENSES AND PERMITS
    See **FISH AND WILDLIFE**

FISH AND GAME WARDENS, Title 87, chapter 1, part 5
    See **FISH AND WILDLIFE; PEACE OFFICERS; PUBLIC OFFICERS OR EMPLOYEES**

FISH AND WILDLIFE
Access sites
    acquisition and funding, 87-1-209, 87-1-601, 87-1-605
    improvement or development projects, 2-17-322, 23-1-110, 23-1-126, 23-1-127
    maintenance, priority, 23-1-126, 23-1-127
    motorized camping and off-highway vehicle use, limitation and prohibition, 23-1-128

FISH AND WILDLIFE (Continued)
Access sites (Continued)

  rules for recreational use, 87-1-303
  smith river management provisions, description of waterway applicable to, 23-2-404
Aerial hunting, Title 81, chapter 7, part 5, See **PREDATORS AND PREDATOR CONTROL**
Agents, See **License agents**
Aircraft, airports, or landing fields — use, 87-3-126
Animal calls or sounds, use, 87-3-108
Antelope, See **Bow and arrow**; **Game animals**; See also **LIVESTOCK**, **Alternative livestock ranches and alternative livestock**
Antlers, 87-3-102, 87-3-111, 87-3-307
Aquatic ecosystem protection, Title 75, chapter 7
Aquatic fish food organisms, regulation of commercial taking, 87-4-609, 87-4-610
Archery, See **Bow and arrow**
Auctions
  confiscated or destroyed birds and animals, See **Confiscation or seizure**, sales
  moose, shiras — license, 87-2-724
  mountain sheep license, 87-2-722
Bag limits, 87-1-102, 87-1-304, 87-3-121, 87-3-403
Bait, restrictions, 87-3-203, 87-3-204, 87-3-206
Bears, See **Game animals**; **Tattooing of certain animals**; **Zoos and menageries**
Beavers and dams, 87-1-224, 87-2-101, 87-3-501, 87-3-503, 87-4-1001, See **Fur-bearing animals**; **Fur farms**
Bighorn sheep, 87-1-102, 87-1-111, 87-1-115, See **Game animals**
Biological matters, See **Scientific purposes**
Birds, See **Game bird farms**; **Game birds**; **Nongame and endangered species**; **Preserves and refuges**; **Raptors**; **Shooting preserves**
Bison or buffalo
  management, 81-2-120, 81-2-121, 87-1-216, 87-3-130
  national bison range, establishment and development, 87-1-711, 87-1-712
  unlawful taking, killing, possessing, transporting, or wasting, 87-1-102, 87-1-111
  wild buffalo, 81-2-120, 87-1-101, 87-1-216, See also **Game animals**
Boats and boating, See also **BOATS AND BOATING**
  fort peck dam territory, rights, 2-1-209
  restrictions, 23-2-525, 87-3-126, 87-3-203
Bobcats, 87-1-111, 87-2-101, 87-2-601, 87-2-602, 87-3-124, 87-3-127, 87-4-1001, See **Fur-bearing animals**; **Fur farms**
Body parts
  game bird farms, sale, 87-4-911
  grizzly bear, 87-1-511, 87-4-702, 87-5-302
Boone and Crockett Trophy Institute, 87-3-307
Bounty claims, 87-1-206
Bow and arrow
  fish, taking with, 87-1-301, 87-3-204
  hunting with, 23-2-302, 87-1-301, 87-1-304, 87-2-105, 87-5-405
  licensing, 49-3-204, 87-2-105, 87-2-708
  restrictions, 87-1-301, 87-3-135
  safety and education course required, 87-2-105
  shooting ranges, 76-9-101 — 76-9-105, 87-1-278
Buffalo, wild, See **Bison or buffalo**
Bull trout, 87-1-111, 87-1-283, See also **Fish and fishing**
Captivity, keeping in, See **Fur farms**; **Game bird farms**; **Tattooing of certain animals**; **Zoos and menageries**; **LIVESTOCK**, **Alternative livestock ranches and alternative livestock**
Carcasses
  bison or buffalo, disposal, 87-1-216

FISH AND WILDLIFE (Continued)
Carcasses (Continued)

  frozen food lockers, requirements, 50-50-401, 50-50-402
  game bird farms, sale, 87-4-911
  scientific purposes, parts specified for, 87-3-102
  tagging, 50-50-401, 87-2-509, 87-5-302
  waste or abandonment, 87-1-102, 87-3-102
Caribou, 87-1-102, 87-1-111, 87-2-101, 87-4-406, See **Game animals**; See also **LIVESTOCK, Alternative livestock ranches and alternative livestock**
Carriers, 87-3-115
Checking stations, 87-1-207, 87-1-208
Cities and towns, powers, 7-1-111, 7-21-4202
Civet cat, 87-2-101
Closed districts, posting, 87-5-402
Closure of areas for fishing and hunting, 87-1-304
Commercial activities involving, Title 87, chapter 4
Commission, See **FISH, WILDLIFE, AND PARKS COMMISSION**
Community service volunteer projects, 90-14-105
Confiscation or seizure
  carriers' shipments of fish and game, 87-3-115
  donations of meat to public entities, 87-1-512
  fur-bearing animal pelts possessed unlawfully, 87-1-102
  game or hides, 87-1-201, 87-1-513, 87-5-111
  grizzly bears or parts, disposition, 87-1-511
  records, 87-1-514
  sales
    birds or animals, 87-1-511
    certificate, issuance, 87-1-512
    meat of wild animals damaging property, 87-1-226
    procedures, 87-1-226, 87-1-511
    proceeds, disposition, 87-1-201, 87-1-513, 87-1-601
  wardens' powers and liability, 87-1-506, 87-1-513
  zoos and menageries, confiscation of wildlife, 87-4-807
Conservation district projects, 76-15-403
Construction or hydraulic projects, 87-5-502 — 87-5-505, See **RIVERS AND STREAMS, Construction or hydraulic projects**
Contests prohibited when, 87-3-121, 87-3-307
Cooperative agreements
  federal preserves, hunting rights on contiguous land, 87-1-227
  fish restoration and management projects, 87-1-701 — 87-1-703
  flathead county migratory bird reserve, regulation, 87-1-706
  indian lands, hunting and fishing regulations, 87-1-228
  interstate fishing privileges, 87-2-1001 — 87-2-1004
  nongame and endangered species, management programs, 87-5-108
  research and management training, 87-1-210
  wildlife restoration projects, 87-1-708, 87-1-709
Counties
  cost bills for prosecution of violations, payment, 87-1-104, 87-1-601
  explosives, furnishing, 87-1-224
  federal waterfowl and wildlife area acquisitions, review and hearings, 87-1-713, 87-1-714
  habitat, acquisition — impact analysis, 87-1-241
  land owned by, improvement, 7-8-2501
  land payments to, in lieu of taxes, 87-1-603, 87-1-604
  powers, 7-1-111
County water and/or sewer district projects, 7-13-2218
Coyotes, 87-1-231, 87-1-233, 87-2-101, See **Tattooing of certain animals**; See also **PREDATORS AND PREDATOR CONTROL**

FISH AND WILDLIFE (Continued)

Crawdads or crayfish, regulation of commercial taking, 87-4-608 — 87-4-610
Crimes, See **Violations**
Crimestoppers program
  board, 2-15-3404
  citation of fish, wildlife, and parks crimestoppers act, 87-5-601
  confidentiality, 87-5-606
  functions, 87-5-603
  rewards, 87-5-603, 87-5-605
Criminal code, not to supersede, 87-1-110
Cutthroat trout, 87-1-283
Damage to property, See **Lands or waters**, damage to
Dead animals, dumping or leaving, 75-10-212, 75-10-233
Deadfall, use prohibited, 87-3-127
Decoys, 87-3-109, 87-3-401
Deer, See **Game animals**; See also **LIVESTOCK, Alternative livestock ranches and alternative livestock**
Dingell-Johnson Bill, assent to, 87-1-701 — 87-1-703
Disabilities, persons with, 87-1-301, 87-2-103, 87-2-403, 87-2-706, 87-2-802 — 87-2-804
Disease control, 81-2-120, 87-1-216, 87-3-130
Districts, creation and posting, 87-1-304, 87-5-402
Dogs, use and restrictions, 45-8-210, 87-3-124, 87-3-134, 87-4-915, 87-5-401
Drawing system for special licenses and seasons
  account, 87-1-601
  antelope, 87-2-706
  elk permits, 87-2-705
  fees, 87-1-601, 87-2-113
  nonresident big game or deer combination licenses, when, 87-2-511
  required, 87-1-304
  unlawful entry when, 87-1-102
  upland game bird licenses, nonresident — when, 87-2-402
  wild turkey tags, 87-2-403
Dressing game, provisions for, 87-2-803, 87-3-102
Dumping garbage, dead animals, or refuse, 75-10-212, 75-10-233
Eagles, 87-1-111, 87-5-201, 87-5-202, 87-5-205, 87-5-209, See **Raptors**
Elk, See **Game animals**; See also **LIVESTOCK, Alternative livestock ranches and alternative livestock**
Endangered species, Title 87, chapter 5, part 1, See **Nongame and endangered species**
Enforcement, 87-1-114, 87-1-201, 87-1-404
  duties of attorney general and county attorneys, 87-1-105
  ex officio wardens, 87-1-503
  federal laws, 87-3-403
  nongame and endangered species provisions, 87-5-111
  private property, protection, 87-1-504
  wardens, 87-1-101
    boating accidents, investigation and report, 23-2-527
    confiscated birds and animals, sale — disposition, 87-1-511 — 87-1-514
    duties and powers, 87-1-502, 87-1-504 — 87-1-506
    firearms, permits to carry, 87-1-201
    firewardens, as, 77-5-104
    insurance coverage for spouse and dependents of deceased warden when, 33-22-136
    outfitters' and guides' licensing provisions, enforcement, 37-47-345
    retirement system, Title 19, chapter 8
    selection and oath, 87-1-501
  zoos and menageries, 87-4-807
Environmental contingency account, use, 75-1-1101

FISH AND WILDLIFE (Continued)

Equine activities, liability, 27-1-725 — 27-1-728
Estate taxes, in-kind payment for preservation of wildlife habitat, 72-16-445
Exceptions to requirements
  blind persons or persons with disabilities, 87-2-803
  indians, 87-1-228
  institutions, state — patients in, 87-2-802
  minors under age 18, 87-2-805
  residents over age 62 and resident or nonresident legion of valor members, 87-2-801
  revocation, 87-2-804
  scientific purposes, taking fish and game for, 87-2-806
  veterans in VA hospitals, 87-2-802
Explosives, use, 87-2-806, 87-3-206
Falconry and falcons, See **Raptors**
Farm animal and research facilities protection, Title 81, chapter 30, part 1
Federal-state relationships
  avicultural permits, 87-2-807
  benton lake wildlife refuge, water supply, 87-1-707
  birds, federal regulations, 87-3-403, 87-5-205, 87-5-209
  bison or buffalo, management, 81-2-120, 87-1-216
  cooperative agreements, 87-1-210, 87-1-303
  dingell-johnson bill, 87-1-701 — 87-1-703
  falconry and raptors, conformance of laws, 87-5-204, 87-5-210
  fish
    hatching operations, 87-1-704
    restoration and management projects, 87-1-701 — 87-1-703
  fish and wildlife resources, projects adversely affecting, 87-5-508
  flathead county migratory bird reserve, establishment and regulation, 87-1-705, 87-1-706
  fort peck multispecies fish hatchery, 87-3-235, 87-3-236
  funds, 87-1-601
  grizzly bear parts, sale, 87-1-511
  hunter license fees, use for department purposes only, 87-1-710
  hunting restrictions, 87-3-125, 87-3-126
  hunting rights on adjoining land, 87-1-227
  land acquisition by federal government, 87-1-705, 87-1-711, 87-1-713
  land and water conservation fund act, 23-2-101 — 23-2-103
  national bison range, establishment and development, 87-1-711, 87-1-712
  nongame or endangered species management, 87-5-107, 87-5-108, 87-5-112
  pittman-robertson act, 87-1-708 — 87-1-710
  river restoration program, cooperation, 87-1-257
  stock-killing animals, taking of 87-3-127
  tattooing of certain animals, 87-1-231
  waterfowl and wildlife area acquisitions, 87-1-713, 87-1-714
  wildlife restoration and management projects, 87-1-708 — 87-1-710
Federal territory, rights within, 2-1-202, 2-1-209
Fences
  fur farms, 87-4-1003, 87-4-1012
  game bird farms, 87-4-904, 87-4-906, 87-4-913
  habitat, acquisition — maintenance, 87-1-241
Feral species, 87-4-425 — 87-4-427, 87-5-702, 87-5-715
Field trials, 87-3-124, 87-4-915
Finance, Title 87, chapter 1, part 6, See **Funds and funding**
Fines, bonds, and penalties
  bonding requirements
    fish pond licensee, 87-4-603
    license agents, 87-2-902

FISH AND WILDLIFE (Continued)
Fines, bonds, and penalties (Continued)

- collection, 87-1-103
- construction projects adversely affecting stream preservation, violation, 87-5-509
- disposition, 87-1-201, 87-1-228, 87-1-601, 87-4-808
- garments for hunters, violation of color requirements, 87-3-302
- importation, introduction, or transplantation violations, 87-5-721
- interstate wildlife violator compact, 87-1-801 — 87-1-805
- nongame and endangered species violations, 87-5-111
- prosecution costs paid from, 87-1-601
- restitution for illegal killing or possession, nonpayment, 87-1-113
- stream preservation violations, fines, 87-5-509
- unlawfully taken crayfish, 87-4-608
- unlawfully taken wildlife, sale or possession, 87-3-111, 87-3-112, 87-3-118
- violations generally, 87-1-102, 87-1-125, See also **Violations**
- waste of game, 87-3-102
- zoos and menageries, collection and disposition, 87-4-808

Firearms, See **Guns**
Fire danger areas, fishing and hunting in, 87-3-106
Fish and fishing, 87-3-141

- access sites, See **Access sites**
- acquisition, importation, and propagation, 87-1-221
- administrative rules, nonapplicability, 2-4-102
- angling
  - educational events and activities, license exception, 87-2-808
  - lawful means, 87-2-120
- aquatic ecosystem protection, Title 75, chapter 7
- aquatic fish food organisms, regulation of commercial taking, 87-4-609, 87-4-610
- archery, 87-1-301, 87-3-204, See **Bow and arrow**
- artificial lakes or ponds, 87-4-603, 87-4-606, 87-4-607
- bait, fish as, 87-3-203, 87-3-204, 87-3-206
- blind persons, lifetime license, 87-2-803
- bull trout, 87-1-111, 87-1-283
- caged, placement in public waters, 87-3-207, 87-3-208, 87-5-703
- concealed weapons, carrying — exemption from criminal provisions, 45-8-317
- conservation, 23-2-407, 87-1-701 — 87-1-703
- contests or derbies, 23-5-165, 87-3-121
- cutthroat trout, 87-1-283
- diseased fish or eggs
  - artificial lake or pond, inspection, 87-4-603
  - civil liability, 87-3-227
  - duty to report, 87-3-226
  - interstate movement unlawful, 87-3-209
  - inspection, quarantine, and disinfection, 87-3-225
- easement for, 70-17-101, 70-17-102
- explosives or poison, use prohibited, 87-2-806, 87-3-204, 87-3-206
- farm animal and research facilities protection, Title 81, chapter 30, part 1
- federal lands, jurisdiction, 2-1-202, 2-1-209
- future fisheries improvement program, 87-1-272, 87-1-273
  - bull trout and cutthroat trout enhancement program, 15-38-202, 87-1-283
- game fish, defined, 87-2-101
- grayling, 87-1-111
- harassment prohibited, 87-3-142
- hatcheries
  - construction and maintenance, 87-1-221, 87-1-222, 87-3-201
  - federal operations, 87-1-704
  - fish, eggs, or spawn — taking for, 87-4-601

FISH AND WILDLIFE (Continued)
Fish and fishing (Continued)
  hatcheries (Continued)
    fish pathogens, 87-3-225 — 87-3-227
    floodways, within, Title 76, chapter 5, See **FLOOD PLAINS AND FLOODWAYS, Uses within**
    fort peck multispecies, 87-3-235, 87-3-236
    funding, 87-1-221, 87-1-222, 87-3-235, 87-3-236
    inspection, quarantine, and disinfection, 87-3-225, 87-3-227, 87-5-703
    lands or waters for, 87-1-209
    supervision and control, 87-3-201, 87-3-202
  illegally taken fish
    removal from state, 87-3-113
    restitution, 87-1-102, 87-1-111 — 87-1-113
  importation, See **Importation, introduction, and transplantation**
  indians
    agreement concerning, 87-1-228
    general provisions, 2-1-304
  inspection of fish or license, 87-1-502
  interstate fishing privileges, Title 87, chapter 2, part 10
  landowner's liability, 70-16-301, 70-16-302
  license, See also **Types of licenses enumerated**
    alteration, attachment, or transfer, 87-2-110
    angler educational events and activities, exception, 87-2-808
    application, penalties, and forfeiture, 87-2-106, 87-2-112
    blind persons or persons with disabilities, 87-2-802, 87-2-803
    carrying and exhibiting, 87-2-103, 87-2-109
    classes and fees enumerated, 87-2-301, 87-2-302, 87-2-304, 87-2-306, 87-2-711
    combination sports, 87-2-711
    discrimination in issuance prohibited, 49-3-204
    exemptions, 87-2-802, 87-2-804, 87-2-808
    family members, purchase for — when, 87-2-106
    forfeiture, 87-1-102, 87-1-125
    form, 87-2-107
    indian tribal council, joint issuance with, 87-1-228
    legion of valor members, 87-2-801
    minors under age 18, 87-2-805
    nonresident, 87-1-258, 87-1-259, 87-1-605, 87-2-302, 87-2-304, 87-2-308, 87-2-801, 87-2-805
    number allowed, 87-2-104
    paddlefish tags, 87-2-306
    privilege, revocation, 87-1-102, 87-1-120, 87-1-121, 87-2-112, 87-2-804
    required, 87-2-103
    resident, 15-30-303, 87-1-258, 87-1-259, 87-1-605, 87-2-102, 87-2-301, 87-2-801
    revocation, 87-1-120
    sale, unlawful, 87-2-203
    senior citizens, 87-2-801, 87-2-804
    surrender, 87-1-102
    temporary, 87-2-308
    warm water game fish surcharge, 87-3-236
    wildlife conservation license, prerequisite, 87-2-201
    youth combination sports license, 87-2-805
  management projects, 87-1-210, 87-4-601
  methods of taking, 87-3-204 — 87-3-206
  navigable waters, fishing rights — subject to, 87-2-305
  nonsalmonid or salmonid fish or eggs
    certification requirements, 87-3-221, 87-3-222
    enforcement of provisions, 87-3-224

FISH AND WILDLIFE (Continued)
Fish and fishing (Continued)
  nonsalmonid or salmonid fish or eggs (Continued)
    fish pathogens, 87-3-209, 87-3-221, 87-3-222
    importation, 87-3-210, 87-3-221, 87-3-222, 87-5-703
    intrastate movement unlawful when, 87-3-209, 87-5-703
    penalty for violations, 87-3-224, 87-3-227
    permits, 87-3-210, 87-3-221
    testing and inspections, rules, 87-3-223
  paddlefish
    "game fish" defined, 87-2-101
    illegal killing or possession, restitution for, 87-1-111
    roe, donation and sale as caviar and disposition of proceeds, 87-3-111, 87-4-601
    sale of fish or spawn unlawful — exceptions, 87-4-601
    snagging or taking with bow and arrow, 87-3-204
    tags, 87-2-306, 87-4-601
  pathogens, 87-3-209, 87-3-221, 87-3-222, 87-3-225 — 87-3-227
  possession, 87-1-111, 87-3-112
  private fish ponds, 87-4-603, 87-4-606, 87-4-607
  privileges, forfeiture, 87-1-102, 87-1-108, 87-1-125, 87-2-112, 87-2-805
  prizes, 87-3-121
  public areas, See **Access sites**; **Lands or waters**, public fishing areas
  recreation, fishing as, 23-2-301, 70-16-301
  restitution for illegal killing or possession, 87-1-111 — 87-1-113
  restoration and management projects, 87-1-701 — 87-1-703
  river restoration program, 87-1-255 — 87-1-259
  sale, 87-4-601, 87-4-603, 87-4-606
  scientific purposes, 87-1-221, 87-2-806, 87-5-711
  seasons, 87-1-304, 87-2-101, 87-4-609
  smith river management, Title 23, chapter 2, part 4
  stream access law, Title 23, chapter 2, part 3, See **RIVERS AND STREAMS, Recreational use**
  streamflow maintained by lease or change of appropriation rights, 85-2-102, 85-2-402, 85-2-404, 85-2-408, 85-2-409, 85-2-436 — 85-2-440, 87-1-610
  tourist-oriented directional signs, business eligibility, 60-5-522
  traps, seines, and nets, 87-3-201, 87-3-204, 87-3-205, 87-4-602
  violations
    fishing unlawful when, 87-3-104
    game fish — sale, shipment, or possession, 87-1-111, 87-3-112
    implements, possession unlawful when, 87-3-112
    importation, introduction, or transplantation, 87-4-603, 87-5-721
    sale of fish or spawn, 87-4-601
    salmonid fish or eggs, 87-3-209, 87-3-221, 87-3-222, 87-3-224, 87-3-227
  warm water game fish — hatchery, surcharge, and stamp, 87-3-235, 87-3-236
  whitefish, catching and sales, 87-2-101, 87-3-204, 87-4-601, 87-4-605, 87-5-714
Fish and game wardens, Title 87, chapter 1, part 5, See **Enforcement**
Fish, Wildlife, and Parks Commission,See **FISH, WILDLIFE, AND PARKS COMMISSION**
Flathead Lake bird preserve, 87-5-404, See also **Preserves and refuges**
Flood control projects, Title 76, chapter 5, part 11, See **FLOODS**
Floodways, areas within, Title 76, chapter 5, See **FLOOD PLAINS AND FLOODWAYS, Uses within**
Forest practices in streamside management zones, 77-5-301 — 77-5-305, 77-5-307
Funds and funding
  appropriations, 87-1-201, 87-1-242, 87-1-246, 87-1-258, 87-1-601, 87-3-236
  confiscated or destroyed wildlife sales, payment of advertising costs, 87-1-513
  control, departmental, 87-1-201
  counties, payments to in lieu of taxes, 87-1-603

FISH AND WILDLIFE (Continued)
Funds and funding (Continued)

- crimestoppers program, 87-5-605
- deposit requirements for public funds, nonapplicability when, 23-1-105, 87-1-601
- disposition of proceeds generally, 87-1-114, 87-1-601
- federal special revenue fund, 87-1-601, 87-1-602, 87-3-236
- fines, money from, 87-1-201, 87-1-601, 87-4-808
- "fish and game fund" defined, 87-1-601
- fish and wildlife mitigation trust fund, 87-1-610 — 87-1-615
- fish propagation, 87-1-221
- game wardens' and peace officers' retirement contributions, 19-8-501, 19-8-504
- general fund, payments from, 87-1-602
- gifts, grants, or donations, 87-1-201, 87-1-258, 87-1-611, 87-1-612, 87-1-614, 87-3-236, 87-5-605
- lease of appropriation rights to maintain streamflow for fisheries, contributions and spending authority, 87-1-610
- licenses and permits
  - accounts, 87-1-601
  - auction proceeds, 87-1-601, 87-2-722, 87-2-724
  - fees, 87-1-201, 87-1-242, 87-1-246, 87-1-601, 87-1-605, 87-1-701, 87-1-708, 87-1-710, 87-2-204, 87-2-412, 87-4-602, 87-4-610
- meat of animals damaging property, from, 87-1-513
- moose management, 87-1-601, 87-2-724
- mountain sheep, benefit, 87-1-601, 87-2-722
- nonexpendable trust fund account, 87-1-242, 87-1-601
- nongame wildlife account, 15-30-150, 87-5-102, 87-5-121, 87-5-122
- paddlefish egg caviar products, from, 87-4-601
- parks, state — fees and charges, 23-1-105
- pheasant release program, 87-1-247, 87-1-248
- predator control, 81-7-102, 87-1-221
- restitution payments for illegal killing or possession, disposition, 87-1-114, 87-1-120
- river restoration program, 87-1-258, 87-1-601
- seized game or hides, from, 87-1-201, 87-1-513, 87-1-601
  - payments from
    - bounty claims, 87-1-206
    - cost bills for prosecution of violations, 87-1-104
    - laws, publication expenses, 87-1-405
    - river restoration program, 87-1-258
    - salaries, expenses, per diem, and claims, 87-1-602
- trust funds, 87-1-242, 87-1-601, 87-1-611 — 87-1-615
- upland game bird enhancement program, 87-1-246 — 87-1-248, 87-1-601
- wardens, ex officio — payment of travel expenses, 87-1-503
- wetlands protection, conservation, and development, 87-1-601, 87-2-412
- wildlife protection and propagation, 87-1-221

Fur-bearing animals, See also **Fur farms**

- beaver or muskrat, destruction or removal, 87-1-224, 87-3-501, 87-3-503, 87-3-505
- bobcats, hunting or trapping, 87-2-601, 87-2-602, 87-3-124, 87-3-127
- capture unlawful, 87-4-1014
- closed season violations, 87-1-102, 87-2-103, 87-3-501, 87-3-505
- harassment prohibited, 23-2-633, 87-3-126
- importation
  - general provisions, 87-1-221
  - unlawful, 87-2-103
- management projects, 87-1-210
- marten, trapping and tagging, 87-3-505
- pelts, hides, or skins — sale, shipment, or possession unlawful when, 87-1-102, 87-3-501, 87-3-505

FISH AND WILDLIFE (Continued)
Fur-bearing animals (Continued)

- preserves, restrictions, 87-5-406, See **Preserves and refuges**
- restitution for illegal killing or possession, 87-1-102, 87-1-111 — 87-1-113
- sales, shipment, or possession, 50-23-102, 87-1-102, 87-1-111, 87-3-501
- seasons for hunting or trapping, 87-1-102 — 87-1-104, 87-1-304, 87-3-501, 87-3-505
- snare traps, lawful use when, 87-3-107
- trapping of lynx or wolverine, 87-2-601, 87-2-602, See also **Trapping**
- unlawfully taken wildlife, 87-2-103, 87-3-111, 87-3-117
  - penalties prescribed, 87-1-102
  - removal from state, 87-3-113
  - restitution, 87-1-102, 87-1-111 — 87-1-113
  - sale or possession, 87-3-112, 87-3-118
- waste, 87-3-506

Fur farms, See also **Fur-bearing animals**
- capture of animals unlawful, 87-4-1014
- employees, minimum wage and overtime compensation, 39-3-402, 39-3-404 — 39-3-406
- farm animal and research facilities protection, Title 81, chapter 30, part 1
- fur dealers
  - license requirements, 49-3-204, 87-4-303 — 87-4-305
  - nonresidents, 87-4-301, 87-4-304
  - records, 87-4-302
  - sales, 87-4-303, 87-4-1010
  - violations and penalty, 87-4-306
- inspections, 87-4-1007
- license required, 87-4-1002
  - application and requirements, 87-4-1003
  - fee, 87-1-606, 87-4-1004
  - nonresident licensees, 87-4-1003
  - nontransferability, 87-4-1006
  - renewal and term, 87-4-1005, 87-4-1006
  - revocation, 87-4-1013
- nonresident licensees, agent for, 87-4-1003
- operation, changes and conformance, 87-4-1005, 87-4-1013
- private property of licensee, furbearers as, 87-4-1008
- records and reporting, 87-4-1007, 87-4-1011, 87-4-1012
- rules, 87-4-1004, 87-4-1012
- species managed and plans, changes, 87-4-1003, 87-4-1005
- transfer or sale of furbearers, 87-4-1008, 87-4-1011
- transportation of furbearers, 87-4-1009
- unemployment insurance coverage, 39-51-205, See **UNEMPLOYMENT INSURANCE, Agricultural labor**
- violations, 87-4-1013, 87-4-1014
- zoos and menageries, obtaining animals from, 87-4-804

Game animal farms, See **LIVESTOCK, Alternative livestock ranches and alternative livestock**

Game animals, See also **LIVESTOCK, Alternative livestock ranches and alternative livestock**
- abandonment of carcasses, 87-1-102, 87-3-102
- acquisition for propagation or scientific purposes, 87-1-221
- alternative livestock ranches and alternative livestock laws, applicability, 87-4-414
- bison or wild buffalo, 87-2-101, 87-1-216
- carcasses, See **Carcasses**
- city limits, taking deer within, 87-3-305
- closed season violations, 87-3-104
- commercial sales, 87-4-701 — 87-4-705
- confiscation, See **Confiscation or seizure**

FISH AND WILDLIFE (Continued)
Game animals (Continued)

- dogs killing or attacking, destruction, 87-3-124
- frozen food lockers, requirements, 50-50-401, 50-50-402
- harassment prohibited, 23-2-633, 87-3-125, 87-3-126, 87-5-207
- importation, 87-1-221, 87-5-714, See also **Importation, introduction, and transplantation**
- license to hunt, See also **Hunting, general provisions**
  - antelope, 87-2-701
  - auctions of special, 87-2-722, 87-2-724
  - bear
    - black or brown, 87-2-501, 87-2-701
    - grizzly, 87-2-701
  - combination sports, 87-2-711
  - deer tags — resident, nonresident, and combination, 87-1-301, 87-2-501, 87-2-504, 87-2-505, 87-2-510
  - moose, 87-2-701
  - mountain lion, goat, or sheep, 87-2-507, 87-2-508, 87-2-701, 87-2-702
  - nonresident big game combination, 87-1-301, 87-2-505
  - nonsupport, suspension for, 40-5-701
  - outfitter services, use — reserved, 87-2-511
  - special bow and arrow, 87-2-708
  - special, 87-2-701, 87-2-702, 87-2-704, 87-2-705, 87-2-708
  - trophy, 87-2-701, 87-2-507, 87-2-508
  - wildlife conservation, 87-2-202
- limitation on kill, 87-3-103
- possession, 87-1-102, 87-1-111, 87-3-112
- preserves and refuges, restrictions, See **Preserves and refuges**
- ranges, acquisition, 87-1-209
- raptors, harassment by, 87-5-207
- restitution for illegal killing or possession, 87-1-102, 87-1-111 — 87-1-113, 87-1-115
- scientific purposes
  - acquisition for, 87-1-221
  - permit to take for, 87-2-806, 87-5-109
- seasons for hunting, 87-1-304, 87-2-101, 87-3-104
- stock-killing animals, management, 87-3-127
- supplemental feed, unlawful, 81-2-121, 87-3-130
- tagging carcasses, See **Tags and tagging**
- tattoo requirements, applicability, 87-1-234
- trophies, See **Trophies**
- unlawfully taken wildlife, 87-2-103, 87-3-111, 87-3-117
  - penalties prescribed, 87-1-102
  - removal from state, 87-3-113
  - restitution, 87-1-102, 87-1-111 — 87-1-113, 87-1-115
  - sale or possession, 87-3-112, 87-3-118
- waste, 87-1-102, 87-3-102

Game bird farms, See also **Game birds**
- construction and maintenance, 87-1-221
- definitions, 87-4-901, 87-4-915
- employees, minimum wage and overtime compensation, 39-3-402, 39-3-404 — 39-3-406
- exemptions, 87-4-902
- fence or enclosure, requirements, 87-4-904, 87-4-906, 87-4-913
- field trials with dogs, permit, 87-4-915
- funding, 87-1-221
- hearings, 87-4-916
- inspections, 87-4-908
- lands or waters acquired for, 87-1-209

FISH AND WILDLIFE (Continued)
Game bird farms (Continued)

- license required, 87-4-903
  - applications, 87-4-904
  - conditions and term, 87-4-906
  - fee, 87-1-606, 87-4-905
  - inspection of facilities and records, 87-4-908
  - nontransferability, 87-4-907
  - renewal, 87-4-905, 87-4-906
  - revocation, 87-4-916
  - rules, 87-4-913
- migratory game bird avicultural permit and exemption, 87-2-807, 87-4-902
- operation, 87-4-906, 87-4-916
- permits for field trials with dogs, 87-4-915
- private property, birds as, 87-4-909
- records and reporting, 87-4-912, 87-4-913
- release of birds into wild, 87-4-914
- rules, 87-4-905, 87-4-913, 87-4-916
- sales or transfers, 87-4-901, 87-4-909, 87-4-911, 87-4-912
- transportation of birds, 87-4-910
- violations, 87-4-916
- zoos and menageries, obtaining animals from, 87-4-804

Game birds, See also **Game bird farms**
- acquisition for propagation or scientific purposes, 87-1-221
- bag limits, 87-1-304, 87-3-121, 87-3-403
- closed season violations, 87-1-102, 87-3-104, 87-3-402
- commercial sales, 87-4-701 — 87-4-705
- dogs, restrictions on use, 87-3-124, 87-4-915
- frozen food lockers, requirements, 50-50-401, 50-50-402
- harassment prohibited, 23-2-633, 87-3-125, 87-3-126
- importation, 87-1-221, See also **Importation, introduction, and transplantation**
- licenses to hunt, See also **Hunting, general provisions**
  - combination sports, 87-2-711
  - migratory game bird, 87-2-411
  - minors under age 18, 87-2-805
  - nonresident, 87-1-270, 87-2-402, 87-2-404
  - resident, 87-2-401
  - three-day nonresident captive-reared bird hunting stamp, 87-2-404
  - upland game bird, 87-1-246, 87-1-270, 87-2-401, 87-2-402
  - wildlife conservation license, prerequisite, 87-2-201
  - wild turkey tags, 87-2-403
  - youth combination sports license, 87-2-805
- migratory game bird, 87-2-101
  - avicultural permits, 87-2-807, 87-4-902
  - blinds, use, 23-2-302, 87-3-401
  - license, 87-2-411, 87-2-412, 87-2-805
- pheasant release program, 87-1-247, 87-1-248
- possession, 87-1-102, 87-1-111, 87-3-112
- preservation, propagation, or protection, 87-1-221, 87-1-301, 87-1-713, 87-1-714
- preserves and refuges, See **Preserves and refuges**
- raptors, use in hunting, 87-5-204, 87-5-207
- restitution for illegal killing or possession, 87-1-102, 87-1-111 — 87-1-113
- scientific purposes, for, 87-1-221
- seasons for hunting, 87-1-304, 87-2-101, 87-3-402, 87-3-403
- shotgun restrictions, 87-3-401
- shooting preserves, 87-4-504, See **Shooting preserves**

FISH AND WILDLIFE (Continued)
Game birds (Continued)

- tags
  - failure to tag, 50-50-401, 87-3-405
  - field trials, live birds, 87-4-915
- turkeys
  - preserves, hunted in, 87-4-522
  - rifle hunting, restrictions, 87-3-401
  - tag and tagging, 87-2-403, 87-3-404, 87-3-405
- unlawfully taken wildlife, 87-2-103, 87-3-111, 87-3-117
  - penalties prescribed, 87-1-102
  - removal from state, 87-1-113
  - restitution, 87-1-111 — 87-1-113
  - sale or possession, 87-3-112, 87-3-118
- upland game birds, 87-1-270, 87-2-101, 87-1-246 — 87-1-250, 87-1-601, 87-2-401, 87-2-402, 87-2-805
- waste, 87-1-102, 87-3-102
- waterfowl, 87-2-101
  - areas, acquisition, 87-1-713, 87-1-714
  - blinds, hunting from, 23-2-302, 87-3-401
  - boats, restricted operation near hunters, 23-2-525
  - food, funds for, 87-1-221
  - shotguns, hunting restrictions, 87-3-401
  - wetlands protection, conservation, and development, 87-2-412
- wetlands, protection and development, 87-2-412

Game fish, 87-2-101, See **Fish and fishing**
Game preserves, See **Preserves and refuges**; **Shooting preserves**
Game wardens, Title 87, chapter 1, part 5, See **Enforcement**
Garbage, dumping or leaving, 75-10-212, 75-10-233
Gates of the Mountains game preserve, 87-5-406, See also **Preserves and refuges**
Gifts, grants, or donations, 87-1-201, 87-1-209, 87-1-221, 87-1-258, 87-1-611, 87-1-612, 87-1-614, 87-1-702, 87-1-703, 87-1-708, 87-1-709, 87-3-121, 87-3-236, 87-5-605
Grayling, 87-1-111, See also **Fish and fishing**
Grazing districts, wildlife protection within, 76-16-107, See also **GRAZING DISTRICTS**
Grizzly bear, See also **Game animals**

- commercial sale prohibited, 87-4-702
- hunting license, 87-2-701, 87-2-702
- policy of state, 87-5-301
- sale
  - hides, heads, and mounts, — prohibited, 87-3-111, 87-4-702
  - registration for, 87-3-110
    - regulations, 87-4-702, 87-5-302, 87-5-703
- seized bears or parts, disposition, 87-1-511
- state animal, 1-1-508
- rules for tagging, possession, and transportation, 87-5-302
- stock-killing, 87-3-127
- traps, inspection, 87-3-127

Guns, See also **WEAPONS, Firearms**

- concealed weapons, carrying — exemption from criminal provisions when, 45-8-317
- preserves, prohibited, in, 87-5-401
- rifle restrictions, 87-3-123, 87-3-401
- shotgun restrictions, 23-2-302, 87-1-304, 87-3-301, 87-3-401
- shooting ranges, use, 87-1-278

Habitat

- acquisition, 87-1-241, 87-1-242, 87-5-108
- construction or hydraulic projects affecting, 87-5-504
- funding, 87-1-242, 87-4-601

FISH AND WILDLIFE (Continued)
Habitat (Continued)

  importation, introduction, or transplantation — effect, 87-5-701, 87-5-712, 87-5-715
  megalandfill siting applicants, mitigation of loss, 75-10-929
  "natural habitat" defined, 87-5-702
  nongame and endangered species, 87-5-102, 87-5-104, 87-5-108
  pheasants, 87-1-247, 87-1-248
  river restoration program, 87-1-257
  streamside management zones, 77-5-301 — 77-5-305, 77-5-307
  upland game bird enhancement program, 87-1-246 — 87-1-250
  water conservancy districts, purpose, 85-9-101, 85-9-102, See also **WATER CONSERVANCY DISTRICTS**
Harassment unlawful, 23-2-633, 87-3-125, 87-5-207
  hunters, fishers, or trappers, 87-3-141 — 87-3-144
Hatcheries, See **Fish and fishing**
Hawks, 87-5-202, 87-5-209, See **Raptors**
Hazardous or deleterious substances, remedial action upon release, Title 75, chapter 10, part 7, See **HAZARDOUS WASTES**, **Remedial action upon release of hazardous substance**
Hides, heads, or mounts
  abandonment in field prohibited, 87-3-102
  confiscated or seized game or hides
    certificate of sale, 87-1-512
    disposition of proceeds, 87-1-201, 87-1-511, 87-1-601
  fur-bearing animals, See **Fur-bearing animals**
  grizzly bear, 87-3-110, 87-5-302, 87-4-702
  sale, purchase, or transfer, 87-3-111
  taxidermists, 87-4-201
Highways, hunting from or on, 61-8-369, 87-2-803, 87-3-101
Hunter management and hunting access enhancement programs
  benefits for access, 87-1-266, 87-1-267
  creation and rules, 87-1-265
  cooperative agreements, 87-1-267
  landowner liability, 87-1-266, 87-1-267
  outfitter sponsored licenses, variable pricing, 87-1-242, 87-1-268, 87-2-505, 87-2-510, 87-2-511
  review committee, 37-47-201, 87-1-269
Hunter safety and education course requirements, 45-8-321, 87-2-102, 87-2-105
  funding, 87-1-114, 87-1-120, 87-1-270
  instructors, 87-1-120
    immunity from liability, 27-1-721
  remedial hunter education program for violators, 87-1-102, 87-1-120, 87-1-121
  shooting ranges, use, 87-1-278
Hunting, general provisions, See also **Game animals**; **Game birds**; **Shooting preserves**
  administrative rules, nonapplicability, 2-4-102
  blind persons, companion to assist, 87-2-803
  closed season, during, 87-1-102
  clothing for hunters, color requirements, 87-3-302
  concealed weapons, carrying — exemption from criminal provisions, 45-8-317
  disability, companion of person with — pursuing, taking, or killing by, 87-2-103, 87-2-803
  easement for, 70-17-101, 70-17-102
  exceptions to license requirements, Title 87, chapter 2, part 8, See **Exceptions to requirements**
  federal lands, jurisdiction, 2-1-202, 2-1-209
  harassment of hunters unlawful, 87-3-141 — 87-3-144
  heritage, official week of observance, 1-1-226
  highways, hunting on or from, 61-8-369, 87-2-803, 87-3-101

FISH AND WILDLIFE (Continued)
Hunting, general provisions (Continued)

- "hunter orange" defined, 87-3-302
- hunter safety and education course requirements, 45-8-321, 87-1-120, 87-1-121, 87-2-105
- indians, general provisions, 2-1-304, 87-1-228
- injured person, failure to assist, 45-8-113
- interstate wildlife violator compact, 87-1-801 — 87-1-805
- licenses, See also **Types of licenses enumerated**
  - agents, sale of — by, Title 87, chapter 2, part 9, See **License agents**
  - alteration, attachment, or transfer, 87-2-110
  - application, penalties, and forfeiture, 87-2-106
  - carrying and exhibiting, 87-2-109
  - disabilities, persons with, 87-1-301, 87-2-403, 87-2-803
  - drawing and application fees, 87-2-113, See also **Drawing system for special licenses and seasons**
  - forfeiture, 87-1-102, 87-1-125
  - form, 87-2-107
  - hunting without, 87-1-102
  - littering, forfeiture, 87-2-112
  - minors, 87-1-102, 87-2-403, 87-2-401, 87-2-402, 87-2-404, 87-2-711
  - nonresident, 87-2-504, 87-2-505, 87-5-507, 87-2-510
  - nonresident big game combination, separation, 87-1-301, 87-2-512
  - number allowed and fees, 87-2-104
  - possession of license or permit of another, unlawful, 87-2-114
  - preference systems, 87-1-301, 87-2-113, 87-2-505, 87-2-510
  - requirements and preference, 87-2-103, 87-2-501
  - resident, 15-30-303, 87-2-102, 87-2-501, 87-2-711, 87-2-508
  - restrictions, 87-2-506
  - revocation, 87-1-120
  - shooting ranges, access to persons holding, 87-1-278
  - special, Title 87, chapter 2, part 7, See **Special or combination licenses or permits**
  - surrender, 87-1-102
  - termination, 87-2-111
  - wildlife conservation license, prerequisite, 87-2-201
  - youth combination sports license, 87-2-805
- motion-tracking devices, electronic — use restrictions, 87-3-134
- outfitter services, licenses reserved for, 87-1-242, 87-1-268, 87-2-505, 87-2-510, 87-2-511, See also **OUTFITTERS AND GUIDES**
- privileges, forfeiture, 87-1-102, 87-1-120, 87-1-121, 87-1-125, 87-2-112, 87-2-805
- public shooting areas, agreements for and payment, 87-1-227
- recreation, hunting as, 23-2-301, 70-16-301
- safety and education course requirements, 87-1-120, 87-1-121, 87-2-105, 87-3-302
- spotlighting, 87-1-102
- tagging of carcasses, 87-2-509
- violations, penalties generally, 87-1-102, See also **Violations**

Identification, See **Tattooing of certain animals**
Importation, introduction, and transplantation

- applicability of provisions, 87-5-703
- authority, 87-1-221, 87-5-712
- beavers, 87-1-224
- consultation with other agencies, 87-5-716
- endangered species, 87-5-112, 87-5-703
- extermination or control, 87-5-704, 87-5-715
- feral species, defined, 87-5-702
- fish or eggs, 87-3-210, 87-3-224, 87-3-227, 87-4-603, 87-5-703
- fish species, environmental review requirement, 87-5-711
- grizzly bears, 87-5-302, 87-5-703

FISH AND WILDLIFE (Continued)
Importation, introduction, and transplantation (Continued)

  hearings, 87-5-711, 87-5-712
  migratory game birds, 87-3-403
  permits and health certificates, Title 81, chapter 2, part 7, See **LIVESTOCK, Importation**
  prohibited when, 87-5-711, 87-5-712
  purpose, 87-5-701
  raptors, 87-5-205, 87-5-703
  rules, 87-5-704, 87-5-712, 87-5-714
  species permitted, 87-5-713, 87-5-714
  unlawful, 87-2-103, 87-3-105, 87-5-721
Indians
  agreement concerning hunting and fishing, 87-1-228
  eagle parts and plumage, possession or transportation, 87-5-201
  rights, privileges, and immunities reserved, 2-1-304
  river restoration program, cooperation, 87-1-257
Indigent persons, hunger as exception to violations, 87-3-129
Infrared scopes, 87-1-102
Inheritance taxes, in-kind payment for preservation of wildlife habitat, 72-16-445
Injunction to restrain violations when, 87-3-144
Interstate fishing privileges, Title 87, chapter 2, part 10, See also **Fish and fishing**
Interstate wildlife violator compact
  authorization, 87-1-802
  reciprocal recognition, 87-1-803
  suspension of privileges, 87-1-804, 87-1-805
  text and definitions, 87-1-801
Juveniles, See **Minors**
Labeling of packages for shipping, 87-1-102, 87-3-114
Lakes, See **Lands or waters**
Landlord-tenant relationships, applicability, 70-24-104
Landowners, See also **Lands or waters**
  beavers or muskrats, removal, 87-1-224, 87-3-501
  cooperative agreements, 87-1-210, 87-1-227, 87-1-303
  criminal mischief and criminal trespass, enforcement, 45-6-101, 45-6-201, 45-6-203, 87-1-504, 87-1-505
  crop damage by wild animals, 87-1-225, 87-1-226
  damage to landowner's property, See **Lands or waters**, damage to
  entry upon private land, policy, 87-1-229
  federal preserves, agreements for hunting on contiguous land, 87-1-227
  fish pond, entry for disease inspection, 87-4-603
  game damage assistance, eligibility, 87-1-225
  habitat, acquisition — impact and review, 87-1-241
  harassment of hunters, fishers, or trappers — applicability of provisions, 87-3-142
  hunting access enhancement program
    liability, limitation, 87-1-266, 87-1-267
    review committee, representation on, 87-1-269
  hunting licenses, preferences, 87-1-301
  liability of owner, 70-16-301, 70-16-302, 87-1-266, 87-1-267
  livestock injuries, 87-3-107, 87-3-127
  maps identifying land ownership boundaries, 87-3-308
  permission required and failure to acquire, 23-2-302, 45-6-201, 87-2-604, 87-2-803, 87-3-107, 87-3-125, 87-3-304, 87-3-308
  posting of land, requirements, 45-6-201
  protection of property, 87-1-504, 87-1-505, 87-3-125
  public hunting requirements, 87-1-225
  public shooting areas, agreement and payment for, 87-1-227
  refuges established on private land, 87-1-305, See also **Preserves and refuges**

FISH AND WILDLIFE (Continued)
Landowners (Continued)

- river restoration projects, consent, 87-1-257
- smith river management, Title 23, chapter 2, part 4
- stream access law, Title 23, chapter 2, part 3
- traps or trapping
  - exception to tagging requirement, 87-3-504
  - license and fee, 49-3-204, 87-2-602, See also **Trapping**
  - owner's consent required, 87-2-604, 87-3-107
- upland game bird enhancement program, 87-1-247, 87-1-248
- vehicles, off road use, 87-3-125

Lands or waters, See also **Landowners**

- acquisition or exchange, 87-1-209, 87-1-241, 87-1-242, 87-1-301, 87-1-303, 87-1-611, 87-1-701 — 87-1-703, 87-1-709, 87-1-711, 87-1-713, 87-1-714
- aquatic fish food organisms, commercial taking — overharvest or conflicts with fishing and recreational uses, 87-4-609
- artificial lakes or ponds, See **Fish and fishing**
- beavers and dams, destruction, 87-1-224
- boats, 23-2-525, 87-3-126, 87-3-203
- closure of areas, 87-1-304, 87-1-305, 87-3-106, 87-5-402
- conservation for wildlife, 75-5-101, 85-1-101, 85-1-102, 85-9-102, See also **WATER QUALITY**; **WATER USE, Projects and works**
- construction or hydraulic projects, 87-5-502 — 87-5-505, See also **RIVERS AND STREAMS**
- counties
  - acquisition proposals, review and hearings, 87-1-713, 87-1-714
  - payments in lieu of taxes, 87-1-603, 87-1-604
  - water or sewer district projects, 7-13-2218
- county-owned, improvement, 7-8-2501
- damage to
  - assistance to landowners, eligibility, 87-1-225
  - beaver or dams obstructing stream, destruction, 87-1-224
  - beaver or muskrats, by, 87-3-501
  - captivity, by animals held in, 87-1-233
  - complaints, filing, 87-1-304
  - criminal trespass, 45-6-201, 45-6-203, 87-1-504, 87-1-505
  - crop damage caused by wild animals, 87-1-225, 87-1-226
  - warden's duties, 87-1-504, 87-1-505
  - wild animals, by, 87-1-225, 87-1-226, 87-1-304
  - wild buffalo or bison, by, 87-1-216
- department-owned, payments in lieu of taxes, 87-1-603, 87-1-604
- dewatered watercourses, chronically — identification factors, 85-2-150
- easements, 87-1-209, 87-1-611
- federal acquisitions, 87-1-713, 87-1-714
- federally owned, cooperative agreements, 87-1-703, 87-1-708, 87-1-709
- federal preserves, hunting on contiguous land, 87-1-227
- fire danger, closure of areas, 87-3-106
- fisheries, lease or change of appropriation rights to maintain streamflow for, 85-2-102, 85-2-402, 85-2-404, 85-2-408, 85-2-409, 85-2-436 — 85-2-440, 87-1-610
- fishing, designation of waters for specific methods when, 87-3-204
- fish propagation, control of waters for, 87-1-223
- fish restoration and management projects, 87-1-701 — 87-1-703, See also **Fish and fishing**
- funds, 87-1-605
- habitat, for — acquisition, 87-1-241, 87-1-242
- indian, agreements, 87-1-228
- interstate privileges, 87-2-1003
- navigable lakes and streams, fishing rights, 87-2-305

FISH AND WILDLIFE (Continued)
Lands or waters (Continued)

- no-wake waters, designation when, 87-1-306
- personal watercraft, operation, 23-2-531, 87-1-303, 87-1-306
- pittman-robertson act, acquisition under, 87-1-709
- posting, 45-6-201, 87-1-227, 87-5-402
- preserves and refuges, closure of land for, 87-5-402
- private property, entry upon — policy, 45-6-201, 87-1-229
- protection of private property, 87-1-504, 87-1-505
- public fishing areas
  - acquisition, 87-1-209
  - closure, 87-1-304, 87-1-305
  - interstate privileges, 87-2-1001 — 87-2-1004
  - methods of fishing, specific — designation of waters for, 87-3-204
  - navigable waters, fishing rights, 87-2-305
  - rules, 87-1-303
- recreational uses, See also **PARKS AND RECREATION**; **RIVERS AND STREAMS, Recreational use**; **Smith River management**
  - aquatic fish food organisms, commercial taking — conflicts with, 87-4-609
  - enforcement, 87-1-504, 87-1-505
  - funds for facilities, 87-1-601, 87-1-605
  - rules, 23-2-302, 23-2-408, 23-2-410, 87-1-301, 87-1-303
- river restoration program, 87-1-255 — 87-1-259
- sale procedures, 87-1-201, 87-1-209
- salmonid fish, parts, or eggs — uncertified, entry prohibited, 87-3-222
- smith river management, Title 23, chapter 2, part 4
- stream access law, Title 23, chapter 2, part 3, See **RIVERS AND STREAMS, Recreational use**
- stream alteration or modification projects, Title 75, chapter 7, part 1
- swimming at public reservoirs and lakes, rules, 87-1-303
- title held by state
  - fish restoration and management projects, 87-1-701, 87-1-702
  - wildlife restoration projects, 87-1-708
- trespass, enforcement, 87-1-504, 87-1-505
- use rules, adoption and enforcement, 23-2-302, 23-2-408, 23-2-410, 23-2-531, 87-1-301, 87-1-303
- water conservancy districts to enhance habitat, 85-9-101, 85-9-102, See also **WATER CONSERVANCY DISTRICTS**
- wetlands protection, conservation, and development, 87-2-412
- yellowstone river basin appropriations, moratorium, Title 85, chapter 2, part 6

"Lawfully taken wildlife" defined, 87-3-117
Laws — compilation, publication, and distribution, 87-1-405
Leases

- federal, 87-1-705, 87-1-707, 87-1-711
- fisheries
  - appropriation rights to maintain streamflow for, 85-2-102, 85-2-402, 85-2-404, 85-2-436 — 85-2-440, 87-1-610
  - fort peck multispecies fish hatchery, 87-3-235
- fur farms, license requirements, 87-4-1003
- game bird farms, license requirements, 87-4-904
- landowner's trapping license, 87-2-602
- lands or waters, for, 2-1-211, 87-1-209, 87-1-703, 87-1-709
- money from, disposition, 87-1-601
- river restoration projects, consent of lessee, 87-1-257
- rules for, 87-1-303
- snares and traps, removal by lessees of land, 87-3-507
- state land leases, effect of right to control state waters for fish propagation, 87-1-223

FISH AND WILDLIFE (Continued)
Leases (Continued)

- upland game bird enhancement projects, funding ineligibility where hunting rights are leased, 87-1-248

License agents
- applications for licenses, 87-2-106, 87-2-202
- appointment, 87-2-901
  - nontransferability or revocation, 87-2-903, 87-2-904
- archery license purchases, not required to provide records for, 87-2-105
- bond requirements, 87-2-902
- compensation and duties, 77-1-802, 87-2-903
- hunter safety and education course, proof of completion or achievement, 87-2-105
- inspection of license account, availability, 87-2-903
- late submission of license money, penalty, 87-2-903
- laws, copies to, 87-1-405
- sales unlawful when, 87-2-106, 87-2-202, 87-2-203
- state lands, recreational use licenses, 77-1-801, 77-1-802
- unsold licenses, accountability, 87-2-902

Lights, artificial — use, 87-1-102, 87-3-101
Limits, 87-1-102, 87-3-103
Littering, 75-10-212, 75-10-233, 87-2-112, See also **LITTERING AND LITTER CONTROL**
Livestock
- alternative livestock ranches, See **LIVESTOCK**
- bison or buffalo, management, 81-2-120, 81-2-121, 87-1-216
- bounty claims on wild animals, approval — livestock, board of, 87-1-206
- damage to stock or property, control, 87-3-126, 87-3-127, 87-3-130, 87-3-209, 87-3-501
- habitat, acquisition — use for grazing, 87-1-241
- harassment of hunters, fishers, or trappers — applicability of provisions, 87-3-142
- snares endangering, 87-3-107, 87-3-507
- taking of wildlife to protect, 87-3-130
- tattoo requirements, applicability, 87-1-234
- use for archery season, adoption of rules, 87-1-304

Livestock, Department of
- alternative livestock ranches, See **LIVESTOCK**
- importation for introduction, consultations and restrictions, 87-5-716
- rabies control
  - rules, approval, 50-23-101, 50-23-105
  - seizure, impounding, testing, or destruction of animals, 50-23-103

Lynx, Canada, 87-1-111, 87-2-101, 87-2-601, 87-2-602, 87-4-1001, 87-5-401, See **Fur-bearing animals**; **Fur farms**
Megalandfill siting
- damage or impairment by facilities — reclamation, restoration, or replacement, 75-10-950 — 75-10-954
- evaluation of application, considerations, 75-10-920
- habitat, loss — mitigation by applicant, 75-10-929

Menageries, See **Zoos and menageries**
Migratory game birds, See **Game birds**
Mining operations, protection of wildlife, 82-4-103, 82-4-202, 82-4-227, 82-4-231, 82-4-233, 82-4-402, 82-4-434
Mink, 87-2-101, 87-4-1001, See **Fur-bearing animals**; **Fur farms**
Minors
- fishing, exclusive use of certain waters, 87-1-304
- forfeiture of license and privilege to hunt, fish, or trap, 87-1-102
- hunting and fishing, license requirements, 87-2-805, See also **Fish and fishing**; **Hunting, general provisions**
- safety and education course requirements, 87-2-105
- upland game bird enhancement projects, qualification — preference, 87-1-248

FISH AND WILDLIFE (Continued)
Minors (Continued)

  wild turkey tag, 87-2-403
  youth trapping license, 87-2-605
Mitigation or enhancement, 87-1-611, See also **Funds and funding**
Moose, See **Bow and arrow**; **Game animals**; See also **LIVESTOCK, Alternative livestock ranches and alternative livestock**
Motor vehicles, See **Vehicles**
Mountain goats, lions, or sheep, See **Bow and arrow**; **Game animals**; **Tattooing of certain animals**; **Zoos and menageries**; See also **LIVESTOCK, Alternative livestock ranches and alternative livestock**
Muskrats, 87-3-501, 87-3-503, See **Fur-bearing animals**; **Fur farms**
Natural areas preservation, Title 76, chapter 12, part 1
Navigable lakes and streams, See **Lands or waters**
Nightscopes, 87-1-102
Nongame and endangered species
  acquisition, importation and propagation, 87-1-221
  alternative livestock ranches, location — consideration, 87-4-426
  biological data, 87-5-102, 87-5-104, 87-5-121
  birds, eggs, or nests — protection, 87-5-201, 87-5-404, 87-5-406
  carriers' shipments, 87-5-106, 87-5-107
  citation of nongame and endangered species conservation act, 87-5-101
  confiscation, See **Confiscation or seizure**
  construction of provisions, 87-5-112
  definitions, 87-5-102
  eagles
    destruction when, 87-5-209
    parts and plumage, indian tribes — possession or transportation, 87-5-201
  endangered species list — determination, review, and violations, 87-5-107
  enforcement, 87-1-201, 87-5-111
  federal laws, applicability, 87-5-107, 87-5-112
  hunting, nongame certificate, See **Special or combination licenses or permits**
  importation or introduction provisions, nonapplicability, 87-5-112, 87-5-703
  investigations, 87-5-104, 87-5-105
  lands or waters, 87-1-209
  legislative policy, 87-5-103
  management programs, 87-1-201, 87-5-105, 87-5-108, 87-5-121, 87-5-122
  nongame wildlife account — creation, funding, and use, 15-30-150, 87-5-121, 87-5-122
  penalties for violations, 87-5-111
  permits for taking, 87-5-109
  policies, 87-1-301
  predatory hawks or owls, destruction when, 87-5-209, See also **Raptors**
  removal, capture, or destruction, 87-5-109
  reproduced bird or animal sounds, restrictions, 87-3-108
  restitution for illegal killing or possession, 87-1-102, 87-1-111 — 87-1-113
  rules, 87-5-110
  state lands, recreational use — closure when, 77-1-804
  taking for scientific, zoological, or educational purposes, 87-5-109
  trapping of nongame wildlife, 87-2-603, 87-2-604
  unlawfully taken wildlife, 87-1-111, 87-2-103, 87-3-111, 87-3-117, 87-5-106, 87-5-107, 87-5-111
    removal from state, 87-3-113
    restitution, 87-1-111 — 87-1-113
    sale or possession, 87-3-112, 87-3-118
  wild birds, 87-1-111, 87-5-201, 87-5-404, 87-5-406

FISH AND WILDLIFE (Continued)

Nonresidents
  aerial hunting, Title 81, chapter 7, part 5, See **PREDATORS AND PREDATOR CONTROL**
  big game combination hunting license, 87-1-242, 87-1-246, 87-2-501, 87-2-505
  deer combination hunting license, 87-2-505, 87-2-510, 87-2-511, 87-2-512
  fishing licenses, 87-1-258, 87-1-259, 87-1-605, 87-2-302, 87-2-304, 87-2-805
  game bird farm licensees, agent for, 87-4-904
  interstate wildlife violator compact, 87-1-801 — 87-1-805
  landowner's permission, failure to acquire, 87-3-304
  raptors, 87-5-204, 87-5-208
  resident, considered as — when, 87-2-102, 87-2-106
  state policy, 87-3-303
Noxious weed management, 7-22-2101, 7-22-2109, See **WEEDS AND WEED CONTROL**
Noxious Weed Management Advisory Council, representation on, 80-7-805
Off road vehicle use, See **Vehicles**
Outfitters and guides, Title 37, chapter 47
Owls, 87-5-202, 87-5-209, See **Raptors**
Ownership, 70-2-111, 87-2-807
Paddlefish, See **Fish and fishing**
Parks and park rangers, See **PARKS AND RECREATION**, **Park rangers**; **State parks**
Penalties, See **Fines, bonds, and penalties**; **Violations**
Pesticide regulation, Title 80, chapter 8, part 2, See **PESTS AND PESTICIDES**
Pheasant release program, 87-1-247, 87-1-248
Pittman-Robertson Act, assent to, 87-1-708 — 87-1-710
Poaching, 87-1-102, 87-2-103
Poison, use, 87-3-204, 87-3-206
Possession, See specific subject area; **Violations**
Posting
  preserves, refuges, sanctuaries, rest grounds, closed districts, and closed seasons, 87-1-202, 87-5-402
  waterfowl, areas for hunting and shooting, 87-1-227
Predators, 87-2-101; Title 81, chapter 7, See **PREDATORS AND PREDATOR CONTROL**
Preserves and refuges
  abandonment or alteration, 87-5-402
  benton lake wildlife refuge
    water rights compact, 85-20-701
    water supply, 87-1-707
  black coulee national wildlife refuge, water rights compact, 85-20-701
  boundaries, 87-1-227, 87-5-402
  cities and towns, authority for acceptance, 7-8-103, 7-8-104
  closure, 87-5-402
  creation
    preserves, 87-1-301, 87-5-401, 87-5-402
    refuges, 87-1-301, 87-1-305, 87-1-706, 87-5-402
  dogs, restrictions on use, 87-5-401, 87-4-915
  federal
    acquisition proposals, review and hearings, 87-1-713, 87-1-714
    hunting on contiguous land, 87-1-227
    jurisdiction of state, 2-1-211
  federal government, acquisition of land, 87-1-705 — 87-1-707, 87-1-711, 87-1-712
  flathead county migratory bird reserve, 87-1-705, 87-1-706
  flathead lake bird preserve, 87-5-404
  gates of the mountains game preserve, 87-5-406
  hunting restrictions, 87-5-401, 87-5-406
    federal preserves, rights on contiguous lands, 87-1-227

FISH AND WILDLIFE (Continued)
Preserves and refuges (Continued)
    hunting restrictions (Continued)
        seasons, 87-5-402
        upland game bird enhancement projects, funding ineligibility, 87-1-248
    migratory birds, for, 87-1-305, 87-1-706, 87-5-402
    national bison range, establishment and development, 87-1-711, 87-1-712
    natural areas as part of, 76-12-117, See also **LAND USE PLANNING**
    permits, 87-5-401
    pittman-robertson act, 87-1-708 — 87-1-710
    posting of notice and additional provisions, 87-1-227, 87-5-402
    prohibited acts, 87-5-401, 87-5-402, 87-5-404, 87-5-406
    public shooting areas, 87-1-227
    red rock lakes national wildlife refuge, water rights compact, 85-20-801
    shooting preserves, See **Shooting preserves**
    sun river game preserve, 87-5-402, 87-5-403
    teton-spring creek bird preserve, 87-5-405
    trapping allowed, 87-5-401
    university of Montana-missoula biological reserve, 23-1-201, 23-1-202, 87-5-404
    violations and penalties, 87-5-401, 87-5-402, 87-5-404, 87-5-406
    waterfowl sanctuaries, 87-1-305, 87-1-706, 87-1-713, 87-1-714, 87-2-412
    wetlands protection, conservation, and development, 87-2-412
Privileges, forfeiture, 87-1-102, 87-1-108, 87-2-112
Prizes
    fishing derbies, 23-5-165
    prohibited when, 87-3-121, 87-3-307
Property, See **Landowners**; **Lands or waters**
Prosecution of violations, See **Violations**
Protection of persons or livestock, taking of wildlife for, 87-3-130, 87-3-221
Public access or fishing areas, See **Access sites**; **Lands or waters**, public fishing areas
Public shooting areas, agreements for and payment, 87-1-227
Purchase unlawful, 87-2-103, 87-3-111, 87-3-118
Rabies control
    definitions, 50-23-101
    destruction, seizure, or quarantine of animals, 50-23-103
    expenses, 50-23-104
    injunction, 50-23-106
    possession of animals, prohibition and exception, 50-23-102, 50-23-103
    rulemaking authority, 50-23-101, 50-23-105
Rangeland and range management, Title 76, chapters 14 and 16, See **GRAZING DISTRICTS**; **RANGELAND RESOURCES**
Raptors
    captive breeding projects and permits, 87-5-210
    defined, 87-5-202
    destruction of eagles, hawks, or owls — when, 87-5-209
    federal laws, conformance to, 87-5-204, 87-5-210
    licensing and rules, 49-3-204, 87-5-204, 87-5-208
    nonresidents, 87-5-208
    possession, unlawful, 87-1-111, 87-5-204
    regulation, 87-5-203
    restrictions on use, 87-5-204, 87-5-207
    sale or shipping restrictions, 87-5-203, 87-5-210
    species allowed, 87-5-205, 87-5-703
Recreation
    fishing and hunting as, 70-16-301
    lands or waters used for, See **Lands or waters**
    resources, See **PARKS AND RECREATION, Outdoor recreation resources**; **State parks**

FISH AND WILDLIFE (Continued)
Recreation (Continued)

  state lands, on — license, 77-1-801, 77-1-802, 87-1-102, 87-1-125, 87-1-502, 87-1-601
  use, defined as, 23-2-301, 77-1-101, See **RIVERS AND STREAMS, Recreational use; STATE LANDS, Recreational use**
Refuges, See **Preserves and refuges**
Refuse, dumping or leaving, 75-10-212, 75-10-233
Reindeer, See **LIVESTOCK, Alternative livestock ranches and alternative livestock**
Renewable resource development, Title 85, chapter 1, part 6
Reproduced sounds of bird or animal calls, use, 87-3-108
Research, See **Scientific purposes**
Resting, feeding, and breeding grounds, See **Preserves and refuges**
Restitution for illegal killing or possession, 87-1-102, 87-1-111, 87-1-115
  disposition of proceeds, 87-1-114, 87-1-120
  finding required, 87-1-112
  forfeiture of bond or bail, portion paid as, 87-1-111, 87-1-112
  indians, agreements, 87-1-228
  payment and penalty for nonpayment, 87-1-113, 87-1-115
  unlawfully taken wildlife, value — determination, 87-3-118
Revenue, See **Funds and funding**
Rifles, use restrictions, 87-3-401, See also **Guns**
River restoration program, 87-1-255 — 87-1-259, 87-1-601, 87-1-605, 87-1-610
Rivers, See **Lands or waters**
Roads
  habitat, acquisition — maintenance, 87-1-241
  hunting from or on, 61-8-369, 87-2-803, 87-3-101
Roadside menageries, See **Zoos and menageries**
Sable, 87-2-101, 87-4-1001, See **Fur-bearing animals; Fur farms**
Safety, 87-1-304, 87-2-105, 87-3-302
Sales
  antlers, 87-3-102, 87-3-111
  aquatic fish food organisms, 87-4-609
  commercial, 87-4-701 — 87-4-705
  confiscated birds and animals, See **Confiscation or seizure**
  crawdads and crayfish, 87-4-609
  fish or spawn, 87-4-601, 87-4-603, 87-4-606
  fur dealers, by, 87-4-303
  fur farms, 87-4-1001, 87-4-1008, 87-4-1010, 87-4-1011
  game bird farms, 87-4-901, 87-4-909, 87-4-911, 87-4-912
  grizzly bears or parts, when, 87-1-511
    commercial, prohibited, 87-4-702
    prohibition and exception, 87-3-111
    registration, 87-3-110
  lands or waters, 87-1-209
  licenses, See **Fish and fishing; Hunting, general provisions; Shooting preserves; Trapping**; See also **Types of licenses enumerated**
  meat of wild animals damaging property, 87-1-226
  mysis shrimp, 87-4-609
  paddlefish roe as caviar, 87-3-111, 87-4-601
  raptors — possession, sale, or training, 87-1-111, 87-5-203, 87-5-204
  unlawfully taken wildlife, 87-3-111, 87-3-117, 87-3-118
  violations, 87-1-102, 87-2-103, 87-3-111, 87-3-118, 87-3-501, 87-4-601, 87-4-705, 87-5-201
  whitefish, 87-4-605
  wild birds, 87-5-201
  zoos and menageries, 87-4-804
Salmonid fish or eggs, See **Fish and fishing**
Salt licks to entice animals, 87-3-101

FISH AND WILDLIFE (Continued)

Sanctuaries, See **Preserves and refuges**
Scientific purposes
  acquisition, importation, and propagation for, 87-1-221
  collector's permits, 87-2-806, 87-5-401
  data requirements, 87-5-102, 87-5-104
  farm animal and research facilities protection, Title 81, chapter 30, part 1
  grizzly bear parts, for, 87-1-511, 87-3-102
  importation, See **Importation, introduction, and transplantation**
  nongame wildlife, management, 87-5-103
  permits for taking
    endangered species, 87-5-109
    fish and game generally, 87-2-806, 87-5-401
  research, training, and other projects, 87-1-210
  smith river management, 23-2-408
  tattoo requirements, applicability, 87-1-234
  university of Montana-missoula biological reserve, 23-1-201, 23-1-202, 87-5-404
Search and seizure, See **Confiscation or seizure**
Seasons, 87-1-102, 87-1-304, 87-2-101, 87-3-104, See also specific subject
Seines or nets, 87-3-204, 87-3-205, 87-4-610, See **Fish and fishing**
Seizure, See **Confiscation or seizure**
Sensitive species, management, 87-1-201
Set guns, 87-3-101
Sex of animal, destroying evidence of, 87-3-306
Shipping, See specific subject
Shooting preserves
  amount of game recoverable, 87-4-523, 87-4-526
  bird license or stamp required, 87-4-504
  boundaries, posting, 87-4-502
  floodways, within, Title 76, chapter 5, See **FLOOD PLAINS AND FLOODWAYS**, **Uses within**
  game hunted within, 87-4-522, 87-5-406
  inspections, 87-4-526, 87-4-528
  licenses or permits
    authorization, 87-4-501
    commercial and membership, 87-4-505
    discrimination in issuance prohibited, 49-3-204
    fees, 87-4-503
    requirements, 87-4-502
    revocation and reissuance, 87-4-506
  nonresidents, requirements, 87-4-504
  operators, restrictions established by, 87-4-524
  records, 87-4-526
  seasons, 87-1-304, 87-2-101, 87-3-104, 87-4-521
  shooters
    bird license or stamp required, 87-2-404, 87-4-504
    registration, 87-4-526
  size, location, and posting, 87-4-502
  tagging, 87-4-525
  wild game, harvesting, 87-4-527
Shooting ranges, Title 76, chapter 9, part 1, See **SHOOTING RANGES**
Shotguns, use restrictions, 23-2-302, 87-1-304, 87-3-301, 87-3-401, See also **Guns**
Skins or pelts, See **Fur-bearing animals**; **Fur farms**
Skunks, 87-2-101
Smith River management, Title 23, chapter 2, part 4

FISH AND WILDLIFE (Continued)

Snare traps
  lawful, 87-3-107
  removal allowed, 87-3-507
  unlawful, 87-3-101
Soil conservation districts, Title 76, chapter 15, See **CONSERVATION DISTRICTS**
Special or combination licenses or permits, See also **Hunting, general provisions**; **Types of licenses enumerated**
  additional — application for, purchase, or possession unlawful when, 87-2-104
  application prohibited when, 87-1-102
  combination sports, 87-2-711
  disabilities, persons with, 87-1-301
  elk permits, 87-2-501, 87-2-704, 87-2-705
  grizzly bear, 87-2-701, 87-2-702
  holders, areas set aside for, 87-1-304
  issuance limited, 87-1-304, 87-2-702
  minors, age requirements, 87-2-701
  nonsupport, suspension for, 40-5-701
  seasons, 87-1-225, 87-1-304, 87-2-101
  unlawful application or drawing entry, 87-2-702
Sportsman-landowner relationships, See **Landowners**
Spotlighting, 87-1-102
State conservation officers, Title 87, chapter 1, part 5, See **Enforcement**
State-federal relationships, See **Federal-state relationships**
State lands, recreational use, Title 77, chapter 1, part 8, See **STATE LANDS**
State special revenue fund, See **Funds and funding**
Streambed alteration or modification projects, Title 75, chapter 7, part 1
Streams and rivers, See **Lands or waters**
Streamside management zones, forest practices in, 77-5-301 — 77-5-305, 77-5-307
Sun River game preserve, 87-5-403, See also **Preserves and refuges**
Tags and tagging
  bears, 87-1-201, 87-5-302
  carcasses, 50-50-401, 87-2-509, 87-5-302
  frozen food lockers, requirements, 50-50-401
  game birds used in field trials, 87-4-915
  penalties, 87-3-505
  shooting preserves, 87-4-525, 87-4-526
  snare traps, 87-3-107
  turkeys, 87-3-404, 87-3-405
  traps, metal tags, 87-3-107, 87-3-504
Taking of wildlife to protect persons or livestock, 87-3-130
Tattooing of certain animals
  captured animals, damage caused by — compensation, 87-1-233
  exceptions, 87-1-234
  records and fees, 87-1-232
  requirement and penalty, 87-1-231
Taxidermy and taxidermists, 87-4-201
Teton-Spring Creek bird preserve, 87-5-405, See also **Preserves and refuges**
Transplantation, See **Importation, introduction, and transplantation**
Transporting, See specific subject
Trapping
  administrative rules, nonapplicability, 2-4-102
  animals to trap, enumerated, 87-2-601, 87-2-602
  beavers or muskrats, 87-1-224, 87-3-501, 87-3-503
  closed season, during, 87-1-102, 87-2-103
  closure of areas for, 87-1-304

FISH AND WILDLIFE (Continued)
Trapping (Continued)

- concealed weapons, carrying — exemption from criminal provisions, 45-8-317
- game preserves, on, 87-5-401
- harassment of trappers unlawful, 87-3-141 — 87-3-144
- indians, general provisions, 2-1-304
- lands or waters
  - acquired for, 87-1-209, 87-1-303
  - closed to, 87-1-305
- landowner's permission required, 87-2-604
- licenses, See also **Types of licenses enumerated**
  - alteration, attachment, or transfer, 87-2-110
  - application, penalties, and forfeiture, 87-2-106
  - carrying and exhibiting, 87-2-109
  - classes and fees enumerated, 87-2-601 — 87-2-603
  - expiration or termination, 87-2-111, 87-2-202
  - failure to have, 87-1-102, 87-2-103
  - forfeiture, 87-1-102, 87-1-125, 87-2-112
  - form, 87-2-107
  - landowners, 87-2-602
  - nonresident, 87-2-603, 87-2-604
  - nonsupport, suspension for, 40-5-701
  - number allowed and fees, 87-2-104
  - resident, 87-2-102, 87-2-601, 87-2-605
  - required, 87-2-103
  - revocation, 87-1-120
  - sale, unlawful, 87-2-203
  - surrender, 87-1-102, 87-1-125
  - wildlife conservation license, prerequisite, 87-2-201
  - youth license, 87-2-605
- nongame wildlife, 87-2-603, 87-2-604
- pelts, See **Fur-bearing animals**; **Fur farms**
- predator control by, Title 81, chapter 7, part 1, See **PREDATORS AND PREDATOR CONTROL**
- privilege, forfeiture, 87-1-102, 87-1-108, 87-1-120, 87-1-121, 87-1-125, 87-2-112
- public areas, lands or waters for, 87-1-209
- raptors, See **Raptors**
- rules, establishment, 87-1-301
- seasons for, 87-1-304, 87-2-101, 87-3-104, See also **Fur-bearing animals**; **Game animals**
- traps
  - failure to pick up or attend, 87-3-506
  - removal, destruction, or disturbance, 87-3-507
  - tagging requirements, 87-3-107, 87-3-504, 87-3-505
  - violations, 87-3-101, 87-3-204, 87-3-205
- unlawfully taken wildlife, 87-2-103, 87-3-111, 87-3-117
  - penalties prescribed, 87-1-102
  - restitution, 87-1-111, 87-1-113
  - sale or possession, 87-3-112, 87-3-118
- wasting animals, 87-3-506

Trophies
- boone and crockett institute, 87-3-307
- grizzly bear trophy license, 87-2-701
- killing for trophy only and restitution, 87-1-102, 87-1-115, 87-3-102
- mountain lion trophy license, 87-2-507, 87-2-508
- sale, purchase, and transporting, 87-3-111

Turkeys, See **Game birds**

FISH AND WILDLIFE (Continued)

Types of licenses enumerated
  classes
    A, resident fishing license, 87-2-301
    A-1, resident upland game bird license, 87-2-401
    A-2, special bow and arrow license, 87-2-708
    A-3, resident deer A tag, 87-2-501
    A-4, resident deer B tag, 87-2-501
    A-5, resident elk tag, 87-2-501
    A-6, resident black or brown bear tag, 87-2-501
    A-7, antlerless elk tag, 87-2-501
    A-8, resident temporary fishing license, 87-2-308
    AAA, combination sports license, 87-2-711
    B, nonresident fishing license, 87-2-302
    B-1, nonresident upland game bird license, 87-2-402
    B-4, two-day nonresident fishing license, 87-2-304
    B-7, nonresident deer A tag, 87-2-504, 87-2-512
    B-8, nonresident deer B tag, 87-2-504
    B-10, nonresident big game combination license, 87-2-505, 87-2-512
    B-11, nonresident deer combination license, 87-2-510, 87-2-512
    C, resident trapper's license, 87-2-601
    C-1, landowner's trapping license, 87-2-602
    C-2, nonresident trapper's license, 87-2-603
    C-3, resident youth trapping license, 87-2-605
    D-1, nonresident mountain lion license, 87-2-507
    D-2, resident mountain lion license, 87-2-508
  other licenses, permits, and tags
    migratory game bird, 87-2-411
    paddlefish tags, 87-2-306
    scientific purposes, permit, 87-2-806
    special antelope, 87-2-701
    special black or brown bear, 87-2-701
    special elk permits, 87-2-704, 87-2-705
    special grizzly bear, 87-2-701
    special moose, 87-2-701
    special mountain goat, 87-2-701
    special mountain sheep, 87-2-701
    three-day nonresident captive-reared bird hunting stamp, 87-2-404
    trophy licenses
      grizzly bear, 87-2-701
      mountain lion, 87-2-507, 87-2-508
    wildlife conservation, 87-2-202, See **Wildlife conservation license**
    wild turkey tags, 87-2-403
    youth combination sports license, 87-2-805
University of Montana-Missoula Biological Reserve, 23-1-201, 23-1-202, 87-5-404
Unlawful practices, See **Violations**
"Unlawfully taken wildlife" defined, 87-3-117
Upland game bird enhancement program, See **Game birds**
Upper Clark Fork River Basin Steering Committee, representation on, 85-2-338
Vehicles
  archers, use regulations, 87-1-304
  federal land, off road use restrictions, 87-3-125
  hunting from, 61-8-369, 87-2-803, 87-3-101
  off road use, 87-3-125
  orange-colored international symbol of person with a disability required when, 87-2-803
  salmonid and nonsalmonid fish or egg provisions, violation, 87-3-224, 87-3-227

FISH AND WILDLIFE (Continued)
Vehicles (Continued)

- searches, 87-1-506

Vertebrate Pest Management Advisory Council, representation on, 80-7-1104
Violations, 87-1-102, 87-1-125

- aircraft, use, 87-3-126
- alternative livestock ranch managers, conviction or forfeiture of bond — effect, 87-4-426, 87-4-427
- animal calls or sounds, use, 87-3-108
- archery restrictions, 87-3-135, See also **Bow and arrow**
- boats, use, 87-3-126
- captivity, animals held in — failure to report, 87-1-231
- carcasses, 87-2-509, 87-3-102
- checking stations, failure to stop and report at, 87-1-208
- civil liability, 87-3-227, 87-5-721
- closed season, fishing or hunting during, 87-3-104
- compromise prohibited, 87-1-502
- construction or hydraulic violations, stream damage by, 87-5-509
- costs, 87-1-104
- court citation or sentence, failure to comply, 87-1-108
- crayfish, unlawful taking — penalty, 87-4-608
- crimestoppers program, 87-5-601 — 87-5-606
- damages, 87-3-227
- decoys, simulated wildlife — attempting to take unlawful, 87-3-109
- deer, taking in city limits, 87-3-305
- endangered species, 87-1-111, 87-5-106, 87-5-107, 87-5-111
- exception to requirements, revocation, 87-2-804, See **Exceptions to requirements**
- fines, See **Fines, bonds, and penalties**
- fingerprinting and photographing of accused when, 44-5-202
- firearms, silencers or mufflers prohibited, 87-3-123, See also **Guns**
- fire-danger areas, hunting or fishing in prohibited, 87-3-106
- fish and fishing, see **Fish and fishing**
- food locker owner, liability, 50-50-402
- forfeiture of bond or bail, 87-1-102, 87-1-111, 87-1-112, 87-1-115, 87-1-125, 87-2-106, 87-5-721
- forfeiture of hunting, fishing, or trapping privileges, 87-1-108
- fur-bearing animals, See **Fur-bearing animals**; **Fur farms**
- game animals, See **Game animals**
- game birds, See **Game bird farms**; **Game birds**; **Raptors**; **Shooting preserves**
- game preserves, hunting in, 87-5-404, 87-5-406
- harassment, 87-3-125
- highways, hunting on or from, 87-3-101
- hunter educataion program, remedial — for violators, 87-1-120, 87-1-121
- importation, introduction, and transplantation — unlawful when, 87-2-103, 87-3-105, 87-5-721, See also **Importation, introduction, and transplantation**
- inchoate offenses, as, 87-1-109
- indian reservation boundaries, within — disposition of fines and restitution, 87-1-228
- injunction to restrain, 87-3-144
- injured person, failure to assist, 45-8-113
- interstate wildlife violator compact, 87-1-801 — 87-1-805
- jurisdiction
  - justice's court, in, 3-10-303
  - state or tribal courts, agreement concerning, 87-1-228
- landowner permission, failure to acquire, 87-3-107, 87-3-125, 87-3-304
- licenses, general regulations, 87-1-102, 87-1-103, 87-2-104, 87-2-106, 87-2-109, 87-2-114, 87-2-702, 87-2-805, See also **Fish and fishing**; **Game animals**; **Game birds**; **Hunting, general provisions**; **Shooting preserves**

FISH AND WILDLIFE (Continued)
Violations (Continued)

- littering, 87-2-112
- motion-tracking devices, electronic — use, 87-3-134
- nongame wildlife, 87-1-111, 87-5-106, 87-5-107, 87-5-111, See **Nongame and endangered species**
- penalties prescribed, 87-1-102, 87-1-125
- prizes, conditions for award, 87-3-121
- prosecution for
  - confiscated birds and animals, sale money paid to defendants, 87-1-513
  - cost bills, 87-1-104, 87-1-601
  - hunger as defense, 87-3-129
  - statute of limitations, 87-1-110
  - time limitation, 45-1-205
- raptors, See **Raptors**
- reproduced sounds of bird or animal calls, use, 87-3-108
- restitution for illegal killing or possession, 87-1-111 — 87-1-113, 87-1-115
- sales generally, 87-2-103, 87-3-111, 87-3-118, 87-3-501, 87-4-601, 87-4-705, 87-5-201
- salt licks or bait, use, 87-3-101
- seasons, 87-1-304, 87-2-101, 87-3-104, See specific subject
- settlement out of court prohibited, 87-1-502
- sex of animal, destroying evidence of, 87-3-306
- shipping, 87-1-102, 87-2-103, 87-3-111, 87-3-117, 87-3-118
  - carrier violations, 87-3-115
  - packages, labeling, 87-3-114
- simulated wildlife decoy, attempting to take unlawful, 87-3-109
- snare traps, use, 87-3-101, 87-3-107
- tags, failure to validate, 87-2-403, 87-2-509, 87-3-403, 87-3-405
- taxidermists generally, 87-4-201
- trapping, See **Trapping**
- trespass, criminal, 45-6-201, 45-6-203
- unlawfully taken wildlife, 87-2-103, 87-3-111, 87-3-117
  - penalties prescribed, 87-1-102
  - removal from state, 87-3-113
  - restitution, 87-1-111 — 87-1-113, 87-1-115
  - sale or possession, 87-3-112, 87-3-118
- vehicle, use restrictions, 87-3-101, 87-3-125
- waste of fish or game, 87-3-102, 87-3-303, 87-3-506
- zoos and menageries, See **Zoos and menageries**

Wardens, See **Enforcement**
Waste, 87-1-102, 87-3-102, 87-3-506
Waterfowl, See **Game birds**
Water Pollution Control Advisory Council, representation on, 2-15-2107
Waters, See **Lands or waters**
Watershed advisory groups, 75-5-103, 75-5-702 — 75-5-704
Weasels, 87-2-101
Weed management, 7-22-2101, 7-22-2109, See **WEEDS AND WEED CONTROL**
Wetlands — funds for protection, conservation, and development, 2-15-3405, 87-1-601, 87-2-412
Whitefish, See **Fish and fishing**
Wild birds, 87-1-111, 87-5-201, 87-5-404, 87-5-406, See **Nongame and endangered species**
Wildlife conservation license

- application
  - contents, 87-2-202
  - false statements, 87-2-205
- blind persons or persons with disabilities, exemption, 87-2-403, 87-2-803
- discrimination in issuance prohibited, 49-3-204
- expiration, 87-2-202

FISH AND WILDLIFE (Continued)
Wildlife conservation license (Continued)

- family members, purchase for — when, 87-2-106
- fee and disposition, 87-2-202, 87-2-204
- guides, professional — requirement for licensing, 37-47-303
- legion of valor members, 87-2-801
- nonresident big game combination license, inclusion in, 87-2-505
- nonresident deer combination license, inclusion in, 87-2-510
- prerequisite for other licenses, 87-2-201, 87-2-203, 87-2-304, 87-2-403, 87-2-504, 87-2-701
- resident minors, 87-2-403, 87-2-805
- residents over age 62, 87-2-403, 87-2-801, 87-2-804
- youth combination sports license, 87-2-805

Wild turkeys, See **Game birds**
Wolverines, 87-1-111, 87-2-101, 87-2-601, 87-2-602, 87-4-1001, See **Fur-bearing animals**; **Fur farms**
Wolves, 87-1-231, 87-1-233, See **Nongame and endangered species**; **Tattooing of certain animals**; **PREDATORS AND PREDATOR CONTROL**
Zoos and menageries

- definitions, 87-4-801
- enforcement of provisions, 87-4-807
- fines, bonds, and penalties — collection and disposition, 87-4-808
- inspections, 87-4-806
- motor vehicles, gross vehicle weight fee exemption, 61-10-214
- permits, 87-4-802
  - capture of wildlife, for, 87-4-804
  - fees, 87-4-803, 87-4-808
  - issuance, 87-4-803
  - restrictions, 87-4-804
  - revocation, 87-4-806
- procurement of wildlife, 87-4-804
- regulations for, 87-4-802
- restrictions, 87-4-804
- sales, 87-4-804
- tax exemption, 15-6-201
- violations, 87-4-807
- wildlife
  - acquisition or redemption, 87-4-804, 87-4-806
  - possession of wild animals, 50-23-102

FISH, WILDLIFE, AND PARKS COMMISSION, 2-15-3402, 87-1-101
Alternative Livestock Advisory Council, representation on, 87-4-432
Boating, use regulations and rules, 23-2-506, 23-2-525, 23-2-529, 87-1-303
Camping, rules concerning, 23-2-408, 23-2-410, 87-1-303
Crimestoppers Board, membership on, 2-15-3404
Duties and powers generally, 87-1-301, See **FISH AND WILDLIFE**, specific subject
Fish and game wardens, 23-1-122, 23-2-806; Title 87, chapter 1, part 5
Hearings, 87-1-241, 87-1-305, 87-4-807, 87-5-711, 87-5-712
Historic site acquisitions, duties, 23-1-108, 87-1-209
Lands or waters, acquisition and sale, 87-1-209, 87-1-301, 87-1-303, See **FISH AND WILDLIFE, Lands or waters**
Licenses and permits, duties, 87-1-268, 87-1-301; Title 87, chapter 2
Meetings, 87-1-302
Off-highway vehicles, rules, 23-2-806
Offices, 87-1-106
Park rangers, enforcement powers, 23-1-121, 23-1-122, 23-2-806
Policies, 87-1-301, 87-1-401
Records, 87-1-302

FISH, WILDLIFE, AND PARKS COMMISSION (Continued)

Secretary, 2-15-3401, 87-1-302
Smith River management, Title 23, chapter 2, part 4
Snowmobiles, rules, 23-2-641
State parks, duties, 23-1-106, 23-1-108, 23-1-110, 23-1-121, 23-1-122
Stream access law, Title 23, chapter 2, part 3
Zoos and menageries, Title 87, chapter 4, part 8

FISH, WILDLIFE, AND PARKS CRIMESTOPPERS ACT AND BOARD, Title 87, chapter 5, part 6
  See **FISH AND WILDLIFE, Crimestoppers program**

FISH, WILDLIFE, AND PARKS — DEPARTMENT OF, 2-15-104, 87-1-101; Title 2, chapter 15, part 34
  See also **EXECUTIVE BRANCH**
Alternative Livestock Advisory Council, allocation, 87-4-432
Alternative livestock ranches and alternative livestock, jurisdiction, 87-4-408, 87-4-422,
  See **LIVESTOCK**
Archaeological sites, authority, 23-1-101, 23-1-102, 23-1-107, 87-1-209
Bannack, preservation or restoration of buildings and resources — advertising and bid requirements not applicable, 18-2-301
Biological station, 23-1-201, 23-1-202, 87-5-404
Boating Advisory Council, 23-2-536
Boats and boating, duties, 16-4-210, 87-1-202; Title 23, chapter 2, part 5
Budget, 19-8-504, 87-1-301
Bull trout and cutthroat trout enhancement program, 15-38-202, 87-1-283
Capitol Complex Advisory Council, staff services and advice, 2-17-803, 2-17-804
Capitol grounds, maintenance and displays, 2-17-804, 2-17-811, 2-17-812
Civil disorder, prohibited activities and exceptions, 45-8-107 — 45-8-109
Commission, duties, See **FISH, WILDLIFE, AND PARKS COMMISSION**
Community service volunteer projects, 90-14-105
Construction projects
  approval and review, 87-1-301
  streambed alteration or modification, Title 75, chapter 7, part 1
  stream protection, Title 87, chapter 5, part 5
County lands, cooperative use agreements, 7-8-2507
Crimestoppers Board, allocation, 2-15-3404
Crimestoppers program, 87-5-601 — 87-5-606
Criminal justice agency, as, 23-1-106, 23-2-410, 23-2-506, 23-2-641, 23-2-806, 87-1-502
Director, 2-15-3401, 87-1-101
  boating advisory council, appointment, 23-2-536
  capitol complex advisory council, member, 2-17-803
  counties, payments in lieu of taxes for department-owned land — approval or disapproval, 87-1-603
  crimestoppers board, appointments to, 2-15-3404
  deputy director, appointment, 87-1-404
  drought advisory committee, appointment to, 2-15-3308
  duties and powers generally, See **FISH AND WILDLIFE**, specific subject
  employees, regulation, 87-1-403
  field trials, permission for, 87-3-124, 87-4-915
  firewarden, as, 77-5-104
  flathead basin commission, ex officio member, 2-15-213
  heritage preservation and development commission, member, 22-3-1002
  land or water sales, bid requirements and signature on deeds, 87-1-209
  laws, fish and game — compilation, publication, and distribution, 87-1-405
  license agents, Title 87, chapter 2, part 9
  licenses, procurement and affidavit, 87-2-106, 87-4-201, See also **FISH AND WILDLIFE**

FISH, WILDLIFE, AND PARKS — DEPARTMENT OF (Continued)
Director (Continued)

oath and affirmation, 87-1-402
policies carried out by, 87-1-401
state park enforcement personnel, employment, 23-1-106
wardens, appointment, 87-1-404, 87-1-503
water pollution control advisory council, member, 2-15-2107
wetlands protection advisory council, appointment, 2-15-3405
Drought Advisory Committee, representation on, 2-15-3308
Duties generally, 87-1-201, See **FISH AND WILDLIFE**, specific subject
Eminent domain, power of — limitations and prohibitions, 23-1-102, 23-2-103, 87-1-209, 87-1-703, 87-1-709
Employees
confiscated or destroyed birds and animals, 87-1-511 — 87-1-514, 87-4-807
ex officio wardens, employees as, 87-1-503
expenses, travel, 87-1-403, 87-1-503, 87-1-602
fish or eggs, testing, inspection, and approval, 87-3-210, 87-3-223
grievance procedures, 87-1-205, 87-1-403
hearings, demand for, 87-1-403
herding, driving, capturing, taking, locating, or concentrating wildlife — methods, 87-3-128
outfitters, board of — appointment to, 2-15-1883
political activities, 87-1-204
salaries, 87-1-403, 87-1-601, 87-1-602
snowmobiles, game management with, 23-2-633
stock-killing animals, means of pursuit, 87-3-127
suspension, demotion, or removal, 87-1-201, 87-1-403
Enforcement of laws generally, 87-1-201, 87-1-203
Environmental Quality Council, interim functions, 75-1-324
Facility siting, responsibilities, 75-20-211, 75-20-216, 75-20-226
Firearms, permits to carry — issuance, 87-1-201
Firearms and hunter safety or hunter education instructors, liability, 27-1-721
Firearms safety or training courses, 20-7-132, 45-8-321
Fish and game wardens, 87-1-404; Title 19, chapter 8; Title 87, chapter 1, part 5
Funds, appropriation and control, 87-1-201; Title 87, chapter 1, part 6
Game Wardens' and Peace Officers' Retirement System, contributions, 19-8-501, 19-8-504
Grazing districts, wildlife protection within, 76-16-107
Hazardous material incidents, state emergency response commission — representation on, 10-3-1204
Hearings, 87-1-403, 87-1-714, 87-4-607, 87-4-916, 87-4-1013
Heritage Preservation and Development Commission, construction of buildings — guidelines for, 22-3-1003
Highway patrol officers' memorial, 2-17-817
Historical sites and monuments, authority, 23-1-101, 23-1-102, 23-1-107, 23-1-108, 87-1-209
Hunter safety and education courses, 45-8-321, 87-2-105
In-kind payment of estate and inheritance taxes, receiving entity, 72-16-445 — 72-16-450
Lands or waters, acquisition and sale, 87-1-209, See **FISH AND WILDLIFE, Lands or waters**
Legal adviser, 87-1-105
License agents, Title 87, chapter 2, part 9
Licenses and permits, duties, 87-1-201, 87-1-710; Title 87, chapter 1, part 8, and chapter 2
Lodging facility use tax proceeds, allocation and use, 15-65-121
Makoshika State Park, mineral rights within — negotiation for acquisition, 82-11-127
Megalandfill siting, responsibilities, 75-10-913, 75-10-918, 75-10-927
Montana Agricultural Center and Museum of the Northern Great Plains — jurisdiction, custody, and control, 23-1-109
Montana Conservation Corps, Title 23, chapter 1, part 3

FISH, WILDLIFE, AND PARKS — DEPARTMENT OF (Continued)

Natural resource information system data source agency, 90-15-102
Noxious weed control and management, cooperative agreements, 7-22-2151
Off-highway vehicles, authority, 23-2-804, 23-2-806, 23-2-809, 23-2-814, 23-2-818
Offices, 87-1-106
Outdoor recreation resources, development, 23-2-101 — 23-2-103, 87-1-209
Park rangers, 23-1-121, 23-1-122, See **PARKS AND RECREATION**
Parks Division
  lewis and clark bicentennial commission, administrator as member, 2-15-150
  Montana conservation corps within, Title 23, chapter 1, part 3
Pesticide registration, 80-8-201
Powers generally, 87-1-201, See **FISH AND WILDLIFE**, specific subject
Predator control, cooperation, Title 81, chapter 7, part 1
Property, state-owned — sale and disposition of proceeds, 87-1-201
Publication, posting, or legal notice of orders, rules, and regulations, 87-1-202, 87-1-203
Reports
  mountain sheep license auction proceeds, to office of budget and program planning, 87-2-722
  state park or fishing access site improvement or development, requirements, 2-17-322, 23-1-110
  upland game bird enhancement activities, to legislature, 87-1-250
Revenue, Department of — information from income tax returns, 15-30-303
Schools, firearms safety education courses — duties, 20-7-132
Shooting rangs, grants for development, 87-1-276 — 87-1-279
Smith River management, Title 23, chapter 2, part 4
Snowmobiles, authority, 60-3-201, 70-16-302; Title 23, chapter 2, part 6
State lands
  island parks, latrine facilities — approval, 77-1-405
  recreational use, Title 77, chapter 1, part 8
State parks, authority, Title 23, chapter 1, See **PARKS AND RECREATION**
Statistics and information, collection and diffusion, 87-1-210
Stream access law, Title 23, chapter 2, part 3
Streambed and Land Preservation Act, Natural — administration, Title 75, chapter 7, part 1
Stream protection, Title 87, chapter 5, part 5
Timber sales, onsite consultations — representation, 76-13-132
Water conservancy districts, authority, 85-9-104, 85-9-202, 85-9-204
Waterfowl stamp artwork, procurement and sale, 87-2-412
Water project lands, leases for public recreational use, 85-1-802
Water rights adjudication, public recreational uses — exclusive representation, 85-2-223
Weed control and management, cooperative agreements, 7-22-2151
Wetlands Protection Advisory Council, 2-15-3405
Zoos and menageries, Title 87, chapter 4, part 8

FLAG
American flag, schools
  pledge of allegiance required and exception, 20-7-133
  procurement and display, 20-3-324
Cities and towns, 7-1-4124
Desecration unlawful, 45-8-215
Flag Day, 20-1-306
State, 1-1-502
Trademarks, use of united states flag unregistrable, 30-13-303

FLATHEAD BASIN COMMISSION ACT OF 1983, Title 75, chapter 7, part 3
  See **LAKES**

FLOOD PLAINS AND FLOODWAYS
Actions regarding, 76-5-109
Alteration, 76-5-203, 76-5-204
Appeals from orders concerning, 76-5-209
Artificial obstructions, See **Obstructions**
Conservation districts, Title 76, chapter 15, See **CONSERVATION DISTRICTS**
Dams or dikes, See **Obstructions**
Definitions, 76-5-103
Delineation, program for, 76-5-201
Designation, 76-5-103, 76-5-202
  data concerning, 76-5-205
  existing artificial obstructions or nonconforming uses, effect, 76-5-404
Development, 76-5-102
Drainways, See **Watercourses and drainways**
Easements for, 70-17-101
Federal money, allocation, 17-3-231, 17-3-232
Federal supremacy, 76-5-107
Findings, 76-5-101
Fines for unlawful practices, 76-5-110
Flood Control Act, Federal — money from, 17-3-231, 17-3-232
Floodway obstruction removal fund, 76-5-207, 76-5-405
Forest practices in streamside management zones, 77-5-301 — 77-5-305, 77-5-307
Information concerning, dissemination, 76-5-201
Investigations, 76-5-105, 76-5-201, 76-5-206
Land use regulations
  administration and enforcement, 76-5-102, 76-5-301, 76-5-302
  existing artificial obstructions or nonconforming uses, effect, 76-5-404
  federal flood insurance requirements, 76-5-301
Local government, See **Political subdivisions**
Management, 76-5-102
Minimum standards
  adoption, 76-5-205
  enforcement, 76-5-302
  land use regulations, 76-5-301, 76-5-302
  variance requests, 76-5-406
Nonconforming uses
  establishment prohibited when, 76-5-301, 76-5-404
  investigation, 76-5-105
  maintenance, 76-5-405
  permit for, 76-5-404, 76-5-405
  prohibited when, 76-5-403
Obstructions, 76-5-103
  damage actions, presumption of cause, 76-5-109
  establishment prohibited when, 76-5-301, 76-5-404
  exemption for small drainage area, 76-5-106
  existing, effect of provisions, 76-5-404
  fund, floodway obstruction removal, 76-5-207, 76-5-405
  investigation, 76-5-105
  maintenance, 76-5-404, 76-5-405
  permit for, 76-5-404, 76-5-405
  removal or repair, orders for, 76-5-206, 76-5-208
    fund, floodway obstruction removal, 76-5-207, 76-5-405
Open-space uses, 76-5-401, See also **Uses within**
Ordinary high-water mark, not considered to lie within, 23-2-301

FLOOD PLAINS AND FLOODWAYS (Continued)

Permits, 76-5-404, 76-5-405
  added requirement, as, 76-5-108
  local control, substitution for, 76-5-302
  remedies, effect on granting or denial, 76-5-109
Policy, 76-5-102
Political subdivisions, 76-5-103
  consultations with, 76-5-201
  designation data furnished to, 76-5-205
  investigation requests by, 76-5-105
  land use regulations, 76-5-301, 76-5-302
  management by, 76-5-102
  minimum standards, input concerning, 76-5-205
  permits
    artificial obstructions or nonconforming uses, for, 76-5-404, 76-5-405
    issuance ordinances, regulations, or resolutions, 76-5-302
  powers suspended when, 76-5-302
  responsible, 76-5-103
    entry upon lands and waters, consent or notice, 76-5-105
    investigations by, 76-5-105
Purpose of provisions, 76-5-102
Responsible political subdivisions, See **Political subdivisions**
Sheetflood areas, management regulations within, 76-5-301
Soil conservation districts, Title 76, chapter 15, See **CONSERVATION DISTRICTS**
Stream alteration or modification projects, 75-7-105, See **RIVERS AND STREAMS, Streambed alteration or modification projects**
Streamside management zones, forest practices in, 77-5-301 — 77-5-305, 77-5-307
Subdivisions prohibited within, when, 76-3-504
Unlawful practices, 76-5-110, 76-5-404
Uses within
  flood plain, outside of floodway, 76-5-402
  nonconforming, See **Nonconforming uses**
  obstructions, See **Obstructions**
  open-space, permissible uses, 76-5-401
  protection from floods, 76-5-102
  restrictions or prohibitions, 76-5-102
  structures permissible when, 76-5-402
  variances, 76-5-405
    criteria, 76-5-205, 76-5-406
  violations and penalties, 76-5-110
Variances, 76-5-205, 76-5-405, 76-5-406
Watercourses and drainways, 76-5-102, 76-5-103
  depression presumed to be, 76-5-104
  exemption of obstruction when, 76-5-106
  flood control projects, Title 76, chapter 5, part 11, See **FLOODS, Control projects**
  titleholders of land abutting
    investigation requests by, 76-5-105
    orders affecting, 76-5-208

FLOODS
Alfalfa leaf-cutting bees, emergency situations concerning, 80-6-1102
Appropriation, flood waters subject to, Const., IX, 3
Banks, emergency closure, 32-1-561
City and town purchases, exemption from bid requirements, 7-5-4303
Coal mine safety, map of underground working, 50-73-203
Community college districts, “emergency” defined, 20-15-323

FLOODS (Continued)

Conservation easements, Title 76, chapter 6, part 2
Conservation for control, Title 76, chapter 15
Control channels, recreational use, Title 23, chapter 2, part 3
Control projects
  assessments, 76-5-1113, 76-5-1116
  authorization, 76-5-1101
  bonds, authorization and procedure, 76-5-1117
  boundaries, requirements to change, 76-5-1106
  cooperation with other agencies, 76-5-1110
  construction
    costs, 76-5-1111
    responsibility, 76-5-1107
  construction of provisions, 76-5-1104
  contracts, 76-5-1105
    governmental, 76-5-1110
    railroads and highways, for use, 76-5-1109
  county water and/or sewer districts, 7-13-2218
  division of work, 76-5-1105
  drainage districts, See **DRAINAGE DISTRICTS**, **Flood control**
  funds and funding
    acceptance, 76-5-1110
    apportionment of costs, 76-5-1111
    fees and charges, authorization, 76-5-1115
    special assessments, 76-5-1113, 76-5-1114
    sources, 76-5-1112, 76-5-1115
  highways and railroads
    contracts for use, 76-5-1109
    right-of-way and property, right to cross, 76-5-1108
  local government, alteration of existing form, 7-3-122
  local responsibility, 76-5-1107
  methods of organization, 76-5-1104
  property, acquisition, 76-5-1108, 76-5-1110
  public purpose, declared as, 76-5-1103
  right-of-way
    costs, 76-5-1107, 76-5-1111, 76-5-1112
    railroads or highways, right to cross, 76-5-1108
  types, 76-5-1102
  water development activity, 85-1-102
Counties
  emergency expenditures and liabilities, 7-6-2341
  purchases, exemption from bid requirements, 7-5-2304
Criminal justice information systems, security, 44-5-401
Dams and reservoirs
  "emergency" defined, 85-15-106
  eminent domain for permanent flooding from construction, 70-30-104
  failure or rupture, liability for damages caused by, 85-15-305
Definitions, 76-5-103
Dikes, See **Control projects**
Disaster, 10-3-103, See also **EMERGENCIES AND EMERGENCY POWERS**
  expenditures, restrictions and maximum amount, 10-3-311, 10-3-312
Drainage districts to control, Title 85, chapter 8
Easements
  conservation, Title 76, chapter 6, part 2
  right of flooding land for, 70-17-101

FLOODS (Continued)

Emergency services, Title 10, chapters 3 and 4, See **EMERGENCIES AND EMERGENCY POWERS**
Facility siting provisions, waiver when, 75-20-304
Flood Control Act, federal — allocation of money from, 17-3-231, 17-3-232, 20-9-331
Flood plains and floodways, Title 76, chapter 5, parts 1 — 4
Insurance, 10-3-311, 76-5-301
Irrigation ditch owners and operators, nonliabilities, 85-7-2212
Levees, See **Control projects**
Malls, protection facilities, 7-14-4704
Mines and mining
  coal, designation of land unsuitable for, 82-4-228
  reclamation, "alluvial valley floor" and "prime farmland" defined, 82-4-203
Motor vehicles
  damaged by floods, 61-3-202, 61-3-210 — 61-3-212
  new, extension of warranty period, 61-4-502
100-year frequency, 76-5-103
  structures within area, construction requirements, 76-3-504, 76-5-402
Ownership of flood waters by state, Const., IX, 3
Pedestrian malls, protection facilities, 7-14-4704
Prevention and conservation, Title 76, chapter 15
Property tax reduction for property destroyed by, 15-16-611
Reservoirs, See **Control projects**; **Dams and reservoirs**
Schools
  budget amendment purpose, 20-9-161
  federal flood control act funds, 17-3-231, 17-3-232, 20-9-331
  transportation services, determination of reasonable passage, 20-10-106
  "unforeseen emergency", defined as, 20-9-802
Streams, construction or hydraulic projects — emergency situations, 87-5-506
Water conservancy districts for prevention, 85-9-102

FOOD AND FOOD PRODUCTS
  See also **FOOD ESTABLISHMENTS**; **PRODUCE**
Acupuncture, practice of, 37-13-103
Additives, 50-31-103
  adulteration, as, 50-31-109, 50-31-202
  agricultural chemicals, 50-31-110
  color additives, 50-31-103, 50-31-108, 50-31-109, 50-31-202, 50-31-203
  pesticide chemicals, exclusion, 50-31-103
  use, 50-31-109, 50-31-202
Adulterated articles, 50-31-202
  additives, as adulteration when, 50-31-109, 50-31-202
  condemnation, 50-31-509
  contaminated with filth, 50-31-103, 50-31-202
  detainer or embargo, 50-31-501, 50-31-509
  guaranty or undertaking against, 50-31-501, 50-31-507
  ingredients causing, 50-31-203
  unlawful practices, 50-31-501, 50-31-509
Adult foster care homes, 50-5-101
Advertisement, 50-31-103
  false or misleading, 50-31-107, 50-31-501, 50-31-502
    liability, 50-31-507
    Montana quality label, 81-8-705
  honey, 50-31-502
  unlawful practices, 50-31-501
Agricultural practices, sustainable, 20-25-233 — 20-25-236

FOOD AND FOOD PRODUCTS (Continued)

Agriculture, See **AGRICULTURE**
Alcoholic beverage bottle clubs prohibited, 16-6-306
Artificial flavorings or colorings, labeling requirements, 50-31-203
Associations, See **AGRICULTURAL ASSOCIATIONS; AGRICULTURAL MARKETING ASSOCIATIONS; COOPERATIVE ASSOCIATIONS**
Beef patty mix, 50-31-103, 50-31-208, 50-31-506, 50-31-508
Bottled water, regulation, 50-31-103, 50-31-236 — 50-31-238
Bread, unwrapped loaves — labeling not required, 30-12-302
Calcium-EAP, harnosal, or phosetamin as dietary supplement, 50-43-107
Canola seed oil processing facility machinery and equipment, tax on
  classification and rate, 15-6-136
  exemption, 15-6-220
Carriers, inspection, 50-31-106, 50-31-501
Chewing gum, 50-31-103, 50-31-202
Children
  endangering welfare of, 45-5-622
  "harm to a child's health or welfare" defined, 41-3-102
Child support, "need" defined, 40-5-201
City or town council, duties, 7-21-4202
Community service organizations, sale by, 15-6-209
Condemnation of perishables, 50-31-510
Confectioneries, 50-31-202, 81-22-411
Consumer protection, 50-31-105
Containers
  hazardous substance, reuse for, 50-30-202, 50-30-301
  misleading, 50-31-203
  soft drinks, detachable openings prohibited, 75-10-301 — 75-10-303
  standards, 50-31-201, 50-31-203
  unsafe, 50-31-202
Contamination, See **Adulterated articles**
Correctional facilities
  agricultural program for raising products, 53-1-203
  private facilities, services, 53-30-605
County market master, duties, 7-21-3322
Dairy products, See **DAIRIES AND DAIRY PRODUCTS**
Day-care facilities, in, 52-2-702, 52-2-735
Definitions, 50-31-103
Destruction as restraint of trade, 30-14-217, 30-14-224
Detention center inmates, provision for, 7-32-2205, 7-32-2207, 7-32-2249
Developmental disabilities, persons with
  abuse and neglect, Title 52, chapter 3, part 8
  residential facilities, right to good nutrition in, 53-20-142
Dietitians, Title 37, chapter 21
Donated food
  confiscated game animals, 87-1-506
  liability of persons donating for free distribution, 27-1-716
Drug, exclusion as, 37-7-101, 50-31-103, 50-32-101
Eggs, See **POULTRY AND EGGS**
Elder abuse and neglect, Title 52, chapter 3, part 8
Emergencies
  energy supply, 90-4-304, 90-4-307
  regulation, 10-3-505
Enforcement of provisions, 50-31-104
Factories
  filled dairy products, use, 81-22-411

FOOD AND FOOD PRODUCTS (Continued)
Factories (Continued)

- inspection, 50-31-106, 50-31-206, 50-31-207, 50-31-501

Farm animal and research facilities protection, Title 81, chapter 30, part 1
Federal laws

- adoption by reference, 50-31-104, 50-31-201
- applicability, 50-31-103, 50-31-108, 50-31-201, 50-31-202, 50-31-501

Fertilizers for production, 80-10-105, See **COMMERCIAL FERTILIZERS**
Filled dairy products, restrictions, 81-22-101, 81-22-411
Fish or game

- confiscated game animals, donation to Montana food bank network, 87-1-506, 87-1-513
- suitable for food, penalty for waste, 87-3-102

Flavorings, labeling requirements, 50-31-203
Food banks, 53-30-131, 87-1-506, 87-1-513
Food, Drug, and Cosmetic Act

- applicability, 50-31-102, See this heading generally; See also **COSMETICS**; **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**
- citation, 50-31-101

Food stamps, See **PUBLIC ASSISTANCE**
Fruit, Title 80, chapter 3, part 3, See **PRODUCE**
Grains, Title 80, chapter 4, parts 4 — 7 and chapter 5, See **AGRICULTURAL COMMODITIES**; **AGRICULTURAL SEEDS**
Ground beef, 50-31-103, 50-31-208, 50-31-506, 50-31-508
Hamburger, 50-31-103, 50-31-208, 50-31-506, 50-31-508
Hazardous chemical information provisions, nonapplicability, 50-78-103
Hazardous substances, applicability of laws, 50-30-201, 50-30-202, 50-30-301
Health care facility standards, medicaid provisions, 53-6-106
Home arrestees, responsibility, 46-18-1005
Honey, 50-31-103, 50-31-204, 50-31-502, 50-31-506, 50-31-508, See also **APIARIES**
Indigent parents, duty of child to support, 40-6-301
Injunction when, 50-31-508, 81-8-701
Inspections

- agriculture, department of — by, 81-8-701
- authorization, 50-31-106
- city or town council, authority, 7-21-4202
- county market master, duties, 7-21-3322
- livestock, department of — by, 81-2-101, 81-8-701, 81-8-702
- permits for manufacturing, processing, and packing — for, 50-31-206, 50-31-207
- public welfare, director of — by, 7-3-4463
- refusal to permit, 50-31-501

Institutions

- agricultural program for raising products, 53-1-603
- persons in, right to good nutrition, 53-20-142, 53-21-142
- school food services, extension to, 20-10-206

Investigations

- permits for manufacturing, processing, and packing — prerequisite for, 50-31-205
- publication of results, 50-31-105

Judgments, decrees, and court orders — publication, 50-31-105
Labels and labeling, 50-31-103, See also **Misbranded articles**

- additives, information on, 50-31-108
- adulterated or misbranded articles, correction, 50-31-509
- beef patty mix, 50-31-208
- bread, unwrapped loaves, 30-12-302
- compliance with requirements, 50-31-111
- contents, 50-31-203
- hamburger, 50-31-208
- honey, 50-31-204, 50-31-502, 50-31-506, 50-31-508

FOOD AND FOOD PRODUCTS (Continued)
Labels and labeling (Continued)

misleading, 50-31-107, 50-31-203
Montana quality, See **Montana quality label**
requirements, 50-31-111, 50-31-201
unlawful practices, 50-31-501
Laetrile as dietary supplement, 50-41-106
Lawful product, discrimination for use during nonworking hours prohibited, 39-2-313
Lodging establishments, 50-51-103
Manufacturing permits, See **Permits for manufacturing, processing, and packing**
Marketing associations, See **AGRICULTURAL ASSOCIATIONS; AGRICULTURAL MARKETING ASSOCIATIONS**
Meat and meat products, See **MEAT AND MEAT PRODUCTS**
Mentally ill persons
commitment, determination, 53-21-126
institutionalized, right to good nutrition, 53-21-142
Metabolism, inborn errors of — insurance coverage for treatment, 2-18-704, 33-22-131, 33-31-102, 33-31-111, 33-35-306
MIAMI project for women, infants, and children, 50-19-311
Milk products, See **DAIRIES AND DAIRY PRODUCTS**
Misbranded articles, 50-31-203, See also **Labels and labeling**
condemnation, 50-31-509
detainer or embargo, 50-31-501, 50-31-509
guaranty or undertaking against, 50-31-501, 50-31-507
unlawful practices, 50-31-501, 50-31-509
Montana quality label, 81-8-702
definitions, 81-8-701
use and procurement, limitation, 81-8-703, 81-8-704
wrongful use, penalties, 81-8-705
Naturopathic physicians, therapies used by, 37-26-301, 37-26-302
Nonsupport, defenses, 45-5-621
Nuisance, perishables as — when, 50-31-510
Nutrition and nutritionists, Title 37, chapter 25
Nutrition services and food programs, Title 50, chapter 49, part 1
Organic certification program, 80-11-601, 80-11-602
Packing permits, See **Permits for manufacturing, processing, and packing**
Perishables
condemnation when, 50-31-510
donation, liability of persons donating for free distribution, 27-1-716
Permits for manufacturing, processing, and packing, 50-31-205
inspection of factory or establishment, 50-31-206, 50-31-207
suspension or reinstatement, 50-31-206, 50-31-207
unlawful practices, 50-31-501
Personal care facilities, 50-5-225
Pesticide chemicals, applicability of laws, 50-31-103, 50-31-108, 50-31-109, 50-31-202, See also **PESTS AND PESTICIDES**
Pet food, 80-9-101, 80-9-103, 80-9-201, 80-9-205, 80-9-206
Postattack emergency regulation, 10-3-505
Poultry, See **POULTRY AND EGGS**
Preservatives, labeling requirements, 50-31-203
Prison, state
deprivation of food as punishment prohibited, 53-30-104
services, assistance by inmates, 53-30-151
surplus food, disposition, 53-30-131
"Processing" defined, 50-31-103
Processing permits, See **Permits for manufacturing, processing, and packing**
Public assistance, See **PUBLIC ASSISTANCE**

FOOD AND FOOD PRODUCTS (Continued)

Publication of information by Department of Public Health and Human Services, 50-31-105
Public markets, Title 7, chapter 21, part 33
Public welfare, director of — duties, 7-3-4463
Raw agricultural commodities, 50-31-103, 50-31-108, 50-31-109, 50-31-202
Research and farm animal facilities protection, Title 81, chapter 30, part 1
Resort tax, nonapplicability, 7-6-1501
Restaurants, See **FOOD ESTABLISHMENTS**
Restraint of trade, destruction as, 30-14-217, 30-14-224
Rules, 50-31-104
Sales or marketing representatives, minimum wage and overtime compensation exclusions, 39-3-406
Samples, examination, 50-31-106, 50-31-501
Sanitarians, duties, 37-40-101
School food services, See **SCHOOLS, Food services**
Soft drinks
  containers, detachable openings prohibited, 75-10-301 — 75-10-303
  establishments, licensing and regulation, 7-21-4201
  trademarks and service marks, classification of goods, 30-13-331
Spices, labeling requirements, 50-31-203
Standards of quality or identity, 50-31-201, 50-31-203
Telemarketers' registration and bonding requirements, exemption, 30-14-1405
Trademarks and service marks, classification of goods, 30-13-331
Trade secrets, disclosure, 50-31-501
University system food services, 20-25-302, 20-25-402
Unlawful practices, 50-31-501
  adulterated or misbranded articles, removal or disposal when detained or embargoed, 50-31-509
  destruction of food when, 30-14-217, 30-14-224
  injunction to restrain, 50-31-508
  minor violations, prosecution not required, 50-31-503
  Montana quality label, wrongful use, 81-8-705
  notice, 50-31-503, 50-31-504
  penalties, 50-31-506, 50-31-507
  prosecution, 50-31-503, 50-31-505
    notice and hearing prior to, 50-31-504
  warning, 50-31-503
Vegetables, Title 80, chapter 3, part 3, See **PRODUCE**
Vending facilities, Title 18, chapter 5, parts 4 and 5
Warehouses, inspection, 50-31-106, 50-31-501
Warranty of merchantability, 30-2-314
Work camps or youth camps, 50-52-101, 50-52-102

FOOD AND NUTRITION
Citation of Montana Access to Food and Nutrition Act, 50-49-101
Definitions, 50-49-103
Gifts and grants, 50-49-106
Programs and services, 50-49-103, 50-49-107
Public health nutritionist, 50-49-107
Purpose of provisions, 50-49-102

FOOD, DRUG, AND COSMETIC ACT, Title 50, chapter 31
  See specific commodity

FOOD ESTABLISHMENTS
See also **FOOD AND FOOD PRODUCTS**
Actions
- food withheld from sale to public, report — admissibility, 50-50-304
- injunction, for, 50-50-106
- investigation costs and expenses, recovery, 50-50-110
- penalties, for imposition, 50-50-109

Administration of provisions, 50-50-216
Alcoholic beverage provisions, 16-3-305, 16-3-306, 16-4-210, 16-4-501
- restaurant beer and wine license, 16-4-420 — 16-4-423
  - catering endorsement, 16-4-111
- wine license amendment, 16-4-105

Baked goods, 50-50-102, 50-50-103, 50-50-202
Beef patty mix, sale requirements, 50-31-208
Blindness or low vision, persons with — rights concerning, See **BLINDNESS OR LOW VISION, PERSONS WITH**
Card game tables, live — permits, 23-5-306
Cigarette vending machines prohibited when, 16-11-306
Cooperative agreements, 50-50-104
Dairy products, provisions regarding, 50-50-102, 81-22-101, 81-22-208, 81-23-101
Definitions, 50-31-103, 50-50-102
Discriminatory practices, See **DISCRIMINATION, Public accommodations**
Diseased persons not to handle food, 50-50-105
Emergencies, energy supply, 90-4-307
Employees
- hours of work, 39-4-111
- seats for, 39-2-201
- tips, gratuities, or service charges, 39-3-201, 39-3-402
  - tax exemptions, 15-30-111, 15-30-201

Enforcement of provisions, 50-50-109, 50-50-110, 50-50-305
Farmer's markets, 50-50-102
- baked goods and preserves, sale, 50-50-103, 50-50-202
- license not required, 50-50-202

Fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
Food, Drug, and Cosmetic Act
- applicability, 50-31-102, See also **FOOD AND FOOD PRODUCTS**, generally
- citation, 50-31-101

Frozen food lockers
- definitions, 50-50-102
- game law violations, liability, 50-50-402
- liability, 50-50-402, 50-50-403
- lien of lockerman, 71-3-1505
- loss of food, 50-50-403
- tagging or declaration requirements, 50-50-401

Game animals or birds
- frozen food lockers, requirements, 50-50-401, 50-50-402
- possession and sale for commercial purposes prohibited, 87-4-701 — 87-4-705

Hamburger, sale requirements, 50-31-208
Hazardous chemical information provisions, nonapplicability, 50-78-103
Injunction, 50-50-106, 50-50-109
Inspections, 50-50-301
- access to establishment, 50-50-302
- food samples, analysis, 50-50-303, 50-50-304

FOOD ESTABLISHMENTS (Continued)
Inspections (Continued)

  frozen food lockers, declarations, 50-50-401
  funding, 50-50-305
  local fee charged when, 50-50-205
Investigations, 50-50-110, 50-50-209, 50-50-301, 50-50-302
Licenses and licensing
  appeals, 50-50-215
  application, 50-50-203
  cancellation, 50-50-204, 50-50-209 — 50-50-213
  denial, 50-50-204, 50-50-211, 50-50-212, 50-50-214, 50-50-215
  discrimination in issuance prohibited, 49-3-204
  exemptions, 50-50-202
  expiration, 50-50-207
  fees, 50-50-205
  hearings, 50-50-211, 50-50-215
  list of licensees to department of public health and human services, 50-50-208
  multiple-type establishments, 50-50-201, 50-50-212, 50-50-213
  nontransferability, 50-50-206
  required, 50-50-201
  return for alteration or destruction, 50-50-213
  right to license, 50-50-204
  validation, 50-2-118, 50-50-201, 50-50-214, 50-50-215
  vending machines, 50-50-201
Menus, 50-31-103, 50-31-208
Milk retailers, as, 81-23-101
Minors, employment, 41-2-106, 41-2-107
Motorist information signs, Title 60, chapter 5, part 5
Multiple-type establishments, 50-50-201, 50-50-212, 50-50-213
Nonprofit organizations, 50-50-102
  baked goods and preserves, sale, 50-50-103
  licensing exemption and registration required, 50-50-202
Operation, 50-50-103
Placards, 50-31-103, 50-31-208
Preserves, 50-50-102, 50-50-103, 50-50-202
Private institutions, clubs, of places of accommodation — discrimination prohibited when, 49-2-101
Purpose of regulation, 50-50-101
Railroads, maintained by, 69-14-559
Resort tax, 7-6-1501 — 7-6-1509, See also **CITY FINANCE**
Rules, 50-50-103, 50-50-107 — 50-50-109, 50-50-202, 50-50-205, 50-50-209, 50-50-215, 50-50-216, 50-50-301, 50-50-303, 50-50-305
Sanitarians, duties, 37-40-101
Sanitary conditions, 50-50-103, 81-9-202, 81-21-103
Smoking in, 50-40-103 — 50-40-105, See also **SMOKING AND SMOKERS**
Sports pools on animal races, restrictions, 23-5-502
Tax classification for furnishings, fixtures, and equipment, 15-6-138
Vending machines, 50-31-103, 50-50-102, 50-50-201
Violations
  cancellation of license when, 50-50-209, 50-50-210
  charges of, 50-50-211
  civil penalties, 50-50-109
  correction plan, effect, 50-50-210
  fines, 50-50-108
  injunction, 50-50-106, 50-50-109
  investigation costs and expenses, 50-50-110
  local inspection fee charged when, 50-50-205

FOOD ESTABLISHMENTS (Continued)
Violations (Continued)

prosecution, 50-50-107, 50-50-210

FOOTPATH AND BICYCLE TRAIL ACT OF 1975, Title 60, chapter 3, part 3
  See **BICYCLES, Footpaths and bicycle trails**

FORCIBLE ENTRY AND DETAINER AND UNLAWFUL DETAINER
  See also **PROPERTY, REAL, Recovery of possession**
Affidavit, 70-27-204
Answer, 70-27-116
Appeals, 70-27-211, 70-27-212
Appearance of defendant, 70-27-117, 70-27-202
Application of laws, 70-27-101
Bar to proceedings, quiet possession, 70-27-203
City courts, venue, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3A
Collusion, holdover of property by, 70-27-207
Complaint, 70-27-113, 70-27-116, 70-27-204
Continuance, 70-27-202, 70-27-204
Costs, 70-27-205
Damages, 70-27-205 — 70-27-209
Definitions, 70-27-102, 70-27-103, 70-27-108
Hardship, relief from forfeiture of lease, 70-27-210
Holdover, damages, 70-27-207 — 70-27-209
Judgment, 70-27-205
  default, 70-27-117
  forfeiture of lease, petition for relief served with, 70-27-210
  parties who are bound, 70-27-111
  treble damages, 70-26-206
Jurisdiction of courts
  district court, 3-6-103, 3-10-302, 70-27-101
  justice's court, 3-10-302, 70-27-101
  municipal court, 3-6-103
Jury trial, 70-27-201
Justices' courts, proceedings in, 70-27-202
  evidence, 25-31-101
  jurisdiction, 3-10-302, 70-27-101
  venue, 25-31-205; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3A
New trial, 70-27-212
Notice
  forfeiture of lease, petition for hardship relief, 70-27-210
  holdover after notice, 70-27-207, 70-27-208
  tenancy at will, termination, 70-27-104
  unlawful detainer, 70-27-108, 70-27-110, 70-27-111
Parties, 70-27-111, 70-27-112
Possession, summary proceedings for, 70-16-109, 70-27-109
Reentry, 70-27-105, 70-27-106
  right of, when and how, 70-16-401, 70-27-107
  contempt, as, 3-1-504
Rent
  holdover or collusion, treble rent, 70-27-207 — 70-27-209
  nonpayment and continued possession as unlawful detainer, 70-27-108
    complaint, statement in, 70-27-113
    judgment, 70-27-205
Rules of practice, 70-27-109
Service of notice or summons, 70-27-110, 70-27-114
State lands, venue in actions regarding, 77-1-111
Summons, 70-27-113, 70-27-114

FORCIBLE ENTRY AND DETAINER AND UNLAWFUL DETAINER (Continued)

Tenancy at will, termination, 70-27-104
    remedies of landlord after notice, 70-27-105
Trial, 70-27-201 — 70-27-205, 70-27-212
Venue, 25-31-205, 77-1-111; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3A
Verdict, 70-27-205

FOREIGN CAPITAL DEPOSITORIES
Abandoned capital, 15-31-801, 70-9-701
Accounts, See also specific type of account
    assessment fees, 15-31-803
    damages, deposit when, 32-8-521
    examination, 32-8-303, 32-8-503
    fraudulent practices, 32-1-464
    records retention, 32-1-491
    services generally, 32-8-314
Actions
    assessment fees, penalties, and interest — recovery, 15-31-808
    enforcement, 32-8-602
        statute of limitations, 32-8-524
    injunction, for, 32-8-521
    prehearing discovery procedures and depositions, 32-8-301
Administration of provisions, 32-8-103
Appellation, protection, 32-1-301, 32-8-105
Articles of incorporation, 32-1-301, 32-8-201
Assessment fees, 15-31-803
    action to recover, 15-31-808
    appeals, 15-31-806
    collection, 32-8-103
    deficiency assessment, 15-31-805
    disposition, 15-1-501, 15-30-192, 15-31-803
    failure to pay, 32-8-203
    penalties and interest, 15-30-192, 15-31-805 — 15-31-808, 32-8-203
Asset protection, 32-8-102; Title 25, chapter 9, part 8
Assets, 15-31-803, 32-8-201, 32-8-303, 32-8-312
Audits, 15-31-804, 15-31-805, 32-8-103, 32-8-516, 32-8-518
Background checks on personnel, 32-8-202, 32-8-205
Banking laws, applicability, 32-1-101, 32-1-102, 32-8-106
Banking violations, previous conviction — employment, 32-1-462, 32-8-202
Bonding of officers and employees, requirements, 32-1-461
Cease and desist orders, 32-8-204
Charter, 32-1-202, 32-1-301, 32-8-103
    application, 32-8-201, 32-8-603
        denial, grounds for, 32-8-107, 32-8-202
    disqualification, cause for, 32-8-104
    dissolution, 32-8-312
    eligibility, 32-8-201
    fees, 32-8-107, 32-8-201, 32-8-205
    foreign banks, to, 32-8-303
    issuance generally, 32-8-301
    operation without, 32-8-603
    posting, 32-8-104
    renewal, 32-8-205
    required, 32-8-104
    sale or transfer prohibited, 32-8-311
    suspension, revocation, and reinstatement, 32-8-107, 32-8-203, 32-8-204, 32-8-301

FOREIGN CAPITAL DEPOSITORIES (Continued)
Charter (Continued)

  transaction of business without, prohibited, 32-8-105
  two or more offices, to maintain, 32-8-303
  violations of terms and conditions, 32-8-601 — 32-8-603
Citation of Montana Foreign Capital Depository Act, 32-8-101
Closure, 32-8-312
Commissioner of banking and financial institutions, 32-8-103
  charter, duties, 32-8-104, 32-8-202
  examinations, special — when, 32-8-304
  know your customer policy, means for implementation, 32-8-301
  orders by, 32-8-203, 32-8-204
  records of transactions to, when, 32-8-315
  reports to, 32-8-308
  supervisory agency, as, 32-8-103, See **Supervisory agency**
Compliance with provisions, 32-8-301, 32-8-303, 32-8-601
Conflict of laws, 25-9-801, 32-8-501
Controlling persons, See **Personnel**
Corporation license tax, exemption, 15-31-101, 15-31-102, 15-31-802
Crimes perpetrated by customers, 32-8-503 — 32-8-505
Damages, 25-9-807, 32-8-521
Debit cards or automated teller machine cards, 32-8-314, 32-8-403
Definitions, 25-9-802, 32-8-103, 32-8-402, 32-8-502, 32-8-507, 32-8-509
Deposit accounts, 32-8-314
  assessment fees, 15-31-803
  sale or trade prohibited, 32-8-316
  transfer, 32-8-316
Depositions, 32-8-301
Directors, See **Personnel**
Disclosure, See **Financial records and privacy**
Discovery procedures, 32-8-301
Dissolution, 32-1-501, 32-8-312
Enforcement of provisions, 32-8-103, 32-8-301, 32-8-521, 32-8-524, 32-8-602, 32-8-603
Examination, 32-8-103, 32-8-303
  fees, 32-8-302, 32-8-304
  refusal to be examined, 32-1-464
  rules, 32-8-203, 32-8-301
  special examinations, 32-8-304
  supervisory agency personnel, confidentiality violations, 32-8-518
Executive officers, See **Personnel**
False statements, 32-1-464, 32-8-104, 32-8-202, 32-8-203, 32-8-603
Fees
  abandoned capital, maintenance, 15-31-801
  assessment, See **Assessment fees**
  audits, 15-31-804
  charter, 32-8-201, 32-8-205
  collection, 32-8-103
  examination, 32-8-302, 32-8-304
  financial record disclosure, 32-8-517
  judgment, foreign — filing for recognition, 25-9-804
  precious metals accounts, cash withdrawals, 32-8-403
  services, for, 32-8-314
  subpoena, quashing — cost of representing customer's interest, 32-8-510
Financial privacy, 32-8-314; Title 32, chapter 8, part 5, See **Financial records and privacy**
Financial records and privacy
  audits, 15-31-804
  court documents containing, sealed when, 25-9-809, 32-8-515

FOREIGN CAPITAL DEPOSITORIES (Continued)
Financial records and privacy (Continued)

- definitions, 32-8-502, 32-8-507, 32-8-509
- disclosure
  - authorization for, 32-8-516
    - by customer, 32-8-503, 32-8-506
  - fee for, 32-8-517
  - liability, 32-8-521
  - prohibited when, 32-8-203, 32-8-303, 32-8-312, 32-8-501
  - public when, 25-9-809, 32-8-515
  - record of disclosures, 32-8-503
  - restrictions, 32-8-501
  - to agencies, prohibited and exceptions, 32-8-501, 32-8-504, 32-8-506
  - to private individuals, prohibited and exceptions, 32-8-501, 32-8-505, 32-8-506
  - unlawful when, 32-8-522
  - wrongful, 32-8-312, 32-8-521
- employee training programs pertaining to, 32-8-301
- English language, to be kept in, 32-8-303
- examination of, 32-8-503
- in camera review, 25-9-809, 32-8-515
- purpose of provisions, 32-8-501
- reports, not included in, 32-8-308
- reproduction of records, 32-1-492
- request for or receipt of, prohibited and exceptions, 32-8-503
- search warrant, 32-8-503, 32-8-508, 32-8-515
- subpoena, 32-8-502
  - administrative, 32-8-503, 32-8-507, 32-8-515
  - judicial, 32-8-503, 32-8-509, 32-8-515
  - quashing
    - grounds for, 32-8-510
    - motion for, 32-8-507, 32-8-509, 32-8-510
- transfer allowed when, 32-8-515
- use, limitations, 32-8-515
- waiver of right to object to release or disclosure, 32-8-510

Foreign bank, 32-8-103
- charter issued to, 32-8-303
- subsidiary of, depository as, 32-8-201, 32-8-203

Foreign capital depository account, 32-8-306
- fees, deposit, 32-8-201, 32-8-205, 32-8-302, 32-8-304

Hearings
- charter suspension or revocation, 32-8-203
- in camera, 25-9-807, 32-8-515
- rules for, 32-8-301

Injunctions, 32-8-521, 32-8-601 — 32-8-603
Insolvency, 32-8-203
Investigations, 32-8-502, 32-8-503, 32-8-506 — 32-8-509, 32-8-518
Judgments, foreign — recognition
- burden of proof and liability, 25-9-806
- contingency fees prohibited, 25-9-808
- damages, 25-9-807
- defense against enforcement, 25-9-803, 32-8-314
- definitions, 25-9-802
- filing fee, 25-9-506, 25-9-804
- foreign money-judgments recognition, applicability, 25-9-603, 25-9-609, 25-9-801, 25-9-806
- nonrecognition and privacy protection, 25-9-806, 25-9-809
- policy statement, 25-9-805
- purpose and perspective, 25-9-801

FOREIGN CAPITAL DEPOSITORIES (Continued)

Know your customer policy, 32-8-201, 32-8-301, 32-8-303
Liability, 25-9-806, 32-1-446, 32-1-491, 32-8-521, 32-8-522
Liquidation, 32-1-501, 32-8-312
Money laundering, 32-8-102, 32-8-103, 32-8-202, 32-8-301, 32-8-314, 32-8-401, 32-8-501
Name, protection, 32-1-301, 32-8-105
Orders
  administrative orders, 32-8-204
  banking laws, applicability, 32-8-106
  financial records, protective orders, 32-8-515
  noncompliance, 32-8-203
  violations, 32-8-601 — 32-8-603
Penalties, See **Violations**
Personnel
  bonding requirements, 32-1-461
  conviction of banking violations, previous — employment, 32-1-462, 32-8-202
  fraudulent practices, 32-1-464, 32-1-473, 32-8-202
  removal from office, 32-1-468, 32-8-312
  theft of funds, 32-1-473, 32-8-202
  training and preemployment screening programs, 32-8-201, 32-8-301
Precious metals accounts, 32-8-402
  assessment fees, 15-31-803
  purpose of provisions, 32-8-401
  requirements, 32-8-403
  services relating to, 32-8-314, 32-8-315
  termination and settlement, 32-8-404
Purpose of provisions, 32-8-102, 32-8-401, 32-8-501
Records
  closing of depository, possession by department, 32-8-312
  compliance with federal laws, 32-8-201, 32-8-301, 32-8-314
  destruction, 32-1-491
  English language, to be kept in, 32-8-303
  examination of, 32-8-303
  financial, See **Financial records and privacy**
  preservation, 32-1-491
  reproduction, 32-1-492
  transfer or withdrawal of cash, of, 32-8-301, 32-8-315
  wire transfers or other transfers of capital, 32-8-309
Regulation, 32-8-107, 32-8-301, 32-8-302, 32-8-306
Reports
  annual, 32-8-301
  compliance with federal laws, 32-8-201, 32-8-301, 32-8-314
  contents and restrictions, 32-8-107, 32-8-308
  false or misleading statements, 32-1-464, 32-8-202, 32-8-203, 32-8-603
  suspicious activity reports, 32-8-301, 32-8-309
Rules
  assets, amount established by, 32-8-201
  banking laws, applicability, 32-8-106
  charter, pertaining to, 32-8-107, 32-8-202, 32-8-205
  examinations, for, 32-8-203, 32-8-302
  liquidation, voluntary — for, 32-1-501
  regulation and supervision, pertaining to, 32-8-107, 32-8-301
  reports, pertaining to, 32-8-107, 32-8-308
  suspicious activity reports, 32-8-309
  violation, 32-8-203, 32-8-601 — 32-8-603
Safe deposit services, 15-31-803, 32-1-446, 32-8-314, 32-8-501, 32-8-503

FOREIGN CAPITAL DEPOSITORIES (Continued)

Scope of provisions, 32-8-101
Search warrant, 32-8-503, 32-8-508, 32-8-515
Security systems and measures, 32-8-201, 32-8-301
Services
  allowed and mandated, 32-8-314
  restrictions and prohibitions, 32-8-315
State Banking Board, 32-8-103
  charter, duties, 32-8-104, 32-8-107; Title 32, chapter 8, part 2
  powers and duties generally, 32-1-202
  supervisory agency, as, 32-8-103, See **Supervisory agency**
State revenue from, Title 15, chapter 31, part 8
Subpoenas, 32-8-301, 32-8-303, 32-8-502, 32-8-503, 32-8-507, 32-8-509, 32-8-510, 32-8-515
Supervision, 32-8-107, 32-8-301, 32-8-306, 32-8-501
Supervisory agency, 32-8-103
  financial records
    disclosure and restrictions, 32-8-501, 32-8-506, 32-8-516
      search warrant, 32-8-508
      subpoena, 32-8-507, 32-8-509, 32-8-510
    in camera review, 32-8-515
    transfer, 32-8-515
  personnel, confidentiality violations, 32-8-518
  reports, copies to, 32-8-308
  suspicious activity reports to, 32-8-309
Suspicious activity reports, 32-8-301, 32-8-309
Tangible personal property, 15-31-802, 15-31-803, 32-8-103, 32-8-314, See also **Precious metals accounts**
Taxes, exemption, 15-31-101, 15-31-102, 15-31-802
Theft, 32-1-473, 32-8-202
Trust accounts, 32-8-314
Trust company, as, 32-8-314, 32-8-315
Unsafe or unsound operation, 32-8-203
  conditions, specification, 32-8-107
Violations, 32-8-203, 32-8-602, 32-8-603
  charter
    application, denial when, 32-8-202
    operation without, 32-8-603
    sale or transfer, 32-8-311
    suspension or revocation when, 32-8-203
  conviction of banking violations, previous — employment, 32-1-462
  falsification of records and entries therein, 32-1-464
  financial records, unlawful disclosure, 32-8-522
  injunction to restrain, 32-8-601 — 32-8-603
  penalties
    civil, 32-8-204, 32-8-311, 32-8-602
    criminal, 32-8-311, 32-8-522, 32-8-603
    wrongful disclosure, for, 32-8-312
  supervisory agency personnel, confidentiality violations, 32-8-518
  theft of funds, 32-1-473
Waiver by customer
  judgment, foreign — defense against enforcement, 25-9-803, 25-9-806
  right not authorized to be waived by, of — invalidity, 32-8-523
Witnesses, 32-8-301

FOREIGN CORPORATIONS
  See **CORPORATIONS**; **NONPROFIT CORPORATIONS**

FOREIGN JUDGMENTS ACT, UNIFORM ENFORCEMENT OF, 25-9-501 — 25-9-508
  See **JUDGMENTS AND DECREES, Foreign**

FOREIGN LAWS
Accountants certified or licensed under, Title 37, chapter 50, part 3, See **ACCOUNTANTS, Foreign accountants**
Adoption
  foreign decree, 42-5-205
  international placement, 42-2-104
Affidavits taken under, 26-1-1004 — 26-1-1006
Agricultural marketing associations, foreign-domestic mergers, 35-17-501
Agricultural seeds, certification, 80-5-120
Airports, jurisdiction and reciprocity, 67-11-401
Books containing laws, presumption of correctness, 26-1-603
Choice of law, See **CONFLICT OF LAWS**
Conflict of laws, See **CONFLICT OF LAWS**
Contracts, mistake of, 28-2-411
Corporations, foreign-domestic mergers or share exchanges, 35-1-819
Depositions taken under, 26-1-1004; Title 25, chapter 20, M.R.Civ.P., Rule 28(b)
Inheritance tax laws, reciprocity, 72-16-312, 72-16-801
Insurance risk retention groups, 33-11-102
Judgment, pleading of, Title 25, chapter 20, M.R.Civ.P., Rule 9(e)
Judicial determination, Title 25, chapter 20, M.R.Civ.P., Rule 44.1
Judicial notice, See **EVIDENCE**
Judicial record, effect, 26-3-204, 26-3-205
Marriage, validity, 40-1-104
Notarial acts, 1-5-608
Official documents or records, authentication, Title 25, chapter 20, M.R.Civ.P., Rules 44(a), 44(b)
Pleading of, Title 25, chapter 20, M.R.Civ.P., Rules 9(d), 44.1
Prisoners, exchange or transfer under treaty agreements, 53-1-106
Reciprocity with laws of other states
  airports, 67-11-401
  auctioneers, residency waiver, 30-11-509
  boats, 7-16-2121, 23-2-511, 23-2-512, 23-2-514
  boiler operator engineers, licensing, 50-74-305
  building and loan associations, 32-2-105
  children
    custody, Title 40, chapter 7, See **CHILD CUSTODY**
    delinquent, Title 41, chapter 6, See **MINORS, Interstate Compact on Juveniles**
    placement, Title 41, chapter 4, part 1, See **MINORS, Interstate Compact on the Placement of Children**
    support enforcement, Title 40, chapter 5, part 1, See **CHILD SUPPORT, Enforcement**
  close pursuit, authority of arresting officer, 46-6-411
  concealed weapons, permits to carry, 45-8-321
  construction blasters, licensing, 37-72-305
  engineers, professional — licensing, 37-67-312
  fishing, privileges, 87-2-102, 87-2-1001 — 87-2-1004
  foreign trust company — appointment as trustee, guardian, or conservator, 32-1-1002
  fur dealers, license fee, 87-4-304
  hearing aid dispensers, licensing, 37-16-406
  insurance adjusters, 33-17-301
  insurance producers, nonresident — when, 33-17-211, 33-17-401
  juveniles, Title 41, chapter 6, See **MINORS, Interstate Compact on Juveniles**

FOREIGN LAWS (Continued)
Reciprocity with laws of other states (Continued)

  land surveyors, registration, 37-67-313
  living wills, 50-9-111
  naturopathic physicians, licensing, 37-26-201
  physical therapists, licensing, 37-11-307, 37-11-309, 37-11-310
  physicians, licensing, 37-3-306
  plumbers, medical gas piping installation endorsement, 37-69-401
  psychologists, licensing, 37-17-304
  public contracts, bid preference, 18-1-102
  social workers, licensing, 37-22-301
  taxation
    income tax, 15-30-306
    inheritance tax, 72-16-312, 72-16-316, 72-16-801
  transboundary pollution reciprocal access act, uniform, Title 75, chapter 16, part 1, See **POLLUTION**
  unemployment insurance, collection of taxes and special assessments, 39-51-1306
  veterinarians, consultations by, 37-18-104
  wage payment laws, 39-3-301 — 39-3-306
  water treatment plant operators, certification, 37-42-305
  water well contractors, drillers, and monitoring well constructors — licensing, 37-43-202, 37-43-308
  workers' compensation benefits, 39-71-402
Subpoena of witness under, 26-2-102
Transboundary Pollution Reciprocal Access Act, Uniform, Title 75, chapter 16, part 1, See **POLLUTION**
Unemployment insurance
  definition of employment, effect on, 39-51-203
  taxes and special assessments, reciprocal collection, 39-51-1306
Workers' compensation, reciprocity, 39-71-402, 39-71-426 — 39-71-428

FOREIGN-MONEY CLAIMS ACT, Title 25, chapter 9, part 7
  See **JUDGMENTS AND DECREES**

FOREIGN MONEY-JUDGMENTS RECOGNITION ACT, Title 25, chapter 9, part 6
  See **JUDGMENTS AND DECREES**

FORENSIC SCIENCE
Autopsies, 46-4-103, 46-4-110, 46-4-123, 50-21-103, 50-21-104
  anatomical gifts, applicability of laws, 72-17-207, 72-17-215, 72-17-301
  crime control, division of — ordered by, 53-9-123
  expenses, 39-72-608, 46-4-103, 53-9-123
  federal officers, requests by, 44-3-401, 46-4-104
  infectious waste management, Title 75, chapter 10, part 10
  insurance claims, required when, 33-22-213, 33-22-602
  liability or restriction of mortuary or physician, 46-4-104, 50-21-105
  occupational disease, death from, 39-72-606, 39-72-608
  records, 44-3-214
  reports, 46-4-123, 50-21-104, 53-9-123
  unauthorized autopsies, penalty, 50-21-106
Burial sites or materials and human skeletal remains, 22-3-802, 22-3-805, 22-3-806
Child abuse reports, confidentiality — disclosure exceptions, 41-3-205
Citation of Montana Forensic Science System Act, 44-3-101
Coroner, See **Medical examiner, state; COUNTY CORONER**
Dental records, use, 44-2-401, 44-2-402
Division of, 44-3-104, 46-4-123, 61-8-404
Fetal, infant, and child mortality review teams — representation on, 50-19-403
Funding, 44-3-105, 44-3-302

FORENSIC SCIENCE (Continued)

Genetic testing required when, 33-18-902
Human skeletal remains and burial sites or material, 22-3-802, 22-3-805, 22-3-806
Inquests, See **COUNTY CORONER**
Investigations, 22-3-802, 22-3-805, 22-3-806, 44-3-102, 44-3-214, 44-3-401, 44-3-404
Laboratory of criminalistics, 44-3-214, 44-3-301 — 44-3-303
Medical examiner, state, See also **COUNTY CORONER**; **PUBLIC OFFICERS OR EMPLOYEES**
  appointment and qualifications, 44-3-201
  associate medical examiners, 44-3-203, 44-3-204, 44-3-211, 46-4-103
  autopsies, 39-72-606, 44-3-211, 44-3-214, 44-3-401, 46-4-103
  cause of death, 44-3-213, 61-7-112
  child abuse and neglect, duties, 41-3-201, 41-3-203 — 41-3-207
  county coroner, inquiry or autopsy — reports from, 46-4-123
  death certificates, certification, 50-15-404
  dental records or examinations, use, 44-2-401, 44-2-402
  developmental disabilities — report of abuse, neglect, or exploitation of persons with required, 52-3-811
  duties generally, 44-3-211
  elderly persons — report of abuse, neglect, or exploitation required, 52-3-811
  human skeletal remains and burial sites or materials, forensic examination — determination of need for, 22-3-802
  jurisdiction when, 46-4-101
  missing person investigations, 44-2-401
  motor vehicle accident reports, 61-7-111, 61-7-112
  order for removal or disturbance of corpse, 44-3-404
  property with or upon person of deceased, 7-4-2917
  records, 44-3-214
  removal of body from place of death, 50-15-405
  reports, 44-3-213
  suicide notes, disposition, 7-4-2917
Personnel, facilities, and procedures, 44-3-102, 44-3-106
Purpose of provisions, 44-3-102
Removal of body from place of death, authorization, 50-15-405
Research, 44-3-211

FOREST LANDS TAX ACT, 15-44-101 — 15-44-105
  See **TAXATION, PROPERTY**

FORESTS AND FORESTRY
Access, 77-5-201
Actions
  hazard reduction or management — injunction, writ of mandate, or recovery of costs and expenses, 76-13-410
  protection
    amount due, to collect, 76-13-211
    assessments, payment under protest, 76-13-210
Advertising, outdoor — provisions concerning, 75-15-103, 75-15-113
Agricultural Heritage Commission, representation on, 2-15-3314
Agricultural heritage program, 2-15-3312 — 2-15-3322
Agricultural land, inclusion in forest lands when, 76-13-102
Appraisal of timber or timberland, 15-7-103, 77-1-113, 77-2-211, 77-5-103, 77-5-201, 77-5-204, See also **TAXATION, PROPERTY**, **Forest lands**; **Timber**
Arbor Day, official day of observance, 1-1-225
Blowdown, removal, 77-5-201, 77-5-212, See also **Sale of timber**
Brush, disposal requirements, 77-5-103

FORESTS AND FORESTRY (Continued)

Burning
  broadcast, prohibited when, 77-5-303
  brush or grass fires, 77-5-103
  campfires, 50-63-102, 50-63-103, 76-13-121, 76-13-123
  cigarettes or lighted material, throwing or placing prohibited, 7-5-2112, 7-5-4113, 50-63-102, 50-63-103, 61-8-365, 61-8-372, 76-13-124
  fire hazard reduction or management, 76-13-401, 76-13-407, 76-13-408, See also **Fire hazard reduction or management**
  permits
    noncompliance unlawful, 7-33-2205, 7-33-2206, 76-13-122
    required when, 7-33-2205, 7-33-2206, 76-13-121
Child labor prohibited, 41-2-106, 41-2-107
Christmas trees, tree farms or harvesting not forest practices, 76-13-102, 77-5-302
Cities and towns
  community and urban forestry program, 77-5-401 — 77-5-404
  gift or devise, authority for acceptance, 7-8-103, 7-8-104
  lumber, inspection and measuring, 7-15-4123
  streets and public grounds, prevention of obstructions on, 7-14-4104
  wood — inspection, weighing, and measuring, 7-21-4203
Classification
  forest lands, 76-13-102, 76-13-103, 76-13-107, 76-13-201, 76-13-207
  state forests, lands for, 77-5-101
  state lands, 77-1-113, 77-1-401
Clearcutting prohibited when, 77-5-303
Commercial property, timberland and forest land not, 15-1-101, See **TAXATION, PROPERTY, Forest lands**; **Timber**
Commercial timber harvest, small — permits, 7-8-2609, 77-5-212
Community and urban forestry program, 77-5-402
  advisory committee, appointment, 77-5-403
  citation of community and urban forestry act, 77-5-401
  gifts, grants, and donations, 77-5-404
  purpose, 77-5-401
  rulemaking authority, 77-5-403
Coniferous trees and boughs, unlawful transportation, 76-13-601
Conservation, 76-11-102, 76-13-101, 76-13-102, 76-13-104
  classification of land for, 76-13-107
  districts, 76-15-101, 76-15-706, See **CONSERVATION DISTRICTS**
  easements, tree-cutting provisions, 77-2-319
  experiment station, 17-7-102, 20-25-241 — 20-25-245, See also **UNIVERSITY OF MONTANA-MISSOULA, Forest and Conservation Experiment Station**
  funds, expenditure, 76-13-111
Conservator's power, 72-5-427
Converting factors, timber, 77-5-206
Cooperative extension service, forestry services, 76-13-415
Corporation license tax, depletion and depreciation allowance, 15-31-114
Counties
  community and urban forestry program, 77-5-401 — 77-5-404
  fire protection, 7-33-2201, See **FIRES AND FIRE PROTECTION, Rural fire protection**
  fire seasons, establishment, 7-33-2205
  national forests, land for, 2-1-210, 7-8-2401
  new, creation — limitations, 7-2-2202
  park commissioners, board of — employment of foresters, 7-16-2325
  protection by, 7-8-2601, 7-33-2201, 76-13-106
  state fire suppression costs, reimbursement, 7-33-2210

FORESTS AND FORESTRY (Continued)
Counties (Continued)

  tax-deed lands, exchange, 7-8-2401, 7-8-2402, 7-8-2602, 7-8-2603
  zoning, effect, 76-2-209, 76-2-901 — 76-2-903
County forests
  construction of provisions, 7-8-2611
  creation, 7-8-2602, 7-8-2603
  permits for removal of timber, 7-8-2608, 7-8-2609, See also **Permits**
  protection, 7-8-2601, 76-13-106
  sale of timber or crops, 7-8-2604 — 7-8-2610, See **Sale of timber**
  tax-deed lands, exchange for, 7-8-2602, 7-8-2603
Crimes and prohibited acts, See **Violations**
Crops, sale, 7-8-2604 — 7-8-2610, 77-5-201 — 77-5-205
Cruisers, supervision, 77-5-206
Cruising, surveying, or felling timber — overtime compensation exclusions for workers, 39-3-406
Deadfall, permits to remove, 7-8-2608, 77-5-211
Debris, See **Slash or debris**
Development, 76-13-104, 77-1-215, 90-1-102, See also **ECONOMIC DEVELOPMENT**
  capital companies, qualified investments, 90-8-104
  roads, See **Roads within**
  state forests, 77-1-204, 77-1-215
  state lands, 77-1-605
  water conservancy districts, 85-9-102, See also **WATER CONSERVANCY DISTRICTS**
Disease and insect pest control, 76-13-302
  permit for removal of timber, 77-5-212
  policy concerning, 76-13-301
  sale of timber, 77-5-201, See also **Sale of timber**
  zone of infestation
    creation, 76-13-303
    suppression and eradication of infestation within, 76-13-304
    termination, 76-13-305
Easements
  conservation, tree-cutting provisions, 77-2-319
  owner of forest land, exception, 76-13-102, 76-13-302
  wood, for taking, 70-17-101, 70-17-102, See **PROPERTY, REAL, Easements**
Emergencies
  forest practices, 76-13-135
  permit for removal of timber, 77-5-212
  sale of timber, 77-5-201
Eminent domain
  "farm operation" defined, 70-31-102, See **EMINENT DOMAIN, Federally assisted agency acquisitions**
  logging roads or railways, for, 70-30-102, 70-30-109
  rights in land, subject to, 70-30-104
Enforcement of provisions, 77-5-103, 77-5-305
Examination of timberland, 77-5-103
Exchange
  counties, tax-deed lands, 7-8-2401, 7-8-2402, 7-8-2602, 7-8-2603
  state lands, timbered land, 77-2-211
Execution, redemption period — waste of property, 25-13-823
Experiment Station, 17-7-102, 20-25-241 — 20-25-245, See also **UNIVERSITY OF MONTANA-MISSOULA, Forest and Conservation Experiment Station**
Federal
  disease and insect pest control, cooperation, 76-13-301, 76-13-304
  fire hazard reduction or management
    contracts, 76-13-405, 76-13-406

FORESTS AND FORESTRY (Continued)
Federal (Continued)
  fire hazard reduction or management (Continued)
    forestry extension service account, funds for, 76-13-415
  fire protection
    cooperation, 76-13-202
    funds, cooperative — allocation, 76-13-111
  forest lands, supervisors and rangers — appointment as firewardens, 77-5-104, See also **Firewardens**; **National forests**
  forest laws, violations, 77-5-105
  forest reserve money, 17-3-211 — 17-3-214, 20-9-331, 20-9-333, 20-10-146
  signs erected or posted by, destruction unlawful, 76-13-113
  state forests, land for, 77-1-214
  streamside management zones, forest practices in — inspection, 77-5-304
Fines for violations, 7-5-2112, 7-5-4113, 50-63-102, 61-8-365, 61-8-372, 76-13-111, 76-13-112, 76-13-114, 76-13-412, 76-13-506, 76-13-601, 77-5-105, 77-5-106
Fire, See **Forest fire**
Firearms
  fire caused by use, 50-63-102
  silencers, hunting with prohibited, 87-3-123
Firefighters, state, 77-5-103
Fire hazard reduction or management
  administration of provisions, 76-13-409, 76-13-414
  agreements, 76-13-408 — 76-13-410
    bond requirements, 76-13-401, 76-13-408 — 76-13-410, 76-13-413
    certificate of clearance, 76-13-401
    compliance, determination, 76-13-411
    contractors, 76-13-401, 76-13-411
    fees, 76-13-409, 76-13-413, 76-13-414
    forest practices, notice prior to conducting — provided with, 76-13-104, 76-13-131
    liability, 76-13-406, 76-13-411
    master agreement, 76-13-401, 76-13-408, 76-13-414, 76-13-415
    revenue, disposition, 76-13-414, 76-13-415
  assessments, 76-13-414
  audits, 76-13-414
  basis for, 76-13-402
  bond requirements, 76-13-401, 76-13-408 — 76-13-410, 76-13-413
  burning, 7-33-2205, 7-33-2206, 76-13-407, 76-13-408, 77-5-204, See also **Burning**
  certificate of clearance, issuance, 76-13-401, 76-13-411
  completion of work, 76-13-408
  compliance with provisions
    determination, 76-13-411
    failure to comply, 76-13-410
    purchaser of forest products, 76-13-409, 76-13-413
  contractors, 76-13-401, 76-13-414
    bond, money withheld by purchaser, 76-13-413
    certificate of clearance, 76-13-411
    costs and expenses of work, 76-13-410
  contracts
    forest fire protection agencies, 76-13-405, 76-13-406
    purchaser of forest products, 76-13-401, 76-13-409
    reduction agreements, 76-13-401
  costs and expenses, 76-13-410
  definitions, 76-13-401
  enforcement of provisions, 76-13-409, 76-13-414
  exemption certificate, 76-13-401, 76-13-408 — 76-13-410
  failure to reduce or manage, 76-13-410
  fees, 76-13-409, 76-13-413, 76-13-414

FORESTS AND FORESTRY (Continued)
Fire hazard reduction or management (Continued)

  "forest land" defined, 76-13-102
  forestry extension service account, 76-13-414, 76-13-415
  funds, 76-13-111, 76-13-414
  injunction, 76-13-410, 76-13-413
  inspections, 76-13-133, 76-13-403, 76-13-408, 76-13-409, 76-13-414
  liability, 76-13-406, 76-13-411
  lien when, 76-13-410, 76-13-413
  mandate, writ of, 76-13-410
  noncompliance with provisions, 76-13-410, 76-13-413
  penalties, 76-13-410, 76-13-413
  records and reports, 76-13-409, 76-13-414
  right-of-way clearing operations, 76-13-401, 76-13-403, 76-13-407, 76-13-410
  rules, 76-13-401, 76-13-403, 76-13-406, 76-13-408, 76-13-411
  sawdust piles, restrictions, 76-13-126
  supervision, 76-13-403
  violations, 76-13-412
Fire protection and suppression, See **Forest fire protection and suppression**
Fire season, See **Forest fire season**
Firewardens
  appointment, 77-5-104, 87-1-504
  fish and game wardens as, when, 77-5-104, 87-1-504
  misconduct, 77-5-106
  park rangers, as, 77-5-104
  powers, 77-5-105
  supervision, 77-5-103
Firewood
  harvesting not forest practices, 76-13-102
  streets and public grounds, prevention of obstructions on, 7-14-4104
Fireworks displays within, prohibited, 50-37-103
Fishing, areas closed to — when, 87-3-106
Flathead Valley Community College, forestry services, 76-13-415
Flood plains, streamside management zones — forest practices in, 77-5-301
Floodways, uses within, 76-5-401, See also **FLOOD PLAINS AND FLOODWAYS, Uses within**
Forage, noxious weed seed free provisions, 7-22-2126; Title 80, chapter 7, part 9, See **WEEDS AND WEED CONTROL**
Forest fire, 76-13-102
  brush or grass fires, 77-5-103
  campfires, 50-63-102, 50-63-103, 76-13-121, 76-13-123
  citizen's duty to fight, 77-5-105
  closure of area due to fire danger, 87-3-106
  fire hazard, 76-13-401, See **Fire hazard reduction or management**
  liability, 50-63-103, 76-13-507, 77-1-805
  lighted materials, throwing, 50-63-102, 50-63-103, 76-13-124
  mining operations, preventive measures, 82-4-434
  permit for removal of timber, 77-5-212
  reporting, 77-1-805, 77-5-104
  sale of timber, 77-5-201, See also **Sale of timber**
  setting or leaving fires, 50-63-102, 50-63-103, 76-13-121 — 76-13-123
Forest fire protection and suppression, 76-13-102
  agency, recognized — to provide, 76-13-102
  applicability of provisions, 76-13-103
  appropriations, supplemental — emergency situations, 17-7-301
  assessments, 76-13-201, 76-13-207
    disposition, 76-13-209

FORESTS AND FORESTRY (Continued)
Forest fire protection and suppression (Continued)
 assessments (Continued)
  lien, amount due — as, 76-13-211
  nature of, 76-13-208
  protest, payment under, 76-13-210
 burning
  noncompliance unlawful, 7-33-2205, 7-33-2206, 76-13-122
  permits required when, 7-33-2205, 7-33-2206, 76-13-121
 classification of land for, 76-13-107
 closure of areas due to fire danger, 87-3-106
 conservation easements, tree-cutting provisions, 77-2-319
 contracts, 76-13-202
 cooperative agreements, 76-11-102
 costs
  determination and collection, 76-13-201, 76-13-207
  liability of offender, 50-63-103
  natural areas, 76-12-121
  state, reimbursement by counties when, 7-33-2210
 counties, 7-33-2201 — 7-33-2211, 76-13-106, See **FIRES AND FIRE PROTECTION, Rural fire protection**
 detection of fire, 76-13-102, 76-13-111
 districts, 76-13-102
  assessments, 76-13-201
  boundaries, determination, 76-13-102, 76-13-205
  creation, annexation, and dissolution, 76-13-204
  officers as firewardens, 77-5-104, See **Firewardens**
 establishment and maintenance, 76-13-104
 extinguishment, 77-5-103, 77-5-104
 fines for violations, 76-13-111, 76-13-112, 76-13-114
 firefighters, state, 77-5-103
 fire hazard reduction or management, 76-13-402, 76-13-405, 76-13-406, See also **Fire hazard reduction or management**
 forest fire, See **Forest fire**; **Forest fire season**
 lighted materials, throwing unlawful, 50-63-102, 50-63-103, 76-13-124
 means of protection, how provided, 76-13-202
 mining operations, preventive measures, 82-4-434
 natural areas, costs, 76-12-121
 owners of forest lands, responsibilities, 76-13-108, 76-13-201
 prevention of fire, 76-13-102, 76-13-106, 77-5-103, 77-5-204
 rules for, 76-13-109, 76-13-201
 rural protection, 7-33-2201 — 7-33-2211, See **FIRES AND FIRE PROTECTION, Rural fire protection**
 sawdust piles, restrictions, 76-13-126
 sawmills, portable — liability, 76-13-507
 signs erected or posted, destruction unlawful, 76-13-113
 spark arresters required, 76-13-125
 standards, 76-13-201
 violations, 76-13-111 — 76-13-113
Forest fire season, 76-13-102
 burning during, 7-33-2205, 7-33-2206, 50-63-102, 50-63-103, 76-13-121, 76-13-122
 county governing body, establishment, 7-33-2205
 extension, 76-13-121, 76-13-203
 sawmilling wastes, disposal or treatment prior to, 76-13-126
Forest lands, 76-13-102, 76-13-302
 applicability of provisions, 76-13-103
 assessments for protection, 76-13-111, 76-13-201
 campfires, 50-63-102, 50-63-103, 76-13-121, 76-13-123

FORESTS AND FORESTRY (Continued)
Forest lands (Continued)

classification, 76-13-102, 76-13-103, 76-13-107, 76-13-201, 76-13-207
disease and insect pest control, 76-13-301 — 76-13-305
fire protection and suppression, See **Forest fire protection and suppression**; See also **FIRES AND FIRE PROTECTION, Rural fire protection**
open fires, written permit for, 7-33-2205, 7-33-2206, 76-13-121, 76-13-122
owners, See **Owners and operators of forest lands**
sawmills, portable — licenses, 76-13-501 — 76-13-507
spark arresters required, 76-13-125
tax act, 15-44-101 — 15-44-105
Forest practices, 76-13-102, 77-5-302, See also **Sale of timber**
best management practices, information, 76-13-101, 76-13-131
commercial timber harvest, small — permit for, 7-8-2609, 77-5-212
conservation districts, 76-13-131, 76-13-132
emergencies, 76-13-135
fire hazard reduction or management, 76-13-402
multiple, 76-13-134
notification provisions, 76-13-104, 76-13-131, 76-13-132, 76-13-134
onsite consultations
purpose, 76-13-133
required when, 76-13-104, 76-13-131, 76-13-132, 77-5-304
state land — lease, sale, or exchange, 77-1-204
streamside management zones, in, 77-5-301 — 77-5-305, 77-5-307
timber management, 77-5-206
Forest products
agricultural marketing associations, 35-17-103, See **AGRICULTURAL MARKETING ASSOCIATIONS**
capital companies, qualified investments, 90-8-104
coniferous trees and boughs, transportation, 76-13-601
converting factors and units of measure, 77-5-206
counties, sale, 7-8-2604 — 7-8-2610
fire hazard created by, 76-13-401, 76-13-403, See **Fire hazard reduction or management**
floodways, uses within, 76-5-401, See also **FLOOD PLAINS AND FLOODWAYS, Uses within**
industries for extraction or harvesting, new or expanding — taxation, 15-24-1401, 15-24-1402
overtime compensation exclusions for workers, 39-3-406
sale, 77-1-215, See also **Sale of timber**
small business investment capital company, qualified investments, 90-8-104
small business investment companies, investment in — tax incentives, Title 15, chapter 33, part 1
timber management practices, 77-5-206
transportation, roads for, 70-30-102
value-added manufacturing, expanding industry taxable value decrease, 15-24-2401 — 15-24-2405
Forestry extension service account, 76-13-415
Forest wardens, supervision, 77-5-206
Grass fires, 77-5-103
Grassland, inclusion in forest lands when, 76-13-102
Grazing land
appraisals, 77-6-201, See also **STATE LANDS, Surface leases**
grazeable woodland, 76-14-103, See **RANGELAND RESOURCES**
Harvesting of timber, See generally **Fire hazard reduction or management**; **Forest practices**; **Sale of timber**
Hunting
aircraft or helicopters, use prohibited when, 87-3-126

FORESTS AND FORESTRY (Continued)
Hunting (Continued)

  areas closed to, when, 87-3-106
  motor vehicles, use restrictions, 87-3-125
  silencers, hunting with — unlawful, 87-3-123
Inferior timber, permit to remove, 7-8-2608, 77-5-211
Inheritance tax, timber operations, 72-16-331, 72-16-347, See also **TAXATION, ESTATES**
Injury to timber, 70-16-107, 70-16-108, 76-13-302, 76-13-402
Insect pest control, 76-13-301 — 76-13-305, See also **Disease and insect pest control**
  permit for removal of timber, 77-5-212
  sale of timber, 77-5-201, See also **Sale of timber**
Internal combustion engines, spark arresters required, 76-13-125
Land-clearing fires, written permits for, 7-33-2205, 7-33-2206, 76-13-121, 76-13-122
Land donations for forestry purposes, 77-1-214, See also **Forest lands**
Liens
  construction, real estate improvement contract — nonapplicability, 71-3-522
  fire hazard reduction or management
    costs and expenses, 76-13-410
    purchaser of forest products, failure to submit withheld money, 76-13-413
  forest fire protection assessments, amount due — as, 76-13-211
  loggers' liens, Title 71, chapter 3, part 6
Lighted materials, throwing, 7-5-2112, 7-5-4113, 50-63-102, 50-63-103, 61-8-365, 61-8-372, 76-13-124
Location of timberland, 77-5-103
Logging and logs
  concealed weapons, carrying — exemption from criminal provisions, 45-8-317
  coniferous trees and boughs, transportation, 76-13-601
  construction blasting, nonapplicability of provisions, 37-72-101
  contractor registration provisions, nonapplicability, 39-9-211
  dinkey engines, 50-74-104, See **BOILERS AND STEAM ENGINES**, **Traction engines**
  "forest product" defined, 76-13-401, See also **Fire hazard reduction or management**; **Forest products**
  hoisting engine licenses, exclusions, 50-76-103
  liens, Title 71, chapter 3, part 6
  loaders, 61-1-104
  minors' employment prohibited, 41-2-106, 41-2-107
  overtime compensation exclusions for workers, 39-3-406
  railways, 70-30-102
  rivers and streams, recreational use — "class I waters" defined, 23-2-301
  roads, 70-30-102, 70-30-109, 76-13-407
  slash, See **Fire hazard reduction or management**; **Slash or debris**
  trailers, registration fee, 61-3-321, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS**, **Registration**
  transporters, exemption from motor carrier laws, 69-12-102
  tree-spiking as criminal endangerment, 45-5-207
  trucks, 61-9-414, 61-10-104, 61-10-124
  zoning and nuisance restrictions, protection, 76-2-901 — 76-2-903
Management, 77-1-215
  counties, by, 7-8-2601
  practices, See **Forest practices**
  slash, 76-13-102
  state forests, 77-1-204, 77-1-215, 77-5-102, 77-5-103
  streamside management zones, 77-5-301 — 77-5-305, 77-5-307
  timber, 20-25-242, 77-5-206
Marketing associations, 35-17-103, See **AGRICULTURAL MARKETING ASSOCIATIONS**

FORESTS AND FORESTRY (Continued)

Measure
  lumber, 7-15-4123
  timber, units of measure, 77-5-206
  wood, 7-21-4203
Mineral reservation, owner of forest lands — exception, 76-13-102, 76-13-302
Mining operations, reclamation, 82-4-231, 82-4-403, 82-4-434
Minors' employment prohibited, 41-2-106, 41-2-107
Motor vehicle restrictions, 76-13-125, 87-3-125
National forests
  aircraft used for hunting purposes unlawful when, 87-3-126
  county land for, 2-1-210, 7-8-2401
  jurisdiction of state, 2-1-210, 61-8-111, 85-1-214
  livestock running at large, 81-4-210 — 81-4-212
    land and mining claims, marking boundaries, 81-4-218 — 81-4-220
    trespassing stock, right of action against, 81-4-220
  roads within, 61-8-110 — 61-8-112
Natural areas preservation, Title 76, chapter 12, part 1, See **LAND USE PLANNING**
Nonforest lands and improvements, protection, 76-13-105
Noxious weed management, 7-22-2101, 7-22-2109, See **WEEDS AND WEED CONTROL**
Nuisances, abatement — money from, 76-13-111
Nurseries, operation not forest practices, 76-13-102, 77-5-302
Off-highway vehicle use, inherent risks, 23-2-822
Open fires, written permits for, 7-33-2205, 7-33-2206, 76-13-121, 76-13-122
  state lands, recreational use restrictions, 77-1-804
Outdoor advertising provisions, 75-15-103, 75-15-113
Owners and operators of forest lands, 76-13-102, 76-13-302, 77-5-302
  assessments for protection, 76-13-201, 76-13-207, 76-13-208, 76-13-210, 76-13-211
  coniferous trees and boughs, transportation, 76-13-601
  cutting of trees for personal use not forest practices, 76-13-102
  disease and insect pest control, 76-13-301 — 76-13-304
  forest fire protection and suppression, 76-13-108, 76-13-201
    assessments, 76-13-201, 76-13-207, 76-13-208, 76-13-210, 76-13-211
    compliance, what constitutes, 76-13-206
    cooperative agreements for, 76-11-102
    costs, 76-13-201
  forest practices, 76-13-101, 76-13-102, 77-5-302, 77-5-304, 77-5-305, 77-5-307, See **Forest practices**
  hearings, right to, 76-13-110
  negligence, 76-13-201
  principal and income determinations, 72-5-427, 72-34-404, 72-34-410, 72-34-411, See also **TRUSTS, Principal and income, determination**
  responsibilities, 76-13-108, 76-13-201, 77-5-305
  state, as, See **State lands**
  streamside management zones, forest practices in, 77-5-302, 77-5-304, 77-5-305, 77-5-307
Park Commissioners, County Board of — employment of foresters, 7-16-2325
Permits
  sawdust pile accumulation, 76-13-126
  setting specific fires, for, 7-33-2205, 7-33-2206, 76-13-121, 76-13-122
  timber removal
    advertisement, 7-8-2609, 77-5-212
    domestic use and fuel, 7-8-2608, 77-5-211
    free, when, 7-8-2608, 77-5-211
    proceeds, disposition, 7-8-2610
Perpetuation, 7-8-2605, 76-11-102, 77-5-202
Planning and zoning district recommendations, effect, 76-2-109

FORESTS AND FORESTRY (Continued)

Planning board provisions, effect, 76-1-113
Portable sawmills, 76-13-501 — 76-13-507
Preservation of standing timber, rules, 77-5-204
Principal and income determinations, 72-5-427, 72-34-404, 72-34-410, 72-34-411, See also **TRUSTS, Principal and income, determination**
Production of timber
  county forests, 7-8-2602, 7-8-2603
  disease and insect pest control, 76-13-301 — 76-13-305
  state forests, 77-5-101, 77-5-102
  state lands, classification for, 77-1-401
Products, forest, See **Forest products**
Property, real — timber as, 15-1-101, 15-7-303, See **TAXATION, PROPERTY, Timber**
Protection, 76-13-102, 76-13-104
  applicability of provisions, 76-13-103
  assessments, 76-13-108, 76-13-111, 76-13-208, 76-13-210, 76-13-211
  cooperation, state and county, 76-13-106
  counties, by, 7-8-2601, 7-33-2201, 76-13-106
  disease and insect pest control, 76-13-301 — 76-13-305, See also **Disease and insect pest control**
  districts, 76-13-108, 77-5-104
  fines for violations, 76-13-111, 76-13-112, 76-13-114
  fire, See **Forest fire protection and suppression**
  funds, expenditure, 76-13-106, 76-13-111
  nonforest lands and improvements, 76-13-105
  owners of forest lands, responsibilities, 76-13-108, See also **Owners and operators of forest lands**
  penalty for violations, 76-13-112
  purpose of provisions, 76-13-101
  rules for, 76-13-109
  sawmills, portable — licensing, 76-13-501 — 76-13-507
  signs erected or posted, destruction unlawful, 76-13-113
  streamside management zones, 77-5-301 — 77-5-305, 77-5-307
  violations generally, 76-13-111 — 76-13-113
Purchase of timber
  railroads, 69-14-552
  state lands, restrictions, 77-1-113
Railroads
  fire hazard reduction along right-of-way, 76-13-401, 76-13-403, 76-13-407, 76-13-410
  purchase of timber, 69-14-552
  sale of timber, estimates and appraisals — requirements, 77-5-204
  spark arresters required, 76-13-125
Range resources
  conservation and protection, 76-13-101, 76-13-102, 76-13-104, 76-13-111
  loans for improvement and development, Title 76, chapter 14
Reforestation, 76-13-102, 76-15-101, 76-15-706, 77-5-302, See also **Forest practices**; **CONSERVATION DISTRICTS**
Regeneration of timber stand, 76-13-102, 77-5-302, See also **Forest practices**
Right-of-way
  clearing operations, slash and debris as fire hazard, 76-13-401, 76-13-403, 76-13-407, 76-13-410
  owner of forest lands, exception, 76-13-102, 76-13-302
Roads within
  construction, 76-13-101, 76-13-102, 76-13-408, 77-5-303
  forest development roads, 23-2-821, 61-8-110 — 61-8-112
  "forest practices" defined, 76-13-102, 77-5-302, See **Forest practices**

FORESTS AND FORESTRY (Continued)
Roads within (Continued)

  hunting, use of motor vehicles — restrictions, 87-3-125
  logging roads, 70-30-102, 70-30-109
  outfitters, net client hunter use expansion — public comment, 37-47-317
  special service roads, 61-8-110, 61-8-112
  streamside management zones, prohibited practices, 77-5-303
  vehicles, operation prohibited when, 77-5-303
Rodent control, 7-22-2222, 7-22-2512, See **PESTS AND PESTICIDES**
Sale of timber, 76-13-102, 77-5-302, See also **Forest practices**
  administration procedures, 77-5-206
  advertisement, 7-8-2604, 77-5-201
  agreements
    bond requirements, 7-8-2606, 7-8-2607, 77-5-202, 77-5-203
    breach, 7-8-2607, 77-5-203
    execution and contents, 7-8-2605, 77-5-202
  appraisals and estimates, 77-5-201, 77-5-204
  best management practices, 76-13-101
  bid requirements, 7-8-2604, 77-5-201, 77-5-202, 77-5-208
  bond requirements, 7-8-2606, 7-8-2607, 77-5-202, 77-5-203, 77-5-208
  conservation license in lieu of, 77-5-208
  contract for sale, 30-2-107, 30-9-105, 30-9-122
  counties, by, 7-8-2402
    agreements, 7-8-2605
      bond requirements, 7-8-2606
      breach, 7-8-2607
    bid requirements, 7-8-2604
    proceeds, distribution, 7-8-2402, 7-8-2610
  deferment, 77-5-208
  designation of trees to be cut, 77-5-206
  expenditures, 7-8-2610
  goods, severance from land, 30-9-105, 30-9-122
  management practices, 76-13-101, 77-5-206
  notice
    county sale, 7-8-2604
    department, 76-13-131, 76-13-134, 77-5-201
  onsite consultations, 76-13-104, 76-13-131, 76-13-132, 77-5-304
  operating plans for, 76-13-131
  "operator" defined, 76-13-102, 77-5-302
  principal and income determinations, 72-5-427, 72-34-404, 72-34-410, 72-34-411, See also **TRUSTS, Principal and income, determination**
  proceeds, distribution, 7-8-2610, 77-1-109
  restrictions, 77-1-113, 77-2-211
  review, 76-13-131
  rules, 7-8-2604 — 7-8-2606, 77-5-201, 77-5-202, 77-5-204
  salvage timber, 76-13-302, 77-5-207
  school lands, on, 20-9-341, 20-9-601
  security interest, See **Security interest**
  state institutions, from lands granted to — revenue disposition, 17-3-1003
  state lands, on, 77-1-113, 77-5-204, 77-5-205, 77-5-208, 77-5-221 — 77-5-223
  state timber sale account, creation, 77-1-613
  streamside management zones, 77-5-302, 77-5-304, 77-5-307
  tree scale measurement, 77-5-206
Salvage timber program, 77-5-207
Sawdust
  piles, restrictions, 76-13-126
  "other wastes" defined, 75-5-103, 75-6-102

FORESTS AND FORESTRY (Continued)

Sawlogs, sawdust piles — restrictions, 76-13-126
Sawmilling waste, treatment or disposal, 76-13-126
Sawmills, portable — licenses
  application, written, 76-13-503, 76-13-504
  discrimination in issuance prohibited, 49-3-204
  issuance and term, 76-13-504
  liability for fire, effect on, 76-13-507
  required, 76-13-502
  revocation, 76-13-504, 76-13-505
  violations, 76-13-502, 76-13-505, 76-13-506
Scale measurement, 77-5-206
Scales, falsification, 77-1-112
Scaling, rules for, 7-8-2605, 77-5-202
School lands, sale of timber, 20-9-341, 20-9-601
School of forestry, 20-25-205, 20-25-243, 20-25-244, See also **UNIVERSITY OF MONTANA-MISSOULA, Forestry school**
Securities transactions, exemption, 30-10-103
Security interest, See also **SECURED TRANSACTIONS**
  assignment, 30-9-405
  buyer in ordinary course of business, 30-9-340
  description of land, 30-9-203, 30-9-213
  financing statement, 30-9-401 — 30-9-403, 30-9-521, 30-9-522, 30-9-539, 30-9-545
  goods, timber as, 30-9-105, 30-9-122
  perfection, 30-9-321, 30-9-336
Selection of timberland, 77-1-113, 77-5-103
Shelterbelts, 20-25-242, 76-13-104
Signs, 76-13-113
Skiing, inherent risks, 23-2-736
Slash or debris, See also **Fire hazard reduction or management**
  disposal requirements, 7-8-2605, 77-5-202, 77-5-204
  fire hazard, 76-13-111, 76-13-401
  management, 76-13-102, 77-5-302, 77-5-303
  onsite inspections, 76-13-133
  slash-burning fires, written permits for, 7-33-2205, 7-33-2206, 76-13-121, 76-13-122
  solid waste management, nonapplicability, 75-10-203, 75-10-903, 80-8-110
Snowmobiling, inherent risks, 23-2-654
Soil
  conservation districts, 76-15-101, 76-15-706, See **CONSERVATION DISTRICTS**
  erosion, prevention, 76-11-202, 76-13-101
  resources, conservation and protection, 76-13-101, 76-13-102, 76-13-104, 76-13-111
  survey and mapping program, 76-11-201, 76-11-202
Spark arresters required, 76-13-125
Spiking of trees as criminal endangerment, 45-5-207
State firefighters, 77-5-103
State forest officers as ex officio fish and game wardens, 87-1-503
State forests
  designation, 77-5-101, 77-5-102
  development, 77-1-204, 77-1-215
  fireworks displays within, prohibited, 50-37-103
  land donations for, 77-1-214
  management, 77-1-204, 77-1-215, 77-5-103
  perpetuation, rules regarding, 77-5-202
State lands
  annual sustainable yield, 77-5-221
    determination, 77-5-222

FORESTS AND FORESTRY (Continued)
State lands (Continued)
    annual sustainable yield (Continued)
        timber sale requirement, review, 77-5-223
    classification, 77-1-401
    development, 77-1-605
    equalization payments, acres involved, 77-1-501, 77-1-502
    exchange, 77-1-204, 77-2-211
    forest protection districts, assessments, 76-13-108
    grazing land appraisals, 77-6-201
    lease, 77-1-113, 77-1-204, 77-2-211
    purchase or lease restrictions, 77-1-113
    sale, 77-1-113, 77-1-204, 77-2-211
    scales, falsification, 77-1-112
    streamside management zones, forest practices in, 77-5-301 — 77-5-305, 77-5-307
    timber sales, deduction of portion of income, 77-1-613
    trespass on, 77-1-116
    trust beneficiaries, report to, 77-1-223 — 77-1-225
Streamside management zones, forest practices in
    alternative practices, 77-5-302, 77-5-304, 77-5-307
    civil penalty, 77-5-305
    compliance with provisions, 77-5-304, 77-5-305
    definitions, 77-5-302, 77-5-307
    enforcement actions, 77-5-305
    findings and purpose of provisions, 77-5-301
    inspections and onsite consultation, 77-5-304
    rules, 77-5-302 — 77-5-305, 77-5-307
    standards, 77-5-303, 77-5-307
    timber sale, 77-5-302, 77-5-304, 77-5-307
    violations, 77-5-305
Taxation of timber and timberland, See **TAXATION, PROPERTY**
Throwing lighted materials, 50-63-102, 50-63-103, 76-13-124
Timber stand improvement
    fees, 77-5-204
    fire hazard, 76-13-401, See **Fire hazard reduction or management**
    streamside management zones, 77-5-302
Trees and boughs, coniferous — unlawful transportation, 76-13-601
Tree-spiking as criminal endangerment, 45-5-207
Trespass
    firewardens, 77-5-105
    taking timber or wood, for, 70-16-107, 70-16-108, 77-1-116
Unemployment insurance coverage for laborers, 39-51-205, See **UNEMPLOYMENT INSURANCE, Agricultural labor**
United States forest service
    fish and game wardens, ex officio — officers as, 87-1-503
    gates of the mountains game preserve, boundaries, 87-5-406
    roads, special service, 61-8-110, 61-8-112
    snowmobile area operators, 23-2-652, See also **SNOWMOBILES**
University system, forestry services, 76-13-415
Vertebrate pest management, 7-22-2222, 7-22-2512, See **PESTS AND PESTICIDES**
Violations
    arrests for, 77-5-105
    burning permits, noncompliance, 7-33-2206, 76-13-122
    campfires, failure to extinguish, 50-63-102, 50-63-103, 76-13-123
    coniferous trees and boughs, unlawful transportation, 76-13-601
    fines and disposition, 50-63-102, 76-13-111, 76-13-112, 76-13-114, 76-13-412, 76-13-506, 76-13-601, 77-5-105, 77-5-106
    fire hazard reduction or management provisions, 76-13-412

FORESTS AND FORESTRY (Continued)
Violations (Continued)

- firewardens, 77-5-105, 77-5-106
- forest fire protection and suppression provisions, 76-13-112, 76-13-113
  - citizen's refusal to fight, 77-5-105
  - permits for igniting or setting, failure to have, 7-33-2206, 76-13-122
  - setting or leaving, 7-33-2206, 50-63-102, 50-63-103, 76-13-123
- forest practices in streamside management zones, 77-5-305
- liability of offender for damages and costs, 50-63-103
- lighted materials, throwing, 7-5-2112, 7-5-4113, 50-63-102, 50-63-103, 61-8-365, 61-8-372, 76-13-124
- penalty, 76-13-112
- prosecution, 76-13-114, 77-5-103
- reporting, 77-5-104
- rules of board or department, 76-13-112
- sawmills, portable, 76-13-502, 76-13-505, 76-13-506
- scales, falsification, 77-1-112
- signs erected or posted, destruction, 76-13-113
- streamside management zones, forest practices in, 77-5-305
- tree-spiking, 45-5-207

Wardens, forest — supervision, 77-5-206, See also **Firewardens**
Warning signs erected or posted, destruction unlawful, 76-13-113
Water conservancy districts, 85-9-102, See also **WATER CONSERVANCY DISTRICTS**
Water resources, conservation and protection, 76-13-101, 76-13-102, 76-13-104, 76-13-111, 77-5-301 — 77-5-305, 77-5-307
Watershed

- advisory groups, 75-5-103, 75-5-702 — 75-5-704
- conservation, 76-13-101
- disease and insect pest control, 76-13-301
- fire protection, 76-11-102
- forest practices, 76-13-104, 76-13-131, 76-13-132, 76-13-134, 76-13-135, 77-5-304
- state forests, 77-5-101, 77-5-102
- streamside management zones, forest practices in, 77-5-304
- timber sales, 76-13-131, 76-13-132, 76-13-134, 76-13-135
- timber value concerning, 77-5-204

Weed management, 7-22-2101, 7-22-2109, See **WEEDS AND WEED CONTROL**
Wildlife habitat, acquisition policy — additional land use, 87-1-241
Windbreaks, 20-25-242, 76-13-104, 76-13-111
Wood and wood products

- alcohol production, tax incentives, 15-70-522, See **TAXATION, GASOLINE AND VEHICLE FUELS**
- art, work of or fine art, 22-2-403, 22-2-501, See **ARTS AND CULTURE**
- city inspection, weighing, and measuring, 7-21-4203
- "cord" defined, 30-12-101
- easements for taking, 70-17-101, 70-17-102, See **PROPERTY, REAL, Easements**
- execution, redemption period — waste of property, 25-13-823
- hazardous wastes, exclusion, 80-8-110
- small business investment companies, tax incentives, 15-33-102
- solid waste, 75-10-103, 75-10-203, 75-10-903, 80-8-110, See **MEGALANDFILL SITING; SOLID WASTE MANAGEMENT**
- state lands, trespass for taking from, 77-1-116
- stoves or furnaces, energy-related tax incentives, Title 15, chapter 32
- street paving or repaving, 7-12-2101, 7-12-4101
- trespass for taking, 70-16-107, 70-16-108, 77-1-116
- water pollution, "other wastes" defined, 75-5-103
- water supply, public — pollution, "other wastes" defined, 75-6-102

Woodlots, 20-25-242, 76-13-104, 76-13-111

FORESTS AND FORESTRY (Continued)

Zone of infestation, 76-13-302 — 76-13-305, See also **Disease and insect pest control**
Zoning
  county, effect, 76-2-209, 76-2-901 — 76-2-903
  planning and zoning district recommendations, effect, 76-2-109
  protection from, 76-2-901 — 76-2-903

FORGERY AND COUNTERFEITING
  See **CRIMES**

FORMS
Abandoned horses, sale notices, 81-4-510
All-beverages license, notice of application, 16-4-207
Answer presenting defenses, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 16
Appeals
  alternative dispute resolution/mediation, Title 25, chapter 21, M.R.App.P., Rule 54 Appendix
  briefs, statement of the case and reference to the record, Title 25, chapter 21, M.R.App.P., Rule 23
  in forma pauperis, affidavit, Title 25, chapter 21, M.R.App.P., Appendix, Form 2
  notice of appeal, Title 25, chapter 21, M.R.App.P., Appendix, Form 1
Cities and towns
  disincorporation election ballots, 7-2-4904
  general obligation bonds, notice of sale, 7-7-4251
City-county consolidation, election ballots, 7-3-1206
Civil actions, Title 25, chapter 20, M.R.Civ.P., Rule 84; Appendix
Community college districts
  organization, proposition for, 20-15-203
  trustee election, ballot, 20-15-220
Complaint on or for
  account, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 3
  answer to complaint, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 17
  claim for debt and to set aside fraudulent conveyance, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 12
  conversion, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 10
  election contest, 13-36-203
  goods sold and delivered, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 4
  interpleader and declaratory relief, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 14
  money had and received, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 7
  money lent, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 5
  money paid by mistake, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 6
  negligence, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 8; Form 9; Form 13
  promissory note, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 2; Form 12
  quiet title action, 70-28-104
  small claims court, justice's court — in, 25-35-602
  specific performance, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 11
  third-party, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 18
Concealed weapon, application for permit to carry, 45-8-322
Conciliation, petition for, 40-3-122
Counterclaim, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 16; Form 17
Counties
  abandonment and consolidation
    election ballot, 7-2-2711
    resolution, 7-2-2708
  borrowing, election for approval — ballot, 7-7-2405
  exceeding maximum mill levy, election ballot, 7-6-2534
  general obligation bonds, notice of sale, 7-7-2251

FORMS (Continued)
Counties (Continued)

- name change
    - certification of signatures, 7-2-2504
    - petition, 7-2-2503
- new, creation by petition
    - election ballot, 7-2-2218
    - notice, 7-2-2209
- parks or county-owned cultural, social, and recreational facilities — levy election ballot, 7-16-2102
- roads and bridges, additional construction tax levy — election ballot, 7-14-2504

County high school unification election ballot, 20-6-312
County officers, affidavit for fees collected, 7-4-2512
County park districts, elections
- creation of district, 7-16-2412
- tax levy, change, 7-16-2432

County weather modification authorities, petitions for
- creation, 85-3-412
- recall, 85-3-417

Covenants, 30-11-110
Cross-claim, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 16
Defenses, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 16; Form 17
Deposition envelopes, Title 25, chapter 20, M.R.Civ.P., Rule 30(f)
Discovery
- admissions, request for, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 21
- production, motion for, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 20

Dismissal of action, motion for, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 15
Door-to-door sales, cancellation, 30-14-505
Drainage districts, assessment roll, 85-8-342
Elections
- ballot issues
    - ballot, 13-27-312
    - petitions
        - constitutional amendment, 13-27-207
        - constitutional convention, 13-27-206
        - initiative, 13-27-204
        - referendum, 13-27-205
        - signatures, verification, 13-27-302, 13-27-304, 13-27-307
- ballots
    - ballot issues, 13-27-312
    - judicial incumbents, for, 13-14-212
    - paper ballot instructions, 13-12-209
    - rejection marking, 13-15-203
- challenges, oath of elector, 13-13-306
- contest, complaint, 13-36-203
- polling places, warning notices, 13-13-113

Emergency and disaster services personnel, oath, 10-3-112
Estates, nonprobate transfers — multiple-party account, 72-6-204
Execution
- imprisoned judgment debtor, oath, 25-14-306
- justices' and city courts, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 23C
- sale, notice, 25-13-701

Executive clemency, order for hearing, 46-23-302
Foreign-money claim judgments, 25-9-708
Grants of real property, 70-20-103
Horses, abandoned — sale notices, 81-4-510
Hospital districts, additional levies — election ballot, 7-34-2135

FORMS (Continued)

Interpleader, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 14; Form 17; Form 18
  justice's court, affidavit, 25-31-119
  small claims court, affidavit, 25-35-508
Intervention as defendant, motion for, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 19
Juror's oath, 25-7-207
Liens
  construction
    notice of lien, 71-3-536
    notice of right to claim, 71-3-532
  loggers', 71-3-605
Living wills, 50-9-103
Local government
  alteration of existing form, ballot requirements, 7-3-150, 7-3-151
  review of government and establishing study commission, election ballot, 7-3-175
  service consolidation or transfer election ballots, 7-11-308
Militia
  enlistment oath, 10-1-302
  officers' oath, 10-1-202
Minors, transfers to — instrument creating transfer, 72-26-603
Mortgages, 71-1-204
Municipal commission government, election ballots
  abandonment of form, 7-3-4227
  reorganization, 7-3-4210
Municipal commission-manager form of government
  organization, election ballots for, 7-3-4307
  ordinances, enacting clause, 7-3-4324
Museum, notice to preserve an interest in property on loan to, 22-3-506
Necessary party, omission, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 22
Notarial acts, certificates of, 1-5-610
Oaths, 1-6-102
  affirmation or declaration in lieu of, 1-6-104; Const., III, 3
  emergency and disaster services personnel, 10-3-112
  enlistment, 10-1-302
  jurors, 25-7-207
  military officers, 10-1-202
  public officers, 2-16-211; Const., III, 3
Personal solicitation sales, cancellation, 30-14-505
Pleadings, caption, Title 25, chapter 20, M.R.Civ.P., Rule 10(a)
Power of attorney, statutory, 72-31-201
Pretrial order, district court, Title 25, chapter 19, M.U.Dist.Crt.Rule 5
Public contractor's contract performance security, notice for claim against, 18-2-204
Quieting title
  complaint, unknown parties defendant, 70-28-104
  memorandum when action by heirs of deceased entrymen, 70-28-208
  summons, 70-28-207
Recall
  certification and affidavit of signatures, 2-16-619, 2-16-620
  county weather modification authority commissioners, 85-3-417
  election
    ballot, 2-16-633
    notice, 2-16-631
  petition, 2-16-616
Retail installment sales contracts, 31-1-231
Rules of Appellate Procedure, Title 25, chapter 21, M.R.App.P., Appendix

FORMS (Continued)

Sales
  execution, notice, 25-13-701
  personal solicitation, cancellation, 30-14-505
  real property under decree of court, record, 70-21-206
School districts
  bond election
    ballot, 20-9-426
    notice, 20-9-427
  bonds, notice of sale, 20-9-430
  building reserve election ballot, 20-9-502
  joint interstate contracts for school facilities, proposition for approval, 20-9-705
School election ballots, See **SCHOOL ELECTIONS, Ballots, form**
School trustee election ballot, 20-3-306
Secured transactions, financing statement, 30-9-402
Service by mail, notice and acknowledgment, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 18-A
Small claims court
  complaint and order of court/notice to defendant, 25-35-602
  defendant's counterclaim, 25-35-606
  interpleader affidavit, 25-35-508
Summons, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 1; Form 18
  quieting title, 70-28-207
Supersedeas bond, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 23
Taxation
  budget increase from property taxes, notice of — advertisement, 15-10-203
  county tax sale assignment certificate, 15-17-323
  income tax checkoff
    agriculture in Montana schools contributions, 15-30-152
    child abuse and neglect prevention program contributions, 15-30-155
    drug abuse resistance education program, 15-30-158
    nongame wildlife funding, 15-30-150
  tax deed, 15-18-213, 15-18-215, 15-18-216
  tax sales
    certificate of redemption, 15-18-113
    lien, notice of cancellation, 15-18-217
Water rights adjudication, order of supreme court, 85-2-212
Will
  international, certificate, 72-2-905
  self-proved, acknowledgment, 72-2-524
Youth court proceedings, petition, 41-5-1402

FOSTER HOMES
  See **ADULTS, Foster family care homes; CHILD ABUSE AND NEGLECT; DEVELOPMENTAL DISABILITIES, PERSONS WITH, Community homes; Community services**

FRANCHISES
Banks, consolidation or merger — effect, 32-1-371
Beer brewers, importers, and wholesalers, See **ALCOHOLIC BEVERAGES, Beer brewers, importers, and wholesalers**, contracts, agreements, and franchises
Cemetery association permanent care and improvement fund trusteeship, pertaining to, 35-20-302, 35-20-304, 35-20-306, 35-20-307
Cemetery district permanent care and improvement fund trusteeship, pertaining to, 7-35-2139, 7-35-2142, 7-35-2144, 7-35-2145
Cities and towns, powers, See **CITIES AND TOWNS; CITY FINANCE, Refunding revenue bonds, option two**, enterprise

FRANCHISES (Continued)

City-county consolidation
  transfer, provision for, 7-3-1102
  vote required when, 7-3-1225
Corporate abuses, See **QUO WARRANTO, WRIT OF**
Corporations, 35-1-115, 35-1-217, 35-1-1038
Counties, powers, See **COUNTIES**
Dealership or distribution agreements, See **ALCOHOLIC BEVERAGES**, **Beer brewers, importers, and wholesalers**, contracts, agreements, and franchises; **MOTOR VEHICLES AND TRAFFIC REGULATIONS**, **Dealers and wholesalers**, succession to ownership; **Manufacturers, distributors, and importers**; **SALES**, **Dealership or distribution contracts**; **Farm implements dealership agreements**
Development corporations, to secure indebtedness, 32-4-201
Election franchise, See **ELECTIONS**, generally
Eminent domain, subject to, 70-30-103, 85-1-209
Ferries and ferrykeepers, 7-14-2826, 7-14-2828, 70-30-103
Fraternal benefit societies, consolidation or merger — effect, 33-7-215
Housing authorities, municipal — property, 7-15-4402
Insurance
  franchise disability, 33-22-401
  title insurance business producer, franchisee, 33-25-105, 33-25-403
Insurers
  reciprocal, 33-5-503
  taxation, preemption by state, 33-2-707
Irrigation districts
  construction, right-of-way for, 85-7-1909
  dissolution, 85-7-1003, 85-7-1004, 85-7-1007
Lobbying, Title 5, chapter 7, See **LOBBYING AND LOBBYISTS**
Motorist information sign program, 60-5-502, 60-5-504, 60-5-505, 60-5-509, 60-5-510
Motor vehicles, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**, **Dealers and wholesalers**, succession to ownership; **Manufacturers, distributors, and importers**
Municipal commission government, Title 7, chapter 3, part 42, See **MUNICIPAL COMMISSION GOVERNMENT**
Municipal commission-manager government, Title 7, chapter 3, parts 43 and 44, See **MUNICIPAL COMMISSION-MANAGER GOVERNMENT**
Nonprofit corporations, 35-2-118, 35-2-119, 35-2-832
Personal watercraft, 23-2-540
Public office, usurpation or abuses, See **QUO WARRANTO, WRIT OF**, **Quo warranto**
Railroads, See **RAILROADS**
Real estate brokers, franchise agreements, 37-51-102, 37-51-321
Religious corporations sole, 35-3-205
Snowmobiles, 23-2-619
Special grant by law prohibited, Const., II, 31
Taxation
  assessment of property, 15-23-303
  corporations taxable in another state, when, 15-31-303
  federal territory, within, 2-1-202, 2-1-205, 2-1-209
  intangible personal property, exemption, 15-6-218
  "property" defined, 15-1-101
Unfair trade practices, corporate dissolution or franchise forfeiture, 30-14-134, 30-14-141, 30-14-223
Utilities
  municipal commission-manager governments, Title 7, chapter 3, parts 43 and 44, See **MUNICIPAL COMMISSION-MANAGER GOVERNMENT**, **Utilities**
  rural cooperative, 35-18-106, 35-18-107, 35-18-317, 35-18-403

FRANCHISES (Continued)
Utilities (Continued)

  unclaimed property, Title 70, chapter 9, part 8, See **PROPERTY, PERSONAL, Unclaimed property**
Voting privilege, See **ELECTIONS**
Water and wastewater authorities, regional, 75-6-313, 75-6-321
Water conservancy districts, "works" defined, 85-9-103
Water supply system, private, 7-13-3041
Water use
  "cost of works", "owner", and "works" defined, 85-1-102
  irrigation works crossing, 85-1-208
  state projects, 85-1-209

FRATERNAL BENEFIT SOCIETIES
Actions
  damages resulting from duties or responsibilities, not allowed, 33-7-307
  indemnification and reimbursement of persons when, 33-7-307
  injunction, for, 33-7-120
  quo warranto, 33-7-120
  service of process, 33-7-123
  voluntary associations, effect of incorporation, 33-7-208
Alcoholic beverage licenses, 16-3-306, 16-4-105, 16-4-201, 16-4-301, 16-4-501, 49-2-304, 49-3-204
Annual statements, 33-7-118, 33-7-210, 33-7-306
Applicable provisions, 33-7-117
Articles of incorporation, 33-7-108, 33-7-208, 33-7-531, See also **Laws and rules**
Assembly, 33-7-107, See **Supreme governing body**
Assets
  institutional property not allowed as, 33-7-210
  liquidation, 33-7-120
  reinsurance, reserves on ceded risks not allowed as, 33-7-214
  rights of members or beneficiaries, 33-7-409
Assignment
  benefit contracts, 33-7-523
  membership rights, nonassignability, 33-7-110
Authority to do business, 33-7-118, 33-7-121
Benefit members, 33-7-107, 33-7-108, 33-7-110, 33-7-306, 33-7-411
Benefits and benefit contracts, 33-7-108, 33-7-126, 33-7-523, 33-7-533
  applications for benefits, 33-7-208
  assets, rights of members or beneficiaries, 33-7-409
  assignability of contract, 33-7-523
  attachment, garnishment, or other process prohibited, 33-7-522
  bankruptcy, exemption, 31-2-106
  beneficiary, change, 33-7-521
  certificates, 33-7-108
    beneficiary, vested interest in proceeds when, 33-7-521
    foreign or alien societies, 33-7-531
    forms and applications, filing, 33-7-208, 33-7-523
    general provisions, 33-7-523
    nonforfeiture benefits, cash surrender values, loans, and other options, 33-7-524
    valuation, 33-7-118, 33-7-119, 33-7-126, 33-7-411
  enumeration of benefits, 33-7-520
  false or fraudulent statements, penalty, 33-7-125
  genetic traits, discrimination on basis of — prohibited, 33-18-903
  interest rate on policy loans, 33-20-135
  language simplification
    applicability schedule, 33-15-329

FRATERNAL BENEFIT SOCIETIES (Continued)
Benefits and benefit contracts (Continued)
  language simplification (Continued)
    application of provisions, 33-15-324
    citation of life and disability insurance policy language simplification act, 33-15-321
    construction of provisions, 33-15-326
    definitions, 33-15-323, 33-15-325
    exceptions, 33-15-324
    forms, approval, 33-15-328
    powers of insurance commissioner, 33-15-327
    purpose of provisions, 33-15-322
    standards, minimum, 33-15-325
  liability, personal, 33-7-307
  long-term care insurance, Title 33, chapter 22, part 11
  medicare supplement insurance policies and certificates, Title 33, chapter 22, part 9
  mortality standards, 33-7-411
  obstetricians and gynecologists as primary care physicians under health benefit plans, 33-22-1901 — 33-22-1908
  payment of claims, timely — administrative process for, 33-18-231 — 33-18-235
  preexisting condition exclusion, waiver and prohibition, 33-22-241, 33-22-242
  premiums, 33-7-108, 33-7-208, 33-7-523, 33-18-903, 49-2-309
    increases, proportionate distribution, 33-22-243
  purpose of society, 33-7-109
  reduction or termination of benefits, 33-7-523
  variable basis, contract issued on, 33-7-409
  what constitutes the contract, 33-7-523
Board, 33-7-107, See **Supreme governing body**
Board of directors, See **Directors, board of**
Bond requirement, 33-7-208
Bylaws, 33-7-108, 33-7-208, 33-7-531, See also **Laws and rules**
Certificate of authority, 33-7-120, 33-7-208, 33-7-217
Charter, 33-7-108, 33-7-208, 33-7-217, See also **Laws and rules**
Children, lodges or benefits provided for, 33-7-106, 33-7-110, 33-7-520, 33-7-523
Chiropractic physical examinations, utilization review of services to patient, 33-22-125
Comprehensive health association, participation in, Title 33, chapter 22, part 15
Consolidation or merger, 33-7-214, 33-7-215
Constitution, 33-7-108, See **Laws and rules**
Conversion into mutual life insurer, 33-7-216
Deceptive practices, 33-7-117, 33-7-533
Definitions, 33-7-105, 33-7-108, 33-7-525
Delinquency proceedings, 33-2-1304, 33-7-117, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Directors, board of
  articles of incorporation, contents, 33-7-208
  conversion into mutual life insurer, plans for, 33-7-216
  indemnification and reimbursement when, 33-7-307
  minutes of proceedings, 33-7-306
  officers, election, 33-7-107
  reserves, impairment, 33-7-523
  rules, 33-7-108, See **Laws and rules**
Discontinuance of business, voluntary, 33-7-120
Discrimination provisions, exemption for lodges of recognized national fraternal organizations when, 49-2-101, 49-2-304, 49-3-204
Employees, 33-7-307, 33-7-525, 33-17-201
Evidence
  benefit contracts
    certificate as evidence, 33-7-108
    documents as evidence of terms and conditions, 33-7-523

FRATERNAL BENEFIT SOCIETIES (Continued)
Evidence (Continued)
- certificate of authority, prima facie evidence of existence, 33-7-208, 33-7-217
- compliance with provisions, 33-7-208
- consolidation or merger, text of contract furnished to members and conveyance of property, 33-7-215
- foreign or alien societies, for withdrawal of suspension or refusal of authority to do business, 33-7-121
- insurability, of, 33-7-208
- laws, printed copies as prima facie evidence of adoption, 33-7-209
- officer's affidavit as prima facie evidence of mailing notices or documents, 33-7-215
- service of process, certified copies of appointment, 33-7-123
- standard of conduct required to justify indemnification or reimbursement, termination of action not conclusive presumption, 33-7-307

Examination or investigation, 33-7-119 — 33-7-121, 33-7-126
Exemption of certain societies, 33-7-126
Filings
- annual statements, 33-7-118
- certificate of authority, application for, 33-7-217
- certificates
  - forms, 33-7-523
  - valuations, 33-7-118
- consolidation or merger, documents required, 33-7-215
- foreign or alien societies, 33-7-209, 33-7-531
- laws, amendments of or additions to, 33-7-209
- organization, documents required, 33-7-208

Financial statements, 33-7-118, 33-7-215
Foreign or alien societies, 33-7-119, 33-7-121, 33-7-122, 33-7-209, 33-7-408
- license requirements, 33-7-531

Fraudulent practices, 33-7-120, 33-7-121, 33-7-125
Funds, 33-7-208, 33-7-409
- investment, 33-7-408
- liquidation, distribution, 33-7-120
- state appropriations prohibited, Const., V, 11
- tax exemption, 33-7-410

Genetic testing, information, and traits — requirements and prohibitions, 33-18-901 — 33-18-904
Governing body, See **Supreme governing body**
Hearings, 33-7-117, 33-7-120
Incorporators, 33-7-208
Information and privacy protection, Title 33, chapter 19
Injunction, 33-7-120, 33-7-122
Insolvency, 33-7-214
Institutions created and operated by, 33-7-210
Insurance guaranty association, life and health — nonapplicability, 33-10-202
Insurance producers, 33-7-117, 33-7-525
- license requirements, 33-7-532, 33-17-201

Investments, 33-7-408, 33-7-409
Ladies' societies or auxiliaries, exemption, 33-7-126
Landlord-tenant provisions, applicability, 70-24-104
Laws and rules, 33-7-108
- adoption, amendment, or additions, 33-7-107 — 33-7-109, 33-7-209, 33-7-523
- beneficiary, changes or designations, 33-7-521
- benefit contract, inclusion and general provisions, 33-7-523
- benefit member, designation, 33-7-108
- benefits, who may be covered, 33-7-520
- directors, board of — vacancies, filling, 33-7-107

FRATERNAL BENEFIT SOCIETIES (Continued)
Laws and rules (Continued)

- filing, 33-7-208
- foreign or alien societies, 33-7-209, 33-7-531
- grievance or complaint procedures, provision for, 33-7-306
- members
  - election, initiation, or admission, 33-7-106
  - expulsion or suspension, 33-7-523
- membership qualifications, 33-7-110
- publication, official, 33-7-306
- reserves, impairment, 33-7-523
- supreme governing body delegates or board, election, 33-7-107
- violation, 33-7-523
- waiver not allowed, 33-7-308

Liability insurance, purchase, 33-7-307
Liquidation, 33-2-1304, 33-7-120
Lodge system, operation on, 33-7-105, 33-7-106
Management of affairs, 33-7-106, 33-7-109, 33-7-110, 33-7-208
Meetings

- consolidation or merger of society, 33-7-215
- conversion into mutual life insurer, 33-7-216
- laws, amendments, 33-7-209
- location, 33-7-306
- subordinate lodges, 33-7-106
- supreme governing body assembly or board, 33-7-107

Members

- admission, 33-7-106, 33-7-109, 33-7-110
- assembly or board of directors, eligibility for, 33-7-107
- assets, rights in — when, 33-7-409
- beneficiaries, 33-7-308, 33-7-409, 33-7-521, 33-7-523
- benefit members, 33-7-107, 33-7-108, 33-7-110, 33-7-306, 33-7-411
- benefits, See **Benefits and benefit contracts**
- consolidation or merger contract, copy to, 33-7-215
- election and initiation, 33-7-106
- expulsion or suspension, 33-7-523
- grievance or complaint procedures, 33-7-306
- laws
  - amendments, 33-7-209
  - waiver not allowed, 33-7-308
- publication, official — to, 33-7-306
- social members, 33-7-110
- supreme governing body delegates or board, election, 33-7-107
- voting members, 33-7-107, 33-7-209

Membership

- application for, 33-7-125, 33-7-523
- eligibility requirements, 33-7-533
- less than required, 33-7-120
- qualifications, 33-7-110
- solicitation prohibited when, 33-7-125

Merger or consolidation, 33-7-214, 33-7-215
Name, 33-7-208
Noncompliance with provisions, 33-7-120, 33-7-121
Notices

- authority to do business, cessation, 33-7-118
- certificate of authority, expiration, 33-7-217
- consolidation or merger, 33-7-215
- deficiencies and correction requirement, 33-7-120, 33-7-121

FRATERNAL BENEFIT SOCIETIES (Continued)
Notices (Continued)

- examination findings, 33-7-119
- hearings, 33-7-120
- laws, amendments, 33-7-209
- publication, 33-7-306

Office, location, 33-7-306
Officers
- articles of incorporation, contents, 33-7-208
- benefit applicants, list and statement of benefit amounts and premiums, 33-7-208
- benefit contract documents, certification, 33-7-523
- consolidation or merger, duties, 33-7-215
- election, 33-7-107, 33-7-208
- foreign or alien societies, certification of documents, 33-7-531
- hearings, notification, 33-7-120
- indemnification and reimbursement when, 33-7-307
- insurance producer provisions, applicability, 33-7-525, 33-17-201
- laws
  - amendments, 33-7-209
  - waiver not allowed, 33-7-308
- liability, personal, 33-7-307
- service of process, copy to, 33-7-123
- voluntary associations, 33-7-208

Organization, 33-7-208
Powers generally, 33-7-109, 33-7-208
Preferred provider agreements, Title 33, chapter 22, part 17
Premiums, 33-7-108, 33-7-208, 33-7-523, 33-18-903
Property, 33-7-210, 33-7-215
Publication, official, 33-7-306
Purposes, 33-7-109, 33-7-208 — 33-7-210
Receivership and appointment of receiver, 33-7-120
Records, 33-7-120, 33-7-306
Referendum when, 33-7-209
Reinsurance, 33-7-214
Reports, 33-7-118, 33-7-306
Representative form of government, 33-7-105, 33-7-107
Reserves, 33-7-214, 33-7-411, 33-7-523, 33-7-524
Review of decisions and findings of insurance commissioner, 33-7-124
Rules, 33-7-108, See **Laws and rules**
Scope of provisions, 33-7-117
Securities, registration and federal covered securities — exemption, 30-10-104
Service of process, 33-7-123, 33-7-531
Small employer health insurance, Title 33, chapter 22, part 18
State insurance laws, applicability, 33-1-102, 33-7-117, 33-7-126
Subordinate lodges, 33-7-106, 33-7-126, 33-7-208, 33-7-306 — 33-7-308, 33-17-201
Supreme governing body, 33-7-106
- accounts, establishment and operation, 33-7-409
- assembly, 33-7-107
- benefit contracts, issuance on variable basis, 33-7-409
- board, 33-7-107
- consolidation or merger, approval, 33-7-215
- conversion into mutual life insurer, plans for, 33-7-216
- indemnification or reimbursement of persons, determination, 33-7-307
- laws, amendments, 33-7-209
- liability, personal — officers and members, 33-7-307
- meetings, location, 33-7-306
- minutes of proceedings, 33-7-306

FRATERNAL BENEFIT SOCIETIES (Continued)
Supreme governing body (Continued)

  officers, election, 33-7-208
  organization, 33-7-107
  rules, 33-7-108, See **Laws and rules**
Taxation, 15-6-209, 15-31-102, 33-7-410
Unfair or deceptive practices, 33-7-117, 33-7-533
Violations and penalties, 33-7-120, 33-7-125, 33-7-523
Voluntary associations, incorporation and continuation, 33-7-208

FRATERNAL ORGANIZATIONS
Alcoholic beverage licenses, 16-3-306, 16-4-105, 16-4-201, 16-4-301, 16-4-501, 49-2-304, 49-3-204
Amusement games, Title 23, chapter 6, part 1
Benevolent associations, applicability, 33-6-102
Community services buildings, tax exemption, 15-6-209
Discrimination provisions, applicability, 49-2-101, 49-2-304, 49-3-204, See also **DISCRIMINATION**, generally
Gambling, See **GAMBLING**, **Nonprofit organizations**

FRAUD
  See also **CRIMES**, **Forgery and counterfeiting**; **Theft**; **TORTS**, generally
Actual fraud, 28-2-404, 28-2-405, See **CONTRACTS**, **Consent**
Adoption
  consent obtained by, 42-2-417
  interstate assistance, coverage and benefits obtained by, 42-10-128
  parental rights, order terminating — finality, 42-2-620
  proceedings, 42-2-230
Agent, no authority to defraud principal, 28-10-409
Agricultural chemical ground water protection confidential information and data, 80-15-414
Agricultural commodities, warehouse receipts, 80-4-428
Agricultural statistics, information furnished for, 80-1-204
Air quality orders procured by, 75-2-411
Alcoholic beverages, misrepresentation of age, 16-6-305
Amusement games, 23-6-102
Arbitration award, vacation, 27-5-312
Arrest, prejudgment — when, 27-16-102
Arson, purpose of, 45-6-103
Asbestos-related occupations, in obtaining accreditation, 75-2-515
Bank deposits and collections, payor bank — transfer of item for purpose of defrauding, 30-4-302
Banks and trust companies
  "destruction in regular course of business" defined, 32-1-494
  directors, officers, or employees — by, 32-1-464, 32-1-473
Barber schools, colleges, or owners, of, 37-30-404
Boats, concerning, 23-2-512
Bounty claims, 81-7-113, 81-7-122
Building and loan association directors, officers, agents, or employees, 32-2-107
Carnival games, 23-6-102
Carriers, liability, 69-11-105
Checks, issuing bad checks or wrongful stop order, 27-1-717, 45-6-316
Chemical dependency treatment facilities, filing of fraudulent returns, 53-24-208
Child support enforcement, registered order — contesting validity when, 40-5-271, 40-5-923
Chiropractors, fraudulent practices, 37-12-324
Cigarette license stamp or insignia, forgery, 16-11-134, 16-11-146
City-county consolidated governments, claims to, 7-3-1314

FRAUD (Continued)

Cities or towns
  authority, 7-31-4104
  claims to, false, 7-6-4311
City treasurer, 7-6-212
Close corporations, board of directors — by, 35-9-501
Commercial fertilizer registrants or distributors, fraudulent practices, 80-10-211
Construction blasters, in obtaining license, 37-72-203
Constructive fraud, 28-2-404, 28-2-406, See **CONTRACTS**, **Consent**
Consumer counsel fee, information, 69-1-230, 69-2-205
Contracts, See **CONTRACTS**
Corporations
  certificate of incorporation obtained by, 35-6-102
  directors, board of, 35-1-425, 35-1-938
  dissolution, authority for, 35-1-938
  shareholders' right to dissent, 35-1-827
Cosmetics, consumer protection, 50-31-105, 50-31-509
Counselors, professional — obtaining or renewal of licenses by, 37-23-311
County Commissioners, Board of — by, 7-4-2113
County treasurer, 7-6-212
Creditors
  fraudulent transfers to defraud, See **FRAUDULENT TRANSFERS**
  imprisonment of debtor, Const., II, 27
Credit unions, 32-3-412
Crime victims compensation benefits, obtaining by, 53-9-111
Damages
  deceit with intent to defraud, 27-1-712
  interest, discretionary, 27-1-212
  punitive, 27-1-221
Day-care facilities, to obtain license or registration, 52-2-726
Debts, assignment for benefit of creditors — void, 31-2-209
Deceit with intent to defraud, liability, 27-1-712
Defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
Deferred deposit lenders, fraudulent practices, 31-1-723
Defined, 28-2-404 — 28-2-406, See also **CONTRACTS**, **Consent**
Dentists, fraudulent practices, 37-4-326
Developmental disabilities, persons with — exploitation by means of, 52-3-803
Dispossession, fraudulent, 1-3-209
Dissolution of marriage, summary dissolution — judgment, action to set aside, 40-4-135, 40-4-136
Ditch company employees, liability actions, 27-1-731
Documents of title, 30-7-502, 30-7-702
Drainage districts, creation — fraudulent deeds, 85-8-120
Drivers' licenses, applications or fraudulent use, 61-5-201, 61-5-206, 61-5-302
Drugs
  consumer protection, 50-31-105, 50-31-306, 50-31-501, 50-31-509
  dangerous drugs, obtaining by, 45-9-104, 45-9-106
  registration of manufacturers, distributors, or dispensers — application, 50-32-306, 50-32-311
Elderly persons, exploitation by means of, 52-3-803
Elections, See also **ELECTIONS, Crimes and prohibited acts**
  ballot issues, 13-27-106, 13-27-303
  counting of votes, grounds for contest, 13-36-101
  declarations or certificates of nomination, destruction or defacing, 13-35-206
  election officials, by, 13-35-204
  electors, coercion or undue influence, 13-35-218

FRAUD (Continued)
Elections (Continued)

  mail ballot elections, 13-19-105
  registration of elector, in, 13-35-207, 13-35-209
  voting machines or devices, construction specifications, 13-17-103
Electric utility industry restructuring, electricity suppliers — penalties or license revocation or suspension, 69-8-408
Engineers, professional — fraudulent practices, 37-67-331
Estates and probate, See **ESTATES AND PROBATE**
Execution, in proceedings in aid of, 25-14-106
Facsimile signatures or seals of public officers, misuse, 2-16-114
Filled dairy products, fraudulent practices, 81-22-411
Fire Department Relief Associations, misappropriation of funds, 19-18-207
Food, consumer protection, 50-31-105, 50-31-509
Forcible entry and detainer and unlawful detainer, complaint, 70-27-113
Foreign capital depository personnel, by, 32-1-464, 32-1-473, 32-8-202
Foreign-money claims, supplementary principles of law, 25-9-714
Foreign money-judgments, nonrecognition, 25-9-605
Forest fire hazard reduction agreement bondholders, affidavits or site photographs, 76-13-408
Fraternal benefit societies, fraudulent practices, 33-7-120, 33-7-121
Gambling, offering or obtaining anything of value by, 23-5-156
Government resources — toll-free number to report fraud, waste, or abuse of, 5-13-311
Hazardous substances, offenses committed with intent to defraud, 50-30-304
Health care providers, health care payments, 50-16-529
Health maintenance organization enrollees, enrollment information, 33-31-312
Hearing aid dispensers, fraudulent practices, 37-16-411
Identification cards, applications or fraudulent use, 61-5-302
Inheritance tax, 72-16-425, 72-16-458
Injunction, 27-19-201
Instruments, parol evidence, 28-2-905, 70-20-202
Insurance
  against loss or damage by fraud, 33-1-206, See **INSURANCE, CASUALTY**, generally
  applications, fraudulent statements, 33-15-403, 33-18-401
  benefits, fraudulent practices, 33-15-511, 33-15-514, 33-18-401
  claims, fraudulent statements, 33-18-401
  commissioner of, upon, 33-2-1120
  consultants, fraudulent practices, 33-17-507
  disability
    blanket policies, applications, 33-22-602
    group policies, applications, 33-22-502
    misstatements, fraudulent, 33-22-205
    multiple employer welfare arrangements, denial, 33-22-525
    termination of coverage, 33-22-136, 33-22-140, 33-22-247, 33-22-524, 33-22-1501
  fire loss, information from insurer — liability, 50-63-405
  fraud, 33-1-1301 — 33-1-1303; Title 33, chapter 1, part 12
  information and privacy protection, 33-19-104, 33-19-201, 33-19-303, 33-19-306
  insurance producers, adjusters, consultants, and administrators — fraudulent practices, 33-17-1001, 33-18-401
  liability risk retention groups, 33-11-104
  life insurance or annuity contracts
    applications, 33-20-106
    contestability when, 33-20-119
    standard valuation of reserve liabilities, actuary's liability for damages, 33-2-521
    viatical settlement providers and brokers, 33-20-1307
  motor vehicle, 61-3-106
  policies, misrepresentations, 33-15-1101, 33-15-1103

FRAUD (Continued)
Insurance (Continued)

- premium finance company licenses obtained by, 33-14-203
- property
  - defense to suit upon, fraud in obtaining policy as, 33-24-102
  - fraudulent valuation, rescission of contract, 33-24-101
- rating or advisory organizations, fraudulent practices, 33-16-111
- small employer health insurance, 33-22-1810
- viatical settlement providers' or brokers' licenses — suspension, revocation, or refusal when, 33-20-1307

Insurers
- by, 33-2-1120
- claim settlements, cause of action, 33-18-242
- fire loss, information concerning — liability, 50-63-405
- fraudulent transfers, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION, Transfers**
- rehabilitation, grounds for, 33-2-1331

Irrigation districts, defense to conclusiveness of tax or assessment, 85-7-2117
Judgment, relief from when, 26-3-205; Title 25, chapter 20, M.R.Civ.P., Rule 60(b); Title 25, chapter 21, M.R.App.P., Rule 7
Judicial record, impeachment by, 26-3-105
Landlord and tenant, applicability of laws, 70-24-105
Land surveyors, professional — fraudulent practices, 37-67-331
Leases
- delivery procured through, 30-2A-304, 30-2A-305
- possession of goods, 30-2A-302, 30-2A-308
- rights and remedies, 30-2A-505

Letters of credit, 30-5-128 — 30-5-130
Liens
- agisters', fraudulent taking of property, 71-3-1204
- loggers', defects in claim, 71-3-607

Limited liability companies
- certificate of existence, procurement, 35-8-209
- members or managers, effect of fraudulent actions, 35-8-902

Livestock
- dealers, 81-8-273
- markets, 81-8-254
- marks and brands, Title 81, chapter 3, See **LIVESTOCK, Marks and brands**

Living will declarations, execution by, 50-9-206
Lottery, state — winning of prizes, 23-7-110, 23-7-411
Manufactured home declarations of destination, 15-24-204
Marriage
- breach of promise, basis for recovery, 27-1-602
- invalidity, grounds, 40-1-402
- license, obtaining by misrepresentation, 40-1-208

Meat establishments, adulterated products, 81-9-234
Medicaid, 45-6-313, 53-6-111, 53-6-155 — 53-6-160
- managed care program, legislative auditor oversight, 53-6-709

Milk or cream producers, 81-22-602
Mine safety provisions, 50-73-305
Mining and oil companies
- financing, 30-14-701
  - applicability of laws, 30-14-702
  - investigation of complaints, 30-14-703
  - penalty, 30-14-704
- samples of ore, foreign substances — commingling, 82-2-403
- tax fraud, See **Tax fraud**

FRAUD (Continued)

Mobile home declarations of destination, 15-24-204
Mortgages, renewal, 71-1-210
Motor club service companies, fraudulent practices, 61-12-306
Motor vehicles
  dealers — claims for compensation for delivery, preparation, warranty, and recall service, 61-4-204
  insurance, 61-3-106
  wrecking facility licenses, obtaining by, 75-10-514
Negotiable instruments
  alteration of instrument, 30-3-407
  defense of obligor, 30-3-305
  endorsement by employee, employer responsibility, 30-3-420
  fictitious payee, 30-3-405
  negotiation by, effectiveness, 30-3-209
  stop payment of check, 27-1-717
  transfer of instrument, effect on, 30-3-210
Nonprofit corporations
  articles of incorporation obtained by, 35-2-728
  certificate of incorporation obtained by, 35-6-102
  directors, board of, 35-2-423, 35-2-728
Nurseries and nurserymen
  licenses, grounds for refusal or revocation, 80-7-107
  sales, 80-7-133
Nurses, fraudulent practices, 37-8-443
Nutritionists, obtaining license by, 37-25-308
Obligations, relief from forfeiture and exception, 28-1-104
Occupational disease orders procured by, 50-70-111
Occupational safety violations, orders or decisions procured by, 50-71-334
Oil companies, See **Mining and oil companies**
Optometrists, fraudulent practices, 37-10-301
Outfitters and guides, fraudulent practices, 37-47-302, 37-47-341
Partnerships, by partners, 35-10-103
Paternity, presumption of — setting aside for, 40-6-105
Pesticides
  formulas, use or revealing of information, 80-8-306
  licensees or permittees — fraudulent claims, records, reports, or applications, 80-8-211
Petroleum products
  license tax on, 15-70-212, 15-70-226
  price discrimination as, 82-15-203
Petroleum storage tank releases, claims or documents pertaining to reimbursement, 75-11-321
Pharmacies and pharmacists, utilization plan — approval, 37-7-323
Physical therapists or assistants, procurement of licenses, 37-11-302, 37-11-320, 37-11-321
Physicians
  fraudulent practices, 37-3-323
  unprofessional conduct, 39-71-316
Pleading, Title 25, chapter 20, M.R.Civ.P., Rule 9(b)
Pledges, debtor's misrepresentation of value, 71-2-110
Plumbers, procurement of licenses, 37-69-320
Podiatrists, procurement of license, 37-6-311
Predatory animal bounty claims, 81-7-113, 81-7-115, 81-7-122
Professional and occupational licensees, fraudulent practices, 37-1-316
Professional employer organizations and groups, 39-8-206, 39-8-302
Property, personal — unclaimed, report of abandoned property, 70-9-819, 70-9-824
Public assistance, See **PUBLIC ASSISTANCE**

FRAUD (Continued)

Public contractors, by, 15-50-304
Public employees' retirement systems generally, falsification of records or statements, 19-2-1009
Public Service Regulation, Department of — fee information, 69-2-205
Public weigher, weighing receipts, 7-21-3108
Sales
  creditors of seller, rights, 30-2-402
  delivery, 30-2-403
  remedies, 30-2-721
  solvency of buyer, misrepresentation, 30-2-702
  title, transfer, 30-2-403
Sales finance companies, 31-1-222
Secured transactions, fraudulent or improper liens, 30-9-432
Securities, See **SECURITIES AND SECURITIES REGULATION**
Social workers, obtaining license by, 37-22-411
State agencies
  fraudulent claims to, 17-8-231, 45-7-210
  toll-free number to report, 5-13-311
State lands
  leases, cancellation, 77-6-210
  patents, cancellation, 77-2-345
State procurement contract provisions, fraudulent acts by persons awarded, 18-4-242
State treasurer, 17-6-101
Statutes of fraud, See **STATUTES OF FRAUD**
Statutes of limitation, 27-2-203, See **Tax fraud**, specific tax
Tax fraud
  agreements with persons or other entities, 15-1-211
  cement taxes, 15-59-114
  centrally assessed property, returns, 15-23-116
  coal producer's license tax, 15-34-111
  coal severance tax, 15-35-114
  compressed natural gas and liquefied petroleum gas taxes, 15-70-718, 15-70-720
  corporation taxes, 15-31-521, 15-31-543, 15-31-544
  county motor fuel excise tax, 7-14-304
  electrical generation tax, 15-72-115
  electric energy producers' license tax, 15-51-114
  gasoline license tax, 15-70-212, 15-70-226
  income tax, individual, 15-30-145, 15-30-179, 15-30-209, 15-30-251, 15-30-307, 15-30-321, 15-30-323
  inheritance tax, 72-16-425, 72-16-458
  irrigation districts, defense to conclusiveness of tax or assessment, 85-7-2117
  lodging facility use tax, 15-65-113
  manufactured home declarations of destination, 15-24-204
  metal mines license tax, 15-37-116
  micaceous mineral mines license tax, 15-37-212
  mines net proceeds tax, 15-23-506, 15-23-521
  mobile home declarations of destination, 15-24-204
  9-1-1 emergency telephone exchange access service fee, returns, 10-4-207
  nursing facility utilization fee, 15-60-207
  oil and natural gas production tax, 15-36-321
  public contractor's gross receipts tax, 15-50-304
  resource indemnity trust and ground water assessment tax, 15-38-112
  special fuel license tax, 15-70-353, 15-70-355, 15-70-364, 15-70-365
  special fuel use tax, 15-70-333, 15-70-335
  telecommunications excise tax, retail, 15-53-150

FRAUD (Continued)

Teachers' retirement system
  creditable service, in establishment, 19-20-401
  falsification of records or statements, 19-20-105
Telemarketing and telemarketers
  consumer awareness program, 30-14-1402, 30-14-1406
  offense of telemarketing fraud, 30-14-1414
  principal or manager, effect on application for registration, 30-14-1404
Television districts, exemption claims, 7-13-2529
Timeshare sales, 37-53-211, 37-53-307
  brokers or salespersons, effect of conviction for, 37-53-302
Town clerk, 7-6-212
Trademarks and service marks, registration, 30-13-318, 30-13-332
Transfers, Title 31, chapter 2, part 3, See **FRAUDULENT TRANSFERS**
Underground storage tanks, installers, or inspectors — license or permit applications, 75-11-211
Unemployment insurance
  benefits, 39-51-3201 — 39-51-3203
  board of labor appeals, findings of facts, 39-51-2410
Unfair trade practices, 30-14-142
Uniform Commercial Code, applicability of laws, 30-1-103
Vital statistics, certificates registered through, 50-15-121
Water rights, adjudication — objections to decrees allowed when, 85-2-233, 85-2-237
Water treatment plant operators, fraudulent practices, 37-42-321
Weights and measures, rules to eliminate perpetration of, 30-12-202
Workers' compensation claims, See **WORKERS' COMPENSATION**
Wrongful discharge from employment, by employer, 39-2-905

FRAUDULENT TRANSFERS
Actions for relief, 31-2-335, 31-2-339
  extinguishment of cause, 31-2-341
  joinder of remedies, Title 25, chapter 20, M.R.Civ.P., Rule 18(b)
Application of provisions, uniformity, 31-2-327
Assignment for benefit of creditors, applicability of laws, 31-2-201
Citation of Uniform Fraudulent Transfer Act, 31-2-326
Construction of provisions, uniformity, 31-2-327
Definitions, 31-2-328
Future creditors, transfers fraudulent as to, 31-2-333
Injunction, 31-2-339
Insolvency, 31-2-329, 31-2-342
Insurers, liquidation, 33-2-1333, 33-2-1351, 33-2-1352
Lease contracts, 30-2A-308
Mortgages, renewal, 71-1-210
Parol evidence, 28-2-905, 70-20-202
Present creditors, transfers fraudulent as to, 31-2-333, 31-2-334
Real property
  drainage districts, to defeat creation, 85-8-120
  instruments void, 70-20-401, 70-20-402
  other provisions, 70-20-405
  purchaser in good faith, 70-20-404
  revocation, power of, 70-20-403
Receivers, appointment, 27-20-102, 31-2-339
Remedies of creditors, 31-2-339; Title 25, chapter 20, M.R.Civ.P., Rule 18(b)
Set aside, form, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 12
Supplementary provisions, 31-2-342
Transferee — defenses, liability, and protection, 31-2-340

FRAUDULENT TRANSFERS (Continued)

Value, 31-2-330
When transfer made or obligation incurred, 31-2-335

FREEDOM OF CHOICE IN DENTURE SERVICES ACT OF 1984, Title 37, chapter 29
  See **DENTURITRY AND DENTURISTS**

FREEDOM OF INDIVIDUAL, Const., II, 3
  See **RIGHTS**, generally

FREEDOM OF INFORMATION, Const., II, 9
  See **CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS; OPEN MEETINGS; PRIVACY; PUBLIC RECORDS**

FREEDOM OF SPEECH, 45-8-107; Const., II, 7

FRUIT AND FRUIT GROWERS, Title 80, chapter 3, part 3
  See **PRODUCE**

FUEL TAX AGREEMENT, INTERNATIONAL, 15-70-104, 15-70-121, 15-70-122, 15-70-302

FUNDS TRANSFERS
  See also **UNIFORM COMMERCIAL CODE, GENERAL PROVISIONS**
Actions
  beneficiary's bank, receipt of payment order — failure to notify beneficiary, 30-4A-404
  breach of agreement, claim for, 30-4A-305
Agreement
  cancellation or amendment of payment order, 30-4A-211
  choice of law, 30-4A-507
  enforcement or retention of payment of payment order, extent, 30-4A-203
  funds-transfer system, loss-sharing, 30-4A-405
  improper execution of payment order, recoverable damages, 30-4A-305
  interest rate, 30-4A-506
  receiving bank, acceptance of payment order — liability and duty, 30-4A-212
  recovery of payment from beneficiary, 30-4A-405
  refund of payment, reasonable time fixed by, 30-4A-204
  rejection of payment order, means to be used, 30-4A-210
  security procedure, establishment, 30-4A-201
  settlement of obligations, for, 30-4A-403, 30-4A-405
  variance of law by
    authorized and verified payment orders, not permitted, 30-4A-202
    beneficiary, right to receive payment and damages not permitted and right to be notified permitted, 30-4A-404
    execution of payment order, liability for late or improper — not permitted, 30-4A-305
    originator, payment to beneficiary — rights of originator or beneficiary, 30-4A-406
    parties to funds transfer, rights and obligations, 30-4A-501
    sender excused from obligation to pay receiving bank, not permitted, 30-4A-402
    unauthorized payment order, refund of payment — not permitted, 30-4A-204
    uniform commercial code generally, 30-1-105
Bank deposits and collections, item — applicability, 30-4-104
Banks
  customer, as, 30-4A-105, See **Customer**
  funds-transfer system, 30-4A-105, 30-4A-501, See **Funds-transfer system**
  sender as, See **Sender**
Beneficiary, 30-4A-103
  account, withdrawals, 30-4A-504
  creditor process, 30-4A-502
  damages, notice and recovery, 30-4A-404

FUNDS TRANSFERS (Continued)
Beneficiary (Continued)

- erroneous payment orders, 30-4A-205, 30-4A-211, 30-4A-303
- funds transfer, purpose, 30-4A-104
- funds-transfer system, notice of use — choice of law, 30-4A-507
- improper execution, liability, 30-4A-305
- injunction or restraining order, 30-4A-503
- misdescription, 30-4A-207
- multiple payments, separate payment orders, 30-4A-103
- notices, 30-4A-404 — 30-4A-406, 30-4A-507
- originator, payment by, 30-4A-405, 30-4A-406, 30-4A-502, 30-4A-507
- overpayments, 30-4A-205, 30-4A-211
- payment to, 30-4A-404 — 30-4A-406, 30-4A-507, See also **Payment order**; **Payments**
- receipt of payment order, notice, 30-4A-209, 30-4A-404, 30-4A-406
- receiving bank not agent of, 30-4A-212
- refund of payment, 30-4A-405
- refusal of payment, 30-4A-406
- rights and obligations, choice of law, 30-4A-507, See also **Rights**

Beneficiary's bank, 30-4A-103
- acceptance of payment order, 30-4A-104, 30-4A-207, 30-4A-209, 30-4A-211, 30-4A-301, 30-4A-402, 30-4A-404 — 30-4A-406
- cancellation or amendment of payment order, 30-4A-211
- creditor process, 30-4A-502
- execution of payment order not permitted, 30-4A-301
- federal reserve bank, payment order from, 30-4A-501
- injunction or restraining order, 30-4A-503
- misdescriptions, 30-4A-207, 30-4A-208
- notice to beneficiary, obligation, 30-4A-404
- payment date, 30-4A-401
- payment to beneficiary, 30-4A-404, 30-4A-405, 30-4A-502
- provisional payments, 30-4A-405
- rights and obligations, choice of law, 30-4A-507

Breach
- receiving bank
  - agreement for acceptance of order, 30-4A-212, 30-4A-305
  - obligations, 30-4A-208
- security procedure, 30-4A-203

Choice of law, 30-4A-507
Citation of Uniform Commercial Code—Funds Transfers, 30-4A-101
Completion, 30-4A-104, 30-4A-205, 30-4A-302, 30-4A-303, 30-4A-305
Conflict of laws, 30-1-105, 30-4A-501, 30-4A-507
Consumer transactions governed by federal law, exclusion, 30-4A-108
Creditor process, 30-4A-502
Customer, 30-4A-105
- account, 30-4A-105, 30-4A-505
- objection to debit of account, preclusion, 30-4A-505
- refund of payment, 30-4A-204
- security procedure, agreement for, 30-4A-201
- "sender" defined to include, 30-4A-202
- unauthorized payment order, duty to report, 30-4A-204
- unenforceability of payment order when, 30-4A-203

Damages, 30-4A-305, 30-4A-404
Definitions, 30-1-201, 30-4A-103 — 30-4A-105
- code, 30-1-101
- creditor process, 30-4A-502
- executed and execution date, 30-4A-301
- funds-transfer system rule, 30-4A-501

FUNDS TRANSFERS (Continued)
Definitions (Continued)

  index of definitions, 30-4A-105
  payment date, 30-4A-401
  security procedure, 30-4A-201
  sender, 30-4A-103, 30-4A-202
Evidence
  breach of security procedure, information facilitating, 30-4A-203
  erroneous payment order, proof of compliance with security procedure, 30-4A-205
  misdescription, proof of notice
    beneficiary, 30-4A-207
    intermediary or beneficiary's bank, 30-4A-208
  "prove" defined, 30-4A-105
Federal reserve banks, 30-4A-206, 30-4A-403, 30-4A-501, 30-4A-506
Federal reserve regulations and operating circulars, 30-4A-107
Funds-transfer business day, 30-4A-105
  acceptance of payment order, 30-4A-209
  beneficiary's bank, payment to beneficiary, 30-4A-404
  cutoff time, 30-4A-106
  unaccepted payment order, cancellation, 30-4A-211
Funds-transfer system, 30-4A-105
  choice of law, 30-4A-507
  designation, instructions concerning, 30-4A-302
  multilateral settlements, 30-4A-403, 30-4A-405
  participating banks, rights and obligations, 30-4A-501, 30-4A-507
  payment order transmitted to, 30-4A-103
  settlement of obligation, 30-4A-403
  transmission of payment order, 30-4A-206, 30-4A-403, 30-4A-405, 30-4A-501, 30-4A-506, 30-4A-507
Funds-transfer system rule, 30-4A-501
  beneficiary's rights, varying by, 30-4A-404
  cancellation or amendment of payment order, 30-4A-211
  choice of law, 30-4A-507
  interest rate, 30-4A-506
  provisional payments, 30-4A-405
  settlement of obligations and setoff, 30-4A-403
Good faith, 30-4A-105, 30-4A-202, 30-4A-302
Injunction, 30-4A-503
Interest
  improper execution of or failure to execute order, liability, 30-4A-305
  rate, 30-4A-506
  receipt of payment order, from failure to give notice to beneficiary, 30-4A-404
  refundable amount of payment, on, 30-4A-204, 30-4A-304, 30-4A-402
  rejected payment order, 30-4A-209, 30-4A-210
Intermediary bank, 30-4A-104
  designated bank, failure to use, 30-4A-305
  federal reserve bank as, 30-4A-501
  instructions to and designation, 30-4A-302, 30-4A-402
  misdescription, 30-4A-208
  payment order carried out by, 30-4A-104, See **Payment order**
  refund of payment, 30-4A-402
Letters of credit, conflict of laws, 30-5-136
Liability, 30-4A-205, 30-4A-211, 30-4A-212, 30-4A-305
Mistake and restitution, applicability of laws governing, 30-4A-205, 30-4A-207, 30-4A-209, 30-4A-211, 30-4A-303
Mistake by bank or sender, 30-4A-211, 30-4A-303
Multilateral settlements, 30-4A-403, 30-4A-405

FUNDS TRANSFERS (Continued)

Negotiable instrument law, nonapplicability, 30-3-124
Noncompletion, 30-4A-305, 30-4A-402, 30-4A-405, 30-4A-506
Notice, 30-1-201
  acceptance of payment order, agreement restricting, 30-4A-202
  beneficiary, to, 30-4A-404 — 30-4A-406, 30-4A-507
  cancellation or amendment of payment order, communication for, 30-4A-211
    time of receipt and processing, determination — applicability of rules for receipt of notice, 30-4A-106
  erroneous payment orders, 30-4A-205, 30-4A-304
  funds-transfer system, use in transfer and choice of law, 30-4A-507
  misdescription
    beneficiary, 30-4A-207
    intermediary or beneficiary's bank, 30-4A-208
  objection to debit of customer's account, 30-4A-505
  provisional payment, 30-4A-405
  receipt of payment order, 30-4A-209, 30-4A-404, 30-4A-406, 30-4A-505
    time of, determination — applicability of rules for receipt of notice, 30-4A-106
  refusal of payment, beneficiary's, 30-4A-406
  rejection of payment order, 30-4A-209, 30-4A-210
  unauthorized payment order, 30-4A-204
Obligation
  acceptance, nullification — effect, 30-4A-211, 30-4A-405
  beneficiary's bank, to pay and give notice to beneficiary, 30-4A-404, 30-4A-405
  choice of law, 30-4A-507
  misdescription of intermediary or beneficiary's bank, upon, 30-4A-208
  parties, 30-4A-501, 30-4A-507
  payment orders, authorized and verified, 30-4A-202
  receiving bank
    breach, 30-4A-208, 30-4A-305
    execution of payment order, 30-4A-302
  refund of payment, 30-4A-204
  satisfaction, 30-4A-403, 30-4A-405, 30-4A-406
  sender, to pay receiving bank, 30-4A-402, 30-4A-403, 30-4A-405
  settlement, 30-4-211, 30-4A-403, 30-4A-405
Order in charging to or withdrawing from account, 30-4A-504
Ordinary care
  erroneous payment order, discovery, 30-4A-205, 30-4A-304
  intermediary bank, selection, 30-4A-302
  unauthorized payment order, determination, 30-4A-204
Originator, 30-4A-104
  beneficiary, payment to, 30-4A-405, 30-4A-406, 30-4A-502, 30-4A-507
  erroneous payment orders, 30-4A-211
  improper execution, liability, 30-4A-305
  misdescription of beneficiary, 30-4A-207
  provisional payment, notice, 30-4A-405
Originator's bank, 30-4A-104
  acceptance of payment order, 30-4A-209
  injunction or restraining order, 30-4A-503
  misdescription of beneficiary, recovery of payments made through, 30-4A-207
  payment order issued by, 30-4A-104, 30-4A-302, See **Payment order**
  provisional payments, 30-4A-405
Parties, rights and obligations, 30-4A-501, 30-4A-507
Payment order, 30-4A-103
  acceptance, 30-4A-209, 30-4A-302, 30-4A-402, 30-4A-502
    beneficiary, misdescription, 30-4A-207

FUNDS TRANSFERS (Continued)
Payment order (Continued)
  acceptance (Continued)
    beneficiary's bank, 30-4A-104, 30-4A-207, 30-4A-209, 30-4A-211, 30-4A-301, 30-4A-402, 30-4A-404 — 30-4A-406
    canceled order, nonacceptance, 30-4A-211
    cancellation or amendment of order, 30-4A-211
    erroneous payment order, 30-4A-205
    liability based on, 30-4A-212
    nullification, 30-4A-211, 30-4A-405
    rejection precludes, 30-4A-210
    restriction, 30-4A-202
    unauthorized payment order, 30-4A-204
  authorized, 30-4A-202
  cancellation or amendment, 30-4A-211
    authorized and verified orders, 30-4A-202, 30-4A-203
    communication for, 30-4A-211
      security procedure, 30-4A-201
      time of receipt and processing, 30-4A-106
    erroneous orders, 30-4A-205
    funds-transfer business day, 30-4A-105
    originator's order, 30-4A-209
    transmission, 30-4A-206
    unaccepted order, 30-4A-210, 30-4A-211
  choice of law, 30-4A-507
  creditor process, 30-4A-502
  duplication, 30-4A-205, 30-4A-211, 30-4A-303
  enforcement, extent — limitation, 30-4A-203
  erroneous, 30-4A-205, 30-4A-211, 30-4A-303, 30-4A-304
  "executed" defined, 30-4A-301
  execution
    acceptance upon, 30-4A-209
    beneficiary's bank, by — not permitted, 30-4A-301
    breach of receiving bank's obligation, 30-4A-208, 30-4A-302, 30-4A-305
    erroneous, 30-4A-303, 30-4A-304
    failure to execute, 30-4A-210, 30-4A-305
    improper, liability, 30-4A-305
    injunction or restraining order, 30-4A-503
    liability, 30-4A-305
    misdescription of intermediary or beneficiary's bank, 30-4A-208
    obligation of receiving bank, 30-4A-302
    unauthorized order, 30-4A-211
  execution date, 30-4A-301
    acceptance of order, 30-4A-209
    funds-transfer business day, not falling on, 30-4A-106
    issuance of order on, 30-4A-302
    payment date as, 30-4A-301
    rejection of order, 30-4A-210
    sender, obligation to pay receiving bank, 30-4A-402
    unaccepted order, cancellation, 30-4A-211
  funds-transfer business day, 30-4A-105, See **Funds-transfer business day**
  injunction or restraining order, 30-4A-503
  instructions of sender, 30-4A-103, 30-4A-302
    charges for services and expenses of receiving bank, deduction from payment order, 30-4A-303
    execution date, determination, 30-4A-301
    intermediary bank, designation, 30-4A-402
    multiple payments, separate payment order, 30-4A-103

FUNDS TRANSFERS (Continued)
Payment order (Continued)
- instructions of sender (Continued)
  - payment date, 30-4A-301, 30-4A-302, 30-4A-401
- interest rate, 30-4A-506
- issuance, 30-4A-103 — 30-4A-105, 30-4A-301 — 30-4A-303, 30-4A-305, 30-4A-402, 30-4A-503, 30-4A-506
- item, 30-4-104
- liability of receiving bank, 30-4A-305
- misdescription
  - beneficiary, 30-4A-207
  - intermediary or beneficiary's bank, 30-4A-208
- mistake by bank or sender, 30-4A-211, 30-4A-303
- negotiable instrument provisions, nonapplicability, 30-3-124
- originator, 30-4A-104, See **Originator**
- payment, See **Payments**
- payment date, 30-4A-401
  - acceptance of order, 30-4A-209, 30-4A-404
  - beneficiary's bank, obligation to pay beneficiary, 30-4A-404
  - execution date, as, 30-4A-301
  - funds-transfer business day, not falling on, 30-4A-106
  - instruction by sender, 30-4A-301, 30-4A-302, 30-4A-401
  - rejection of order, 30-4A-209
  - sender, obligation to pay receiving bank, 30-4A-402
  - unaccepted order, cancellation, 30-4A-211
- processing, 30-4A-105, 30-4A-106, 30-4A-507
- receipt, 30-4A-105, 30-4A-209, 30-4A-301, 30-4A-404, 30-4A-406, 30-4A-502, 30-4A-505
  - time of, 30-4A-106
- rejection, 30-4A-209, 30-4A-210, 30-4A-502
- revocation, 30-4A-211
- security procedure, See **Security procedure**
- separate orders, multiple payments, 30-4A-103
- terms, 30-4A-206, 30-4A-305
- transmission, 30-4A-105, 30-4A-302, 30-4A-501
- unaccepted, 30-4A-210 — 30-4A-212
- unauthorized, 30-4A-202, 30-4A-204, 30-4A-211
- unenforceability when, 30-4A-203, 30-4A-204
- verified, 30-4A-202, 30-4A-203

Payments
- authorized account, 30-4A-105
- beneficiary, See **Beneficiary**
- beneficiary's bank, to beneficiary, 30-4A-404, 30-4A-405
- choice of law, 30-4A-507
- conditions, effect, 30-4A-103, 30-4A-405
- date of, See **Payment order**, payment date
- delay, 30-4A-305
- excused when, 30-4A-402, 30-4A-405
- injunction or restraining order, 30-4A-503
- misdescription of beneficiary, 30-4A-207
- multiple, separate orders, 30-4A-103
- objection by customer, 30-4A-505
- originator, to beneficiary, 30-4A-405, 30-4A-406, 30-4A-502, 30-4A-507
- overpayments, 30-4A-205, 30-4A-211, 30-4A-303
- provisional, 30-4A-405
- refund, 30-4A-204, 30-4A-304, 30-4A-402, 30-4A-405, 30-4A-506
- refusal, 30-4A-404
- rejection of payment order, 30-4A-210
- retention, 30-4A-203, 30-4A-303, 30-4A-402, 30-4A-505

FUNDS TRANSFERS (Continued)
Payments (Continued)

- suspension, 30-4A-210, 30-4A-402
- underpayment, 30-4A-303

Receiving bank, 30-4A-103
- acceptance of payment order, 30-4A-209, 30-4A-212, 30-4A-302, 30-4A-402, 30-4A-502, See also **Payment order**
- breach of obligation, 30-4A-208, 30-4A-305
- cancellation or amendment of payment order, 30-4A-211
- charges for services and expenses, 30-4A-302, 30-4A-303
- creditor process, service on, 30-4A-502
- cutoff time, 30-4A-106
- enforcement of payment order, agreement, 30-4A-203
- erroneous payment orders, 30-4A-205
- execution date and execution of payment order, See **Payment order**
- funds-transfer business day, 30-4A-105, See **Funds-transfer business day**
- instructions of sender, See **Payment order**
- interest rate charged by, 30-4A-506
- intermediary bank, 30-4A-104, See **Intermediary bank**
- issuance of payment order, 30-4A-302, See **Payment order**
- misdescription of intermediary or beneficiary's bank, 30-4A-208
- originator's bank, 30-4A-104, See **Originator's bank**
- payment date and payment order, See **Payment order**
- refund of payment, 30-4A-204, 30-4A-402, 30-4A-506
- rejection of payment order, 30-4A-210
- retention of payment, 30-4A-203, 30-4A-505
- rights and obligations, choice of law, 30-4A-507
- security procedure, agreement for, 30-4A-201
- sender
  - instructions, See **Payment order**, instructions of sender
  - payment by, 30-4A-402, 30-4A-403
- unaccepted payment order, liability and duty, 30-4A-212

Recovery
- cancellation or amendment of payment order, payment made, 30-4A-211
- damages and attorney fees, 30-4A-305, 30-4A-404
- erroneous payment orders, 30-4A-205, 30-4A-211, 30-4A-303, 30-4A-304
- misdescription of beneficiary, payments received through, 30-4A-207
- originator's payment order, early execution or payment and subsequent cancellation, 30-4A-209
- payment, from beneficiary, 30-4A-405
- overpayment, 30-4A-205, 30-4A-211, 30-4A-303
- refund of payment, 30-4A-204

Restraining order, 30-4A-503

Rights
- acceptance, nullification — effect, 30-4A-211, 30-4A-405
- beneficiary, 30-4A-207, 30-4A-404, 30-4A-406
- choice of law, 30-4A-507
- creditor process, 30-4A-502
- misdescription of intermediary or beneficiary's bank, upon, 30-4A-208
- originator, 30-4A-406
- parties, 30-4A-501, 30-4A-507
- payment orders, authorized and verified, 30-4A-202
- sender, excused from obligation to pay receiving bank or receive refund, 30-4A-402
- setoff, 30-4A-403

Security procedure, 30-4A-201, 30-4A-202
- cancellation or amendment communication, verification, 30-4A-211
- erroneous payment orders, 30-4A-205

FUNDS TRANSFERS (Continued)
Security procedure (Continued)

- unenforceability of payment order when, 30-4A-203

Sender, 30-4A-103, 30-4A-202
- account
  - charging of items and payment orders, order in which charged, 30-4A-504
  - creditor process, 30-4A-502
- authorized order, 30-4A-202
- cancellation or amendment of payment order, 30-4A-211
- cutoff time, 30-4A-106
- death or incapacity, effect, 30-4A-211
- erroneous payment orders, 30-4A-205, 30-4A-303, 30-4A-304
- execution of payment order, See **Payment order**
- funds-transfer system as agent, 30-4A-206
- instructions by, See **Payment order**
- interest rate, agreement, 30-4A-506
- misdescription of intermediary or beneficiary's bank, 30-4A-208
- originator, 30-4A-104, See **Originator**
- receiving bank
  - agent of sender, not, 30-4A-212
  - payment to, 30-4A-402, 30-4A-403, 30-4A-405
  - reimbursement, 30-4A-103
- rejection of payment order, notice, 30-4A-210
- rights and obligations, choice of law, 30-4A-507

Service of process, 30-4A-502
Setoff, 30-4A-403, 30-4A-502
Short title, 30-4A-101
Subject matter, 30-4A-102
Subrogation, 30-4A-402, 30-4A-406
Tender of settlement by, 30-4-211
Third-party communication system, transmission through, 30-4A-103, 30-4A-206
Variance of law by agreement, See **Agreement**

FUNERALS AND FUNERAL EXPENSES, Title 37, chapter 19
- See **MORTICIANS, FUNERAL DIRECTORS, AND CREMATORY FACILITIES**

G

GAMBLING
Actions
- losses at illegal gambling, recovery, 23-5-131, 23-5-135
- penalties, recovery, 23-5-136
- violations
  - prosecution, 23-5-172
  - relief, for, 23-5-136

Administration of provisions, 23-5-115
- funding, 23-5-110, 23-5-128, 23-5-129, 23-5-153, 23-5-306, 23-5-308, 23-5-317, 23-5-319, 23-5-324, 23-5-407, 23-5-424, 23-5-502, 23-5-612, 23-5-625, 23-5-706

Administrative proceedings, evidence in, 23-5-138
Amusement games, 23-5-112; Title 23, chapter 6, part 1
Animal fighting exhibitions unlawful, 45-8-210
Animals, races between, 23-5-502
Applicability of provisions, 23-5-111
Bingo, See **Live bingo and keno games**; **Video gambling machines**
Blackjack, 23-5-112

GAMBLING (Continued)

Calcutta pools, 23-5-221
  authorization, 23-5-222
  construction of provisions, 23-5-224
  lottery, state — prohibitions, 23-7-103
  penalty for violations, 23-5-223
  prizes, 23-5-221
Card games, illegal gambling enterprise, 23-5-112, See also **Live card games**
Carnival games, 23-5-112; Title 23, chapter 6, part 1
Cash basis, on — required, 23-5-157
Casino nights, 23-5-701
  authorization, 23-5-702
  conduct of, requirements, 23-5-710
  nonapplicability of specific laws, 23-5-711
  permit, 23-5-705, 23-5-706
  prizes, 23-5-710
  rules, 23-5-715
Charities, See **Nonprofit organizations**
Checks, use, 23-5-112, 23-5-157
Compulsive gamblers, assistance programs, 23-5-110
Confiscation of money or property, 23-5-113, 23-5-123
Constitutional provision, 23-5-111; Const., III, 9
Construction of provisions, 23-5-111
Counterfeiting documents, 23-5-155
Craps games, 23-5-112, 23-5-160
Credit cards, use, 23-5-112, 23-5-157
Credit gambling, 23-5-112, 23-5-157
Dealers, 23-5-112
  live card games, 23-5-308, 23-5-309, 23-5-317
Defacing documents, 23-5-155
Definitions, 23-5-112, 23-5-118, 23-5-153, 23-5-157, 23-5-221, 23-5-318, 23-5-406, 23-5-501, 23-5-602, 23-5-629, 23-5-701, 23-5-801
Dice games, 23-5-112, 23-5-160
Disclosure of information, 23-5-115
Distributors, 23-5-112, 23-5-128, 23-5-625, 23-5-631
Draw poker machines, See **Video gambling machines**
Evidence
  administrative proceedings, in, 23-5-138
  casino night permit applications, nonprofit status of organization, 23-5-705
  violations
    cease and desist orders, for issuance, 23-5-136
    judicial review of final order concerning, 23-5-137
Fantasy sports leagues, 23-5-801
  administrative fee, 23-5-801, 23-5-805
  authorization, 23-5-802
  payouts, 23-5-801, 23-5-805
  sports betting prohibited, 23-5-806
  violations, 23-5-810
Fees and charges generally
  administrative fees, 23-5-152, 23-5-801, 23-5-805
  assessment, collection, and disbursement, 23-5-115
  local governments, authority, 23-5-171
  revenue from, use, 23-5-110
Fishing derbies, 23-5-165
Fraud, offering or obtaining anything of value by — unlawful, 23-5-156

GAMBLING (Continued)

Gambling activities, 23-5-112
  cash basis required, 23-5-157
  credit gambling, 23-5-112, 23-5-157
  departmental employees, prohibited activities, 23-5-114
  fraud, offering or obtaining anything of value by, 23-5-156
  illegal activities, 23-5-110, 23-5-176
    highway patrol officers, cause for disciplinary action, 44-1-612
  investigation, 23-5-113
  minors, participation unlawful and exception, 23-5-158
Gambling devices, 23-5-112
  amusement games, prohibited, 23-6-106
  contracts for manufacture, lease, or sale — conflict of interest, 23-5-114
  description on licenses, 23-5-177
  illegal devices, 23-5-112
    amusement games, prohibited, 23-6-106
    importation allowed when, 23-5-152
    losses at, civil action to recover, 23-5-131
    manufacture, license required, 23-5-152
    operation, offering or obtaining anything of value by — unlawful, 23-5-156
    possession unlawful and exceptions, 23-5-152
    soliciting or advertising for participation in use prohibited, 23-5-154
  lien on, when, 23-5-136
  operators, See **Operators of gambling establishments**
  removal from premises, 23-5-177
  slot machines, See **Slot machines**
  video, See **Video gambling machines**
Gambling enterprises, 23-5-112
  amusement games, prohibited, 23-6-106
  illegal enterprises, 23-5-112
    amusement games, prohibited, 23-6-106
    losses at, civil action to recover, 23-5-131
    operation, 23-5-152, 23-5-156
    soliciting or advertising participation prohibited, 23-5-154
  operators, See **Operators of gambling establishments**
Gaming Advisory Council, 2-15-2021
Gift enterprises, 7-1-112, 23-5-112, 23-5-151; Const., III, 9
Horseraces, Title 23, chapter 4
Identification numbers or devices, counterfeiting or defacing, 23-5-155
Illegal activities, devices, or enterprises, See **Gambling activities**; **Gambling devices**; **Gambling enterprises**
Insurance policies executed by, void, 33-15-207
Investigations and investigators, 19-7-101, 23-5-113, 23-5-114, 23-5-406, 23-5-610, 44-2-115, 44-13-103
I.O.U.s prohibited, 23-5-157
Keno, See **Live bingo and keno games**; **Video gambling machines**
Licenses or permits, 23-5-112
  antique slot machines, for selling, 23-5-153
  applicant, 23-5-112, 23-5-119, 23-5-176, 23-5-324, 23-5-611
  application, 23-5-112, 23-5-115, 23-5-116, 23-5-176, 23-5-177, 23-5-317, 23-5-324, 23-5-513, 23-5-611, 23-5-705
    processing fees, 23-5-128, 23-5-129, 23-5-177, 23-5-317, 23-5-424, 23-5-625
  card room contractors, 23-5-324
  casino night, 23-5-705, 23-5-706
  conditions placed on, 23-5-115
  conviction for violations, effect, 23-5-161, 23-5-162

GAMBLING (Continued)
Licenses or permits (Continued)

- counterfeiting or defacing, 23-5-155
- denial, 23-5-115, 23-5-176
- disclosure of information, 23-5-115, 23-5-116
- discrimination in issuance prohibited, 49-3-204
- distributors, 23-5-128
- fees, 2-15-2021, 23-5-128, 23-5-129, 23-5-152, 23-5-153, 23-5-177, 23-5-306, 23-5-308, 23-5-317, 23-5-319, 23-5-324, 23-5-406, 23-5-407, 23-5-424, 23-5-513, 23-5-612, 23-5-625, 23-5-705, 23-5-706
- issuance as privilege, 23-5-110
- live bingo and keno games, 23-5-406, 23-5-407
- live card game dealers, 23-5-308
- live card game tables, 23-5-119, 23-5-177, 23-5-306, 23-5-321
- live card game tournaments, 23-5-317
- local governments, authority, 23-5-171, 23-5-321
- manufacture of illegal gambling devices, for, 23-5-152
- manufacturer of video gambling machines, 23-5-625, 23-5-631
- manufacturer of electronic bingo or keno equipment, 23-5-424
- operators of gambling establishments, 23-5-117, 23-5-119, 23-5-177, 23-5-306, 23-5-406, 23-5-407, 23-5-611
- persons involved with licensing, prohibited activities, 23-5-114
- pinochle tournaments, 23-5-319
- probation, licensee placed on — when, 23-5-136
- procedures, 23-5-115, 23-5-176
- qualifications, 23-5-176
- raffles, 23-5-413
- records kept by licensees, 23-5-115
- revocation, 23-5-110, 23-5-115, 23-5-136, 23-5-161, 23-5-162, 23-5-176, 23-5-406
- route operators, 23-5-129
- sale, assignment, or lease prohibited, 23-5-110, 23-5-159, 23-5-706
- sports tab game sellers, 23-5-513
- suspension, 23-5-115, 23-5-136, 23-5-406
- transfer prohibited, 23-5-110, 23-5-159, 23-5-706
- video gambling machines, 23-5-119, 23-5-603, 23-5-611, 23-5-612, 23-5-616, 23-5-625, 23-5-629, 23-5-631, 23-5-637

Live bingo and keno games

- authorization, 23-5-405
- “authorized equipment” defined, 23-5-112
- callers, 23-5-112, 23-5-412
- cards, 23-5-112, 23-5-412
- casino nights, 23-5-702, 23-5-710, 23-5-711
- definitions, 23-5-112
- electronic equipment
  - examination and approval, 23-5-425
  - manufacturer’s license, 23-5-424
  - specifications and rules, 23-5-426
- exempt organizations and facilities, 23-5-406
- gross proceeds tax, 23-5-136, 23-5-406, 23-5-409
- hours of play, 23-5-408
- inspections, 23-5-112, 23-5-409
- lottery, state — prohibitions, 23-7-103
- operators, 23-5-177, 23-5-407
- penalty for violations, 23-5-431
- permits, 23-5-177, 23-5-406, 23-5-407
- prizes, 23-5-112, 23-5-412, 23-5-710
- records, 23-5-409

GAMBLING (Continued)
Live bingo and keno games (Continued)

- restrictions, 23-5-414
- senior citizen centers, 23-5-410
- variation of keno game, 23-5-412

Live card games, 23-5-112
- authorized games, 23-5-311
- card room contractor's license, 23-5-324
- cash basis provision not applicable, 23-5-157
- casino nights, 23-5-702, 23-5-710, 23-5-711
- conduct, 23-5-309
- dealers, 23-5-112
  - conduct of games, 23-5-309
  - licenses, 23-5-308
  - tournaments, 23-5-317
- definitions, 23-5-112
- description on licenses, 23-5-177
- hours of play, 23-5-307
- lottery, state — prohibitions, 23-7-103
- operators, 23-5-112, 23-5-119, 23-5-177, 23-5-306, 23-5-324
- penalty for violations, 23-5-331
- permits, 23-5-119, 23-5-177, 23-5-306, 23-5-321
- pinochle tournaments, 23-5-319
- poker runs, 23-5-318
- prizes, 23-5-312, 23-5-318, 23-5-710
- rake-off, 23-5-313, 23-5-317
- removal from premises, 23-5-177
- rules of play, requirements and posting, 23-5-313, 23-5-317
- senior citizen centers, 23-5-112, 23-5-310
- tables, 23-5-112, 23-5-306, 23-5-307, 23-5-309, 23-5-311, 23-5-317, 23-5-321
- tournaments, 23-5-112, 23-5-312, 23-5-317, 23-5-319

Local governments
- authority, 7-1-112, 23-5-171, 23-5-413
- live bingo and keno games, 23-5-408, 23-5-409
- live card game tables, 23-5-306, 23-5-307, 23-5-321
- raffles, 23-5-413
- video gambling machines, 23-5-610, 23-5-612, 23-5-620

Losses at illegal gambling, civil action to recover, 23-5-131, 23-5-135
Lotteries generally, 23-5-112
- local government powers, 7-1-112
- prohibited unless authorized by law or by the people, 23-5-151; Const., III, 9
- raffles, 23-5-112, See **Raffles**
- state lottery, prohibitions, 23-7-102, See **LOTTERY, STATE**

Lottery Commission, State — prohibited activity, 23-7-202
Lottery, state, Title 23, chapter 7
Minors, participation in gambling activities unlawful and exception, 23-5-158, 23-5-603, 41-5-203
Natural occurrences, wagering on, 23-5-165
Nonprofit organizations, 23-5-112
- antique slot machines, operation prohibited, 23-5-153
- calcutta pools, proceeds, 23-5-221
- casino nights, Title 23, chapter 5, part 7
- fishing derbies, 23-5-165
- live bingo and keno games, tax and permit fee exemption when, 23-5-406
- natural occurrences, wagering on, 23-5-165
- pinochle tournaments, 23-5-319
- poker runs, 23-5-318

GAMBLING (Continued)
Nonprofit organizations (Continued)

- raffles, requirements, 23-5-158, 23-5-413
- sports pools and sports tab games, 23-5-503

Operators of gambling establishments, 23-5-112
- antique slot machine sales, licenses — prohibited, 23-5-153
- departmental employees, prohibited activities, 23-5-114
- license requirements, 23-5-117, 23-5-119, 23-5-177, 23-5-306
- live bingo and keno games, 23-5-406, 23-5-407
- live card game table permits, 23-5-119, 23-5-306
- ownership interest, transfer, 23-5-118
- video gambling machines, 23-5-119, 23-5-130, 23-5-603, 23-5-611, 23-5-616
- warrant for distraint, 23-5-136

Orders by Department of Justice, 23-5-136, 23-5-137
Payroll checks, promotional activities prohibited, 23-5-164
Penalties, See **Violations**
Permits, See **Licenses or permits**
Poker, See **Live card games**; **Video gambling machines**
Poker runs, 23-5-318
Policy of state, 23-5-110
Pools, See **Sports pools and sports tab games**
Premises generally, 23-5-112
- approval, requirements, 23-5-117, 23-5-177
- illegal gambling devices, possession unlawful and exceptions, 23-5-152
- lien on, when, 23-5-136

Prohibited unless authorized by law or by the people, 7-1-112, 23-5-151, 23-7-102; Const., III, 9
Promotional games of chance, 23-5-112, 23-5-164, 23-5-312, 23-5-412
Public gambling, 23-5-112, 23-5-151
Public policy, 23-5-110
Pull tabs or punchboards, 23-5-112
Raffles, 23-5-112
- authorization, 23-5-405
- cash basis provision not applicable, 23-5-157
- casino nights, 23-5-702, 23-5-711
- lottery, state — prohibitions, 23-7-103
- minors, participation, 23-5-158
- permits, 23-5-413
- prizes, 23-5-158, 23-5-413
- winners, determination, 23-5-112

Records
- bingo and keno gross proceeds tax, 23-5-409
- convictions, of — availability restricted, 23-5-161
- gambling activities, departmental employees — restrictions, 23-5-114
- inspection, 23-5-115, 23-5-409, 23-5-502, 23-5-503, 23-5-610, 23-5-628
- licensees, kept by, 23-5-115
- sports pools and sports tab games, 23-5-502, 23-5-503
- video gambling machines, 23-5-130, 23-5-610, 23-5-628

Regulation, 23-5-110
- license applicants, qualifications, 23-5-176
- local governments, authority, 7-1-112, 23-5-171
- persons involved with, prohibited activities, 23-5-114

Report by Gaming Advisory Council, 2-15-2021
Restaurant beer and wine license not qualification for gambling activity, 16-4-420
Roulette wheels or tables, 23-5-112
Route operators, 23-5-112, 23-5-129, 23-5-130, 23-5-614, 23-5-625, 23-5-631

GAMBLING (Continued)

Rules by Department of Justice, 23-5-115
  casino nights, 23-5-715
  gambling activities regulated by, investigations, 23-5-113
  gambling device or enterprise, authorization, 23-5-112
  gaming advisory council, recommendations, 2-15-2021
  licenses or permits, 23-5-112, 23-5-152, 23-5-176, 23-5-308
  live bingo and keno games, 23-5-406, 23-5-412, 23-5-431
    electronic equipment, specifications, 23-5-426
  live card games authorized by, 23-5-311, 23-5-317
  manufacture or importation of illegal gambling devices, 23-5-152
  raffle winners, determination, 23-5-112
  sports pools and sports tab games, 23-5-502, 23-5-512
  video gambling machines, 23-5-112, 23-5-130, 23-5-602, 23-5-603, 23-5-612, 23-5-616, 23-5-621
  violations, 23-5-112, 23-5-123, 23-5-136, 23-5-331, 23-5-431, 23-5-613
Rules of games, posting or providing
  calcutta pools, 23-5-221
  fantasy sports leagues, 23-5-801
  live card games, 23-5-313, 23-5-317
  pinochle tournaments, 23-5-319
  poker runs, 23-5-318
Search and seizure, 23-5-113, 23-5-123
Shake-a-day dice game, 23-5-160
Slot machines, 23-5-112
  antique, possession and sale permitted, 23-5-153
  bingo, draw poker, and keno machines — nonapplicability, 23-5-602
  illegal gambling device, exception, 23-5-112
  lottery, state — operation not allowed, 23-7-102, 23-7-103
Socioeconomic impacts, study — funding, 23-7-402
Sports betting, 23-5-112, 23-5-806; Title 23, chapter 5, part 5
Sports pools and sports tab games, 23-4-301, 23-5-501, 23-7-103
  authorization, 23-5-119, 23-5-502
  calcutta pools, 23-5-221 — 23-5-224
  design, 23-5-512
  license, sports tab game seller, 23-5-112, 23-5-502, 23-5-503, 23-5-513
  penalty for violations, 23-5-509
  prizes, 23-5-503
  records, 23-5-502, 23-5-503
  rules, 23-5-503, 23-5-512
  tax, 23-5-502
Taxes
  assessment and collection, 23-5-115
  bingo and keno gross proceeds tax, 23-5-136, 23-5-406, 23-5-409
  delinquencies, 23-5-115
  disbursement, 23-5-115, 23-5-409, 23-5-610
  disclosure of information, 23-5-115, 23-5-116
  live card game tables, fee in lieu of, 23-5-306
  local governments, authority, 23-5-171
  reports, 23-5-115, 23-5-409, 23-5-610
  revenue from, use, 23-5-110
  sports tabs, 23-5-502
  video gambling machine gross income tax, 23-5-130, 23-5-136, 23-5-610
Twenty-one, 23-5-112
Undercover agents, 44-13-103

GAMBLING (Continued)

Video gambling machines, 23-5-112
    authorized machines, 23-5-603, 23-5-631
    automated accounting and reporting system, 23-5-610, 23-5-621, 23-5-637
        loans to machine owners for conversion, 23-5-610, 23-5-638
    commerce, department of — prior approval, effect, 23-5-631
    credits, 23-5-602, 23-5-607, 23-5-608
    definitions, 23-5-112, 23-5-602, 23-5-629
    free games, 23-5-602, 23-5-608
    gross income, 23-5-130, 23-5-602, 23-5-610
    gross income tax, 23-5-130, 23-5-136, 23-5-610, 23-5-621, 23-5-638
    hours of play, 23-5-620
    illegal machines, importation, 23-5-152
    inspections, 23-5-610, 23-5-628, 23-5-631
    licensed machine owners, 23-5-116, 23-5-602, 23-5-610, 23-5-621, 23-5-637, 23-5-638
    lienholder, sale of machines, 23-5-614
    limitation on amount of money played, 23-5-608
    live bingo, keno, and raffle provisions — nonapplicability, 23-5-405
    live card games, nonapplicability, 23-5-311
    machine transfer processing fee, 23-5-612
    manufacturers or distributors, 23-5-614, 23-5-625, 23-5-631, 23-5-637
    minors, access to — prohibited, 23-5-603
    new machines or equipment, examination and approval, 23-5-631
    number allowed for play, 23-5-603, 23-5-611
    number of machines on premises limited, 23-5-611
    operators, 23-5-119, 23-5-130, 23-5-177, 23-5-602, 23-5-603, 23-5-611, 23-5-614, 23-5-616, 23-5-621, 23-5-625, 23-5-631, 23-5-637
    payback verification, 23-5-607
    payoff, manipulation — unlawful, 23-5-622
    permitholder, 23-5-637
    permits, 16-4-202, 23-5-119, 23-5-130, 23-5-177, 23-5-603, 23-5-610 — 23-5-612, 23-5-616, 23-5-621, 23-5-629, 23-5-637
    prior operation, effect, 23-5-611
    prizes, 23-5-130, 23-5-608
    records, 23-5-130, 23-5-610, 23-5-621, 23-5-628
    removal from public access, 23-5-177, 23-5-616
    repairs, 23-5-603
    research and development, importation for, 23-5-631
    resort areas, permit limitation, 16-4-202
    restrictions, 23-5-603
    route operators, 23-5-130, 23-5-614, 23-5-625, 23-5-631
    sale by operators or lienholders, 23-5-614
    slot machines, nonapplicability, 23-5-112
    specifications and requirements, 23-5-616, 23-5-621
    tampering, 23-5-622
    tax payments, status — disclosure when, 23-5-116
    theft from machines, 23-5-610
    ticket vouchers, 23-5-608
    tradeshows and exhibitions, imported for, 23-5-621
    violations, 23-5-613, 23-5-621, 23-5-622, 23-5-625
    winning percentage, verification, 23-5-607
Violations
    calcutta pools, generally, 23-5-223
    cash basis provision, of, 23-5-157
    cease and desist orders for, 23-5-136, 23-5-137
    confiscated money, disposition, 23-5-123

GAMBLING (Continued)
Violations (Continued)

- counterfeiting or defacing documents, 23-5-155
- credit gambling, 23-5-157
- criminal liabilities
  - felony, 23-5-162
  - misdemeanor, 23-5-161
- fantasy sports league provisions, 23-5-810
- fines, 23-5-123, 23-5-161, 23-5-162
- forfeitures, disposition, 23-5-113, 23-5-123
- fraud, offering or obtaining anything of value by, 23-5-156
- illegal gambling devices or gambling enterprises
  - offering or obtaining anything of value by operation of, 23-5-156
  - possession, 23-5-152
  - soliciting or advertising participation in use, 23-5-154
- injunction and other remedies, 23-5-136
- licenses or permits
  - assignment, sale, lease, or transfer, 23-5-159
  - distributors, failure to have, 23-5-128
  - operators of gambling establishments, failure to have, 23-5-177
  - route operators, failure to have, 23-5-129
  - suspension or revocation for violations, 23-5-136
- live bingo and keno provisions generally, 23-5-431
- live card games
  - card room contractor's license, failure to have, 23-5-324
  - provisions generally, 23-5-331
- lottery, state — ineligibility for employment with, when, 23-7-306
- minors, participation in gambling activities and exception, 23-5-158, 41-5-203
- orders, of, 23-5-136
- penalties
  - civil, 23-5-136
  - disposition, 23-5-123, 23-5-136
  - persons involved with, prohibited activities, 23-5-114
  - prosecution, 23-5-172
  - revenue from, use, 23-5-110
  - taxes, delinquent reports and payments, 23-5-115
- raffle provisions generally, 23-5-431
- reporting to county attorney, 23-5-113
- rules, of, 23-5-112, 23-5-123, 23-5-136, 23-5-331, 23-5-431, 23-5-613
- seized property, forfeiture and disposition, 23-5-113
- sports pools and sports tab games, provisions generally, 23-5-509
  - sports tab game seller's license, failure to have, 23-5-513
- video gambling machines
  - manufacturers, failure to have license, 23-5-625
  - provisions generally, 23-5-613, 23-5-621
  - sale provisions, 23-5-614
  - tampering, 23-5-622

Yellowstone Airport beer and wine license, gambling activities not permitted under, 16-4-304
Zoning to prohibit, 23-5-171

GAME ANIMALS AND BIRDS
See **FISH AND WILDLIFE**

GAME WARDENS' AND PEACE OFFICERS' RETIREMENT SYSTEM
See also **PUBLIC EMPLOYEES' RETIREMENT GENERALLY**
Administration, Title 19, chapter 2, See **PUBLIC EMPLOYEES' RETIREMENT GENERALLY**

GAME WARDENS' AND PEACE OFFICERS' RETIREMENT... (Continued)

Benefits, See also **Death benefits**; **Disability retirement benefits**; **Service retirement benefits**; **Survivorship benefits**
  ad hoc cost-of-living increase, 19-8-1110
  discrimination prohibited, 49-2-309
  early retirement, 19-8-604, 19-8-1003
  family law orders, alternate payees, 19-2-907
  guaranteed annual benefit adjustment, 19-8-1105
  optional forms, 19-8-801, 19-8-1105
  support obligation, execution or income withholding for, 19-2-909
Citation of Game Wardens' Retirement Act, 19-8-105
Contingent annuitant, 19-8-801, 19-8-1002, 19-8-1104, 19-8-1105
Contributions, See **Employer contributions**; **Member contributions**
Death benefits, 19-8-1002, See also **Benefits**; **Survivorship benefits**
  employment-related death, 19-8-1001
  nonduty-related death of active member, payment when, 19-8-1003
Definitions, 19-8-101
Disability retirement benefits, 19-8-701, See also **Benefits**
  cancellation when, 19-8-712
  cost-of-living increase, 19-8-1110
  family law orders, alternate payees, 19-2-907
  medical examination requirements, 19-8-712
  minimum monthly benefit, 19-8-1104
  service retirement status, change to — when, 19-2-907, 19-8-712
  support obligation, execution or income withholding for, 19-2-909
Discrimination prohibited, 49-2-309
Early retirement benefit, 19-8-604, 19-8-1003
Employer contributions, 19-8-501, 19-8-504, 19-8-902, 19-8-903, 19-8-905
Enforcement of provisions, 19-2-403
Establishment, 19-8-102
Family law orders
  alternate payees, 19-2-907
  optional retirement benefit, conversion when, 19-8-801
Fund, See **Pension trust fund**
Investment fund, 17-6-203
Member contributions, 19-8-502
  accumulated contributions, 19-8-502
    beneficiary, paid to — when, 19-8-1002, 19-8-1003
    refunds, 19-2-709, 19-8-301, 19-8-905, 19-8-1003
    transfer, 19-2-709
  federal employment, qualification, 19-8-903
  injury or illness, absence due to — effect, 19-8-905
  military service, qualification, 19-8-901
  pension trust fund, payment to, 19-8-501
  public service employment, qualification of service in, 19-8-902
  refund, 19-6-802, 19-7-802, 19-9-405, 19-13-404
  service credits, additional — purchase, 19-8-904
  withdrawals, 19-2-907, 19-2-909
Membership, 19-8-301. 19-8-302, 19-8-308
Optional forms of benefits, 19-8-801, 19-8-1105
Pension trust fund
  employer contributions, 19-8-501, 19-8-504
  member contributions, 19-8-501, 19-8-901 — 19-8-904
  sources of money, 19-8-501
  transfers, 19-2-709

GAME WARDENS' AND PEACE OFFICERS' RETIREMENT... (Continued)

Public Employees' Retirement System
- membership in, 19-8-302
- service credits transferred to, 19-3-509

Service credits
- additional, purchase, 19-2-706, 19-8-904
- federal employment, qualification, 19-8-903
- firefighters' unified retirement system, transfers to, 19-13-404
- highway patrol officers' retirement system, transfers to, 19-6-802
- inactive vested members, purchase, 19-8-301
- injury or illness, absence due to, 19-8-905
- military service, qualification, 19-8-901
- minimum monthly benefit, use in calculation, 19-8-1104
- municipal police officers' retirement system, transfers to, 19-9-405
- public employees' retirement system, transfers to or from, 19-3-509, 19-8-308
- public service employment, qualification, 19-8-902
- sheriffs' retirement system, transfers to, 19-7-802
- termination, involuntary — additional when, 17-7-304, 19-2-706

Service retirement benefits, See also **Benefits**
- amount, 19-8-603
- cost-of-living increase, 19-8-1110
- disability retirement status, change from — when, 19-2-907, 19-8-712
- early retirement benefit, 19-8-604, 19-8-1003
- eligibility, 19-8-601
- family law orders, alternate payees, 19-2-907
- minimum monthly benefit, 19-8-1104
- optional retirement benefit, conversion to, 19-8-801
- support obligation, execution or income withholding for, 19-2-909

Social security system
- referendum, authorization, 19-1-301
- separateness, 19-1-104

Support obligation, execution or income withholding for, 19-2-909

Survivorship benefits, See also **Benefits**; **Death benefits**
- cost-of-living increase, 19-8-1110
- employment-related death, 19-8-1001
- family law orders, alternate payees, 19-2-907
- minimum monthly benefit, 19-8-1104
- optional retirement benefit, conversion to, 19-8-801
- support obligation, execution or income withholding for, 19-2-909

GARNISHMENT
- See also **ATTACHMENT OF PROPERTY**; **EXECUTION**

Child support
- income deduction, priority, 40-5-310
- income withholding, priority, 40-5-423
- lottery winnings, 23-7-312
- medical support order, priority, 40-5-813
- retirement benefits, alternate payees — exemption, 19-2-907, 19-20-305
- workers' compensation benefits, 39-71-743

Employment, discharge or layoff due to — prohibited, 39-2-302, 39-2-503

Exemptions from
- crime victims compensation benefits, 53-9-129
- earnings of judgment debtor when, 25-13-610, 25-13-614
- fire department relief association benefits, 19-18-612
- fraternal benefit society benefits, 33-7-522
- insurers, delinquent — during pendency of liquidation proceedings, 33-2-1386

GARNISHMENT (Continued)
Exemptions from (Continued)

  police officers' retirement benefits, 19-19-504
  public assistance payments, 53-2-607
  public employees' retirement
    benefits and pension trust fund money, 19-2-1004
    family law orders, alternate payee's rights and interests, 19-2-907
  silicosis benefits, 39-73-110
  teachers' retirement
    benefits, contributions, and funds, 19-20-706
    family law orders, alternate payee's rights and interests, 19-20-305
  university system optional retirement program — contracts, benefits, and contributions, 19-21-212
  workers' compensation benefits when, 39-71-743
Foreign-money claims, united states dollar value of — determining, 25-9-712
Funds transfers, creditor process, 30-4A-502
Insurance annuity contracts subject to, when, 33-15-514
Insurers
  lien obtained by, 33-2-1353
  liquidation, actions to forestall, 33-2-1345
  prevention when, 33-2-1309, 33-2-1386
Power of attorney, statutory — authority, 72-31-232
Prisoners, money received by, 46-18-237
Public officers or boards, 25-13-504, 27-18-406
Secured transactions, transfer of debtor's rights by, 30-9-311
Service of process by publication, Title 25, chapter 20, M.R.Civ.P., Rule 4D; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D

GASOLINE
  See **PETROLEUM PRODUCTS**; See also **OIL AND GAS**

GASOLINE LICENSE TAX ACT, DISTRIBUTOR'S, 15-70-103, 15-70-104, 15-70-201, 15-70-202, 15-70-204 — 15-70-212, 15-70-221 — 15-70-226, 15-70-232, 15-70-233
  See **TAXATION, GASOLINE AND VEHICLE FUELS**

GEM STONES
  See also **MINES AND MINING**, generally; **RECLAMATION, Reclamation and development grants program; STATE LANDS, Mining leases; TAXATION, MINERALS, Mines, metal; Resource indemnity trust and ground water assessment tax**
State, 1-1-505

GENDER BALANCE LAW, 2-15-108, 53-30-312

GENETICS PROGRAM, VOLUNTARY STATEWIDE, 33-2-712, 33-2-713, 50-19-211

GEOLOGIST, STATE, 20-25-301

GEOPHYSICAL EXPLORATION
  See **SEISMIC OPERATIONS FOR GEOPHYSICAL EXPLORATION**

GEOTHERMAL RESOURCES AND EXPLORATION
Bottom-hole temperatures, availability for geothermal purposes, 82-11-125, 82-11-126
Facility Siting Act, Title 75, chapter 20, See **FACILITY SITING**
Injury caused by, statute of limitations, 27-2-303
Leases, Title 77, chapter 4, part 1, See **STATE LANDS**, **Geothermal resource leases**
Tax incentives, energy-related, 15-32-102, 15-32-115

GIFTS
    See also **CHARITIES**
Administrative rule negotiated rulemaking committees, acceptance, 2-5-110
Agricultural easements, for, 2-15-3318, 2-15-3319, 2-15-3321
Agricultural Experimental Station director, acceptance, 20-25-230
Agricultural seed purposes, 80-5-132
Agriculture, Department of — acceptance, 80-1-102, 80-7-403, 80-7-813, 80-7-905, 80-7-1107, 80-11-208, 80-11-210, 80-11-602, 80-15-301
Alcoholic beverages
    revenue, department of — employees, prohibitions, 16-1-304
    violations, proof, 16-6-206
Alfalfa Seed Committee, acceptance, 80-11-304
Anatomical, Title 72, chapter 17
Apiaries, queen, 80-6-101
Campaign contributions, See **ELECTIONS, Campaign finance**
Chemical dependency treatment, rehabilitation, or prevention, 53-24-108, 53-24-204
Cigarette sales, 16-10-103, 16-11-102
Commercial feed purposes, 80-9-207
Community college district trustees, acceptance, 20-15-109
Crime Control, Board of — acceptance, 44-2-703
Cultural and aesthetic projects, matches for challenge grants, 22-2-309
Death, in view of, 70-3-103, 70-3-201 — 70-3-205, 72-16-213, 72-16-301, 72-16-308
Development corporations, acceptance, 32-4-201
Emergency or disaster purposes, for, 10-3-203, 10-3-313, 10-3-1204
Environmental Quality, Department of — acceptance, 75-2-112, 75-3-607, 75-10-117, 75-10-412, 75-10-901, 75-20-111, 80-15-301
Estates
    effect upon, See **ESTATES AND PROBATE, Gifts**
    to, 70-1-701 — 70-1-704, See **PROPERTY, GENERALLY, Gifts**
Evidence of
    death, in view of — presumption, 70-3-202
    unsolicited goods, presumption as, 70-3-104
Executive branch department heads, authority, 2-15-112
Federal assistance programs, 17-3-102
Fire Department Relief Association disability and pension fund, to, 19-18-501
Firefighters' Unified Retirement System, as additional employee contributions, 19-13-607
Fish and wildlife
    bag limit prizes, 87-3-121
    mitigation trust fund, 87-1-611, 87-1-612, 87-1-614
Fish, Wildlife, and Parks — Department of, acceptance, 23-1-102, 87-1-201, 87-1-221, 87-1-258, 87-3-236, 87-5-605
Flathead Basin Commission, acceptance, 75-7-305
Gift certificates, 70-9-802, 70-9-803
Gift enterprises, 7-1-112, 23-5-112, 23-5-151; Const., III, 9
Governor, acceptance, 61-2-104
Ground water assessment, for, 85-2-905
Health Facility Authority, acceptance, 90-7-202
Historical Society, acceptance, 22-3-107, 22-3-603
Housing, Board of — acceptance, 90-6-104, 90-6-132
Inheritance tax, 72-16-101, See **TAXATION, ESTATES**
Institutional funds, management, Title 72, chapter 30, See **TRUSTS, Institutional funds**
Insurance, commissioner of and employees — prohibitions, 33-1-305
Insurers, domestic stock and mutual — officials, prohibitions, 33-3-308
Investments, Board of — authority, 17-5-1504, 17-5-1505

GIFTS (Continued)

Irrigation districts, to, 85-7-1411
Job investment program, for, 17-6-512
Labor and Industry, Department of — acceptance, 39-7-103, 50-70-105
Land Commissioners, Board of — acceptance, 76-12-107
Lewis and Clark Bicentennial Commission, authority, 2-15-150
Livestock, Department of — acceptance, 81-6-313
Lobbyists, by, 5-7-102, 5-7-210
Mental health corporations, 53-21-204
Minors, to, Title 72, chapter 26, See **TRUSTS, Minors, transfers to**
Montana Arts Council, acceptance, 22-2-107
Montana Children's Trust Fund Board, acceptance, 41-3-703, 41-3-705
Montana Mint Committee, acceptance, 80-11-403, 80-11-415
Montana State University-Bozeman Local Government Center, acceptance, 20-25-237
Mosquito control board, authority, 7-22-2415
Motor vehicle sales, 61-4-402
Natural Resources and Conservation, Department of — acceptance, 76-12-123, 76-13-415, 77-1-808, 77-5-404, 85-1-332, 85-2-111, 85-3-103
  officers and employees, prohibitions, 85-1-622, 90-2-1121
Nonprofit corporation mergers, effect, 35-2-614
Open-space land, land for, 7-12-4102
Petroleum Tank Release Compensation Board, acceptance, 75-11-313
Police Officers' Retirement Systems
  employer contributions, as additional, 19-9-705
  police retirement funds, to, 19-19-304
Procurement provisions, state — applicability, 18-4-132
Property
  generally, See **PROPERTY, GENERALLY, Gifts**
  personal, 70-3-101 — 70-3-104, See also **PROPERTY, PERSONAL, Gifts**
  real, See **PROPERTY, REAL, Gifts**
Public Health and Human Services, Department of, 41-3-1103, 50-6-304, 50-49-106, 50-79-201, 52-3-102, 53-2-201, 53-7-102, 53-7-302, 53-20-203, 53-20-504, 53-21-202, 53-21-402, 53-24-204
Public officers and employees
  acceptance prohibited, 2-2-104, 45-7-104
  lobbyists, gifts from, 5-7-102, 5-7-210
Public parks, land for, 7-12-4102
Public recreation programs, for, 7-16-4109, 20-7-803
Public service commissioners and employees, prohibitions, 69-1-112
Regents of Higher Education, Board of — acceptance, 20-25-103, 20-25-242, 20-25-252, 20-25-254, 20-25-402, 20-25-425, 20-31-401
Resort tax, "luxuries" defined, 7-6-1501
Resource and referral and day-care improvement grant program, funding from, 52-2-711
Rodent control boards, authority, 7-22-2216
School districts, acceptance, 7-16-4109, 20-6-601, 20-7-803
School food services, for, 20-10-201, 20-10-204
School trustees, administration, 20-3-324, 20-9-604, 20-10-204
Securities, gift of stock considered offer and sale, 30-10-110
Solid waste management, for, 75-10-112, 75-10-117
State
  communication systems, for, 2-17-302
  expenditure, 17-8-105
  investment funds, 17-6-202, 17-6-203
State Library Commission, authority, 22-1-103
State-Tribal Economic Development Commission, duties, 90-1-132

GIFTS (Continued)

Telecommunications Services for Persons with Disabilities, Committee on —
  acceptance, 53-19-309, 53-19-310
Tobacco products other than cigarettes, sales, 16-11-201
Transportation, Department of — acceptance, 67-1-301
University of Montana-Missoula Bureau of Government Research, acceptance, 20-25-207
University system, 20-25-108, 20-25-426
Utilities, treatment of gifts, 69-3-307
Veterans' and Pioneers' Memorial Building, for, 22-3-303
Water and wastewater authorities, regional — governing body, acceptance, 75-6-313
Water quality district board of directors, authority, 7-13-4517
Weed management, 7-22-2142, 80-7-813

GOLF COURSES
  See **PARKS AND RECREATION**

GOOD FAITH AND FAIR DEALING, IMPLIED COVENANT OF, 28-1-211

GOOD FAITH DONORS ACT, 27-1-716

GOOD SAMARITAN LAW, 27-1-714, 37-3-103, 41-1-405, 50-6-206, 61-8-909

GOVERNMENT ACCOUNTABILITY ACT, 2-11-101 — 2-11-104

GOVERNMENTAL LIABILITY
  See also **CITIES AND TOWNS**; **COUNTIES**; **LOCAL GOVERNMENT**; **STATE GOVERNMENT**; specific form of government
Actions against governmental entities generally, See also other **Actions** entries
  attorneys' fees, approval, 2-9-314
  claims, 2-9-101
    appropriation for payment when, 2-9-315
    attachment and execution, exemption from, 2-9-318
    compromise or settlement, 2-9-303 — 2-9-305
    disaster or emergency wreckage removal, indemnification of state, 10-3-315
    filing and disposition, 2-9-301, 2-9-302
    limitation of actions, 2-9-301, 2-9-302
    payment, 2-9-202, 2-9-211, 2-9-315
  costs and fees, 25-10-405, 25-10-701, 25-10-711; Title 25, chapter 20, M.R.Civ.P., Rule 54(d)
  crime victim and witness provisions, actions not created by, 46-24-105
  district court
    filing in, when, 2-9-301
    jurisdiction, 2-9-311
  employees — immunization, defense, and indemnification, 2-9-305
  interest, provisions for discretionary award inapplicable, 27-1-212
  judgments
    appropriation for payment when, 2-9-315
    attachment and execution, exemption from, 2-9-318
    declaratory, 2-9-305
    employees, payment and indemnification, 2-9-305
    no interest, when, 2-9-317
    political subdivisions, satisfaction, 2-9-316
  venue, 25-2-126
Actions involving cities and towns, See also **Actions against governmental entities generally**
  immunity from suit when, 7-1-4125
  jurisdiction
    city court, 3-11-103, 3-11-104

GOVERNMENTAL LIABILITY (Continued)
Actions involving cities and towns (Continued)
    jurisdiction (Continued)
        justice's court, 3-10-301
    ordinance violations, to restrain or enjoin, 7-1-4124
    police officers, reimbursement of salaries and medical expenses paid to — when, 7-32-4138
    resort tax, collection, 7-6-1505
    sewage charges, past-due — collection, 7-13-4309
    sovereign immunity, Const., II, 18
    statute of limitations, 27-2-209
    sue and be sued, power to, 7-1-4124
Actions involving counties, See also **Actions against governmental entities generally**
    concealed weapons, permits to carry — arising from, 45-8-326
    corporate name to be used, 7-1-2102
    judgments, 25-13-205, 25-31-1111
    license requirements, enforcement, 7-21-2116
        defenses, 7-21-2117
    livestock seized and killed to ascertain brand, action by dissatisfied owner, 81-3-223
    money, recovery, 7-4-2713, 7-4-2714
    name change of county, effect, 7-2-2509
    new counties, creation — transfer, 7-2-2255, 7-2-2411, 7-2-2412
    prosecution and defense, 7-4-2711, 7-5-2104
    representation, special counsel when, 7-4-2705
    resort tax, collection, 7-6-1505
    sovereign immunity, Const., II, 18
    sue and be sued, right to, 7-1-2103, 7-2-4917
    venue, 25-2-205
    witness' fees, advance payment not required, 26-2-508 — 26-2-510
Actions involving local governments, See also **Actions against governmental entities generally**
    change in form of government, effect, 7-3-106, 7-3-152
    initiative or referendum
        ordinances, new — determination of reenactment without change of repealed ordinance, 7-5-137
        petitions, to determine validity and constitutionality, 7-5-135
    services, consolidation or transfer — effect of adoption, 7-11-309
    sexual or violent offender registration information, dissemination — immunity from suit when, 46-23-511
Actions involving state government, See also **Actions against governmental entities generally**
    appeals, notice to attorney general, 25-1-502
    attorney general
        notice to, 25-1-501, 25-1-502; Title 25, chapter 20, M.R.Civ.P., Rule 24(d)
        prosecution and defense by, 2-15-201, 2-15-501
    costs and fees, 25-10-701, 25-10-702, 25-10-711; Title 25, chapter 20, M.R.Civ.P., Rule 54(d)
    counterclaim against, Title 25, chapter 20, M.R.Civ.P., Rule 13(d)
    emergency services mutual aid agreements — default, failure, or performance of parties causing liability under, 10-3-1113
    federal government, state employees as employees of — immunity from liability, 10-1-111
    flood plain and floodway management, legal remedies and immunity, 76-5-109
    governor's duty regarding, 2-15-201
    intervention by, Title 25, chapter 20, M.R.Civ.P., Rules 24(b), 24(c), 24(d)
    law enforcement mutual aid agreements, involving, 44-11-306
    service of process, 2-9-313; Title 25, chapter 20, M.R.Civ.P., Rule 4D
    sexual or violent offender registration information, dissemination — immunity from suit when, 46-23-511
    shoplifting by minor, governmental entitites responsible for minor — no liability, 27-1-718
    sovereign immunity, Const., II, 18

GOVERNMENTAL LIABILITY (Continued)
Actions involving state government (Continued)

statutes of limitation, applicability, 27-2-103
stay of execution, Title 25, chapter 20, M.R.Civ.P., Rule 62(e)
uniform transboundary pollution reciprocal access act, applicability, 75-16-108
venue, 25-2-126
witness' fees, advance payment not required, 26-2-508 — 26-2-510
Agricultural loan authority program, 80-12-308, 80-12-309
Aircraft landings and takeoffs from public roads, nonliability of local governing jurisdictions, 67-1-204
Capital companies, for actions of, 90-8-204, 90-8-205
Cities and towns, See also **Actions against governmental entities generally**; **Actions involving cities and towns**; **Actions involving local governments**
immunity when, 7-1-4125
insurance, 2-9-211, 7-1-4124
City-county consolidated government
director of finance, claims and warrants, 7-3-1314
sue and be sued, power to, 7-3-1203
City officers, 7-6-4234, 7-7-121, 7-7-122
City or town clerk, 7-6-212
City or town councils, 7-7-4266
City treasurer, 7-6-212
Community college districts and trustees, 20-15-226, See also this heading generally
Constables, 27-2-209
Correctional or detention facilities, immunity when, 2-9-108
Counties, See also **Actions against governmental entities generally**; **Actions involving counties**; **Actions involving local governments**
claims, presentation, 7-6-2421
insurance, 2-9-211, 7-4-2111
livestock slaughtered for disease control, 81-2-201, 81-2-203, 81-2-207
tax deeds, error of notification, 15-18-212
County clerk and recorder, 7-4-2623
County commissioners, board of, 7-4-2113, 7-7-2266, 7-14-2133, 7-14-2201
County coroner, 27-2-209
County officers, 7-4-2111, 7-4-2207, 7-4-2212, 7-4-2515, 7-4-2517, 7-4-2519, 7-6-2323, 7-7-121, 7-7-122, 15-18-212, 81-4-328, 81-4-515
County sheriff, 7-32-2130, 7-32-2131, 27-2-209, 27-16-209, 27-18-302, 45-8-326, 76-16-316
County treasurer, 7-6-212, 7-21-2115, 7-35-2141
Damages, exemplary and punitive — immunity, 2-9-105
Dangerous drug felony offenders, agencies supervising treatment or education programs for — immunity from liability, 45-9-204
Definitions, 2-9-101, 2-9-111, 33-11-102
Detention centers
administrators, liability, 7-32-2250
private party indemnification when, 7-32-2232
Disaster and emergency services personnel, immunity, 10-3-111
Emergency services mutual aid agreements, parties causing liability under, 10-3-1113
Examiners, Board of, 17-5-713, 17-5-925
Fire districts, fire service areas, and fire companies, 7-33-2208, 10-3-209
Fire reports, delays in receiving and transmitting, 7-33-4114
Firewardens, nonliability when, 77-5-105
Foreign capital depository financial records, state or local agencies requesting or receiving in violation of provisions, 32-8-521
Foreign-money claims, Title 25, chapter 9, part 7
Forest fire protection agencies, fire hazard reduction or management, 76-13-406
Grazing districts, personnel involved with, 76-16-319, 76-16-322

GOVERNMENTAL LIABILITY (Continued)

Hazardous material incidents, persons and response team members rendering assistance, 10-3-1210, 10-3-1216, 10-3-1217
Housing authorities, municipal — bonds issued by, effect, 7-15-4503
Housing, Board of — bonds issued by, effect, 90-6-114
Immunity
  cities and towns, when, 7-1-4125
  damages, exemplary and punitive — from, 2-9-105
  gubernatorial actions, 2-9-113
  judicial acts and omissions, 2-9-112
  legislative acts and omissions, 2-9-111
  local elected executives, 2-9-114
  public employees, when, 2-9-305
  sovereign immunity, Const., II, 18
Insurance
  business improvement districts, 7-12-1143
  cities and towns, 2-9-211, 7-1-4124
  claims, compromise or settlement, 2-9-303, 2-9-304
  county fairground and fairground building lessees, 7-21-3409
  county officers, for, 7-4-2111
  hospital districts and officers and employees, 7-34-2122
  judgments or settlements, payment, 2-9-316
  legislative acts and omissions, immunity — purchase does not waive, 2-9-111
  local government, 7-1-4125
  Montana insurance code, nonapplicability, 33-1-102
  motorist information sign program franchisees, 60-5-509
  parking commission property and projects, 7-14-4622, 7-14-4634, 7-14-4656
  policy conditions, construction and exclusions, 2-9-306
  political subdivisions, 2-9-211, 2-9-212
  school districts and trustees, 2-9-211, 20-3-331
  self-insurance, 2-9-111, 2-9-202, 2-9-211, 7-1-4124, 20-3-331
  state, plan for and costs, 2-9-201, 2-9-202
    failure to have, effect, 2-9-315
  urban renewal projects, 7-15-4258
Invalid law or rule, actions under, 2-9-103
Investments, Board of, 17-5-1509, 17-5-1528, 17-5-1622
Law enforcement
  entities, mutual assistance, 44-11-102
  mutual aid agreements, liability under, 44-11-305, 44-11-306
Limitations on liability, 2-9-108; Const., II, 18
Local governments, 7-1-4125, See also **Actions against governmental entities generally**; **Actions involving local governments**
  elected executives, immunity, 2-9-114
  insurance, 7-1-4125
Militia members as employees of federal government, immunity, 10-1-111
Municipal commission government, effect of actions of former government, 7-3-4206
Municipal commission-manager government
  department directors, liability concerning claims, 7-3-4433
  former government, actions of — effect, 7-3-4304
  prosecution and defense, 7-3-4461
  sue and be sued, power to, 7-3-4313
Noxious weed management on highway rights-of-way, disclaimer statement, 7-22-2153
Peace officers, detention of intoxicated persons, 53-24-107
Physical Therapy Examiners, Board of — nonliability of members, 2-15-1858
Risk retention groups and purchasing groups, Title 33, chapter 11, See **INSURANCE, CASUALTY, Risk retention groups and purchasing groups**

GOVERNMENTAL LIABILITY (Continued)

School districts and trustees, insurance and liability, 2-9-211, 20-3-331, 20-3-332, 20-9-444 — 20-9-446
Schools
    pupils and their parents or guardians, 20-5-201
    safety patrol members, 20-1-408
    surrogate parents of children with disabilities, immunity, 20-7-463
Small business investment capital companies, for actions of, 90-8-204, 90-8-205
State government, See **Actions against governmental entities generally**; **Actions involving state government**
State lands, recreational use, 77-1-805, 77-1-809
State officers and employees
    appropriations, mishandling, 17-8-104
    bonds issued by, liability, 17-5-713, 17-5-925, 17-5-1509
State treasurer, fund deposits, 17-6-101
Tort liability, 2-9-102; Const., II, 18, See this heading generally; See also **TORTS**
Utility lines and facilities, excavations near underground facilities — improper or unauthorized installations, 69-4-507
Water users' associations, 85-6-107
Weather modification and control activities, 85-3-104
Weed management districts and board members, supervisors, and employees, 7-22-2111
Workers' compensation state fund board members, executive director, and employees — nonliability when, 39-71-2318

GOVERNMENT HEALTH CARE INFORMATION ACT, Title 50, chapter 16, part 6
    See **HEALTH CARE INFORMATION**

GOVERNOR
    See also generally **EXECUTIVE BRANCH; PUBLIC OFFICERS OR EMPLOYEES**
Absence, 2-16-112, 60-4-207, 77-1-201, 77-2-342, 87-1-209; Const., VI, 14
Acting governor, 2-16-515, 2-16-521; Const., VI, 14
Administrative powers, 2-15-103
Advisory councils — creation, approval, and filing of records pertaining to, 2-15-122
Affidavits, commissioner to take in foreign state — appointment, 26-1-1004
Agencies, See **Executive branch**
Aging, Advisory Council on — appointments to, 2-15-2206
Aging, coordinator of — programs, assistance, 2-15-232
Aging, recommendations on problems of and programs for, 2-15-232, 52-3-101
Agricultural Commodity Research and Market Development Program Advisory Committees, record of creation filed with, 80-11-510
Agricultural Experiment Station, executive or subordinate board or authority — appointment, 20-25-301
Agricultural Heritage Commission, appointments to, 2-15-3314
Agricultural loan authority program, guaranty fund minimum reserve — certification of sum required, 80-12-216
Agriculture Development Council, appointments to, 2-15-3015
Air Pollution Control Advisory Council, appointments to, 2-15-2106
Alfalfa Seed Committee, appointments to, 2-15-3004
Alternative Health Care Board, appointments to or removal of members, 2-15-1840
Alternative Livestock Advisory Council, appointments to, 87-4-432
Amtrak, agreements to expand service, 60-11-201
Animals, importation prohibited when, 81-2-112
Appellate Defender Commission, appointments to, 2-15-1020
Appointments by, general provisions, 2-15-103, 2-15-201; Const., VI, 8, See also specific entity
    collective bargaining, appointees' exempt, 39-31-103
    commissions for, 2-16-204

GOVERNOR (Continued)
Appointments by, general provisions (Continued)

  gender and racial balance, 2-15-108
  legislative approval, 5-5-301 — 5-5-303; Const., VI, 8
  public employees' retirement system, appointees' eligibility, 19-3-412
  public officers, 2-16-203, 2-16-213, 2-16-505, 2-16-506, 5-5-413; Const., VI, 6; VI, 8
  quasi-judicial boards, members, 2-15-124
  register of, 2-15-401
Appropriations, See also **Budget**
  expenditures, quarterly allotment system — authorization, 17-8-102
  general fund spending reductions, 17-7-140
  insufficient, authorization for expenditure of second fiscal year appropriation, 17-7-311
  supplemental, 17-7-311
Architects, Board of — appointments to, 2-15-1871
Armed persons, importation into state, Const., II, 33
Athletics, Board of — appointments to, 2-15-1882
Attorney general
  appointment when, 2-16-505; Const., VI, 6
  requests to aid county attorneys, 2-15-201, 2-15-501
Banking Board, State — appointments to or removal from, 2-15-1803, 32-1-201
Barbers, Board of — appointments to or removal from, 2-15-1856
Bills, action on, See **Legislature**
Boards
  professional and occupational licensing and regulatory, nominees for appointment to, 37-1-132
  quasi-judicial, appointment or removal of members, 2-15-124, See also **Executive branch**
Budget, See also **Appropriations**; **BUDGET AND BUDGETING, Executive budget**
  "approving authority" defined, 17-7-102
  capital construction budget, 17-7-203
  chief budget officer, as, 17-1-131, 17-7-103
  director — appointment, reports, and duties, 17-7-103, 17-1-131
  general fund budget deficit and spending reductions, 17-7-140, 17-7-304
  long-range building program, 17-7-202 — 17-7-204
  preliminary budget, 17-7-112, 17-7-121
  recommendations and information, 17-7-121, 17-7-123, 17-7-124; Const., VI, 9
  submission
    by budget director, 17-7-112, 17-7-121
    to legislative fiscal analyst, 17-7-122
    to legislature, Const., VI, 9
Buffalo or bison, wild — management plan approval, 81-2-120, 87-1-216
Building Codes Council, appointments to, 50-60-115
Buildings
  construction, repairs, or alteration, 18-2-102
  emergency or disaster expenditures, 10-3-311
  long-range building program, Title 17, chapter 7, part 2
  energy conservation program, 90-4-605, 90-4-606, 90-4-614
Burial Preservation Board, appointments to, 22-3-804
Candidacy for other office, Const., VI, 5
Capitol Complex Advisory Council, appointment to, 2-17-803
Capitol Restoration Commission, member of and appointments to, 5-17-202
CERCLA cooperative agreements, effective when, 75-10-604
Children, Interstate Compact on the Placement of — executive head and appointment of administrator, 41-4-109
Children's Trust Fund Board, appointments to, 2-15-2214
Child support enforcement, interstate — rendition, grounds and conditions, 40-5-103, 40-5-153, 40-5-154
Chiropractors, Board of — appointments to or removal from, 2-15-1847

GOVERNOR (Continued)

Civil defense, See **Emergencies or disasters**
Claims
    against state, duty, 2-15-201
    disbursements, for — transmittal to, 17-8-202
Clemency, See **Executive clemency**
Clinical Laboratory Science Practitioners, Board of — appointments to, 2-15-1863
Coal Board, appointments to, 2-15-1821
Coal field economic growth center in eastern Montana, certification, 90-6-210
Collective bargaining, representative of public employer, 39-31-301
Commissions, gubernatorial, 2-15-401, 2-16-204, 2-16-502, 13-15-504
Communication systems, assistance, 2-17-302
Community development programs, coordination, 90-1-103
Community service corps program, duties, Title 90, chapter 14, part 1
Corporation management, inquiries regarding, 2-15-201
Corrections
    commitment, designation of department of corrections to enter interstate contracts, 46-19-303
    foreign offenders, exchange or transfer under treaty, 53-1-106
    parolee and probationer supervision, interstate compact regarding — authority to enter, 46-23-1102
    regional correctional facilities, contracts for — approval, 53-30-504
Cosmetologists, Board of — appointments to, 2-15-1857
Counties
    abandonment and consolidation
        election results, 7-2-2712
        resolution, transmittal to, 7-2-2707, 7-2-2708
    drinking and driving prevention programs, approval, 61-2-106
    emergencies, declaration, 7-31-2101
    new
        commission to determine indebtedness, appointment, 7-2-2241
        judicial district, designation of attachment to, 7-2-2228
County Printing, Board of
    appointments to, 2-15-1811
    meetings ordered by, 7-5-2403
Courts open and judicial business conducted on nonjudicial days when, 3-1-302
Crime Control, Board of — appointments to or designation of functions, 2-15-2006, 44-4-301
Criminal justice agency technical assistance and supportive services assigned by, 44-4-301
Death, 2-16-513; Const., VI, 14
Death penalty — pregnancy of defendant, satisfaction of termination, 46-19-204
Dentistry, Board of — appointments to or removal from, 2-15-1842
Department heads or directors, See **Executive branch**
Departments, supervision, Const., VI, 8, See also **Executive branch**
Depositions, commissioner to take in foreign state — appointment, 26-1-1004
Detainers, Interstate Agreement on — appointment of coordinator, 46-31-203
Developmental disabilities, persons with — budget amendments for community-based services, authorization, 53-20-214
Developmental Disabilities Planning and Advisory Council, appointments to, 2-15-2204
Disability, Const., VI, 6; VI, 14
Disasters, See **Emergencies or disasters**
Disqualification, Const., VI, 14
District court judges, appointment when, 3-1-1001, 3-1-1011, 3-1-1012, 10-2-227, 13-16-503; Const., VII, 8
Drinking water state revolving fund, compliance with federal act — determination of progress, 75-6-204

GOVERNOR (Continued)

Driver License Compact, executive head, 61-5-404
Drought Advisory Committee, appointments to and duties, 2-15-3308
Duties and powers generally, 2-15-201, 2-16-521; Const., VI, 1; VI, 4
Economic development, problems adversely affecting — state action, 90-1-102
Education, State Board of — member of and duties, 2-15-201, 20-2-101; Const., X, 9
Elected officials
  exempt from permission or approval requirements when, 2-15-105
  information from, Const., VI, 15
Election duties
  ballot issues
    certification of petition filing to, 3-2-202, 3-5-302, 13-27-308
    certification of votes to, 13-27-503
    committee to prepare arguments, appointment of member, 13-27-402, 13-27-403
    veto, not subject to, Const., VI, 10
  canvass report to, 13-15-507, 13-27-503
  certification of votes to, 2-15-401, 13-16-502, 13-27-503
  commissions, issuance, 2-15-401, 2-16-204, 13-15-504
  congressional elections
    issuance of certificates, 13-25-204
    tie vote, 13-16-502
    united states representative, to fill vacancy, 13-25-203
  constitutional convention, call for election for delegates, 13-26-102
  county abandonment and consolidation, proclamation of results — issuance, 7-2-2712
  presidential electors, signing of list, 13-25-103
  special elections called by, 2-16-622, 13-16-502, 13-25-203, 13-26-102
  tie vote, duties, 13-16-502, 13-16-503
  vacancies prior to general election, declaration of acceptance period for nominations, 13-14-118
Election of, 2-16-201; Const., VI, 1; VI, 2; VI, 6, See also **ELECTIONS**
  ballot
    absentee ballot for deceased candidate, counting, 13-15-106
    correction, method, 13-12-204
    placement, 13-12-207
    rotation, 13-12-205
  campaign contributions, limitation, 13-37-216
  declaration for nomination, 13-10-201
  joint nomination and election with lieutenant governor, Const., VI, 2
  legislature, by, 2-16-512, 2-16-513
  term of office, Const., IV, 8; VI, 1
  tie vote, 13-16-504
  vacancy in candidacy, effect, 13-10-327, 13-10-328, 13-12-204
Electrical Board, State — appointments to, 2-15-1874
Electric Utility Industry Restructuring, Transition Advisory Committee on — appointments to, reports from, and recommendations by, 69-8-501
Emergencies or disasters
  aid programs, acceptance, 10-3-203
  air contaminant emissions, reduction or discontinuance — effect, 75-2-402
  commander-in-chief of militia during, 10-3-305; Const., VI, 13
  debris and wreckage removal, 10-3-315
  declaration of emergency or disaster, 10-3-104, 10-3-302, 10-3-303, 10-3-505
    counties, in, 7-31-2101
    noxious weed emergency, 80-7-815
    school elections, rescheduling, 20-20-108
    state expenditure limitation, appropriations in excess of — when, 17-8-106
  disaster loans for communities, 10-3-314

GOVERNOR (Continued)
Emergencies or disasters (Continued)

  duties generally, 10-3-104
  energy supply emergencies, See **Energy supply emergencies**
  expenditure authorization and restrictions, 10-3-311, 10-3-312
  "incident" defined, 10-3-103
  incident response, 10-3-310
  martial law, authority not limited, 10-3-102
  military personnel, extension of enlistment, 10-1-303
  mutual aid
    agreements, negotiation, 10-3-202
    interstate compact, authority to enter, 10-3-204, 10-3-205
  occupational health, workplace hazards — effect of emergency procedures, 50-70-117
  planning and program for services, 10-3-105
  policy, 10-3-101
  postattack resources management, 10-3-501 — 10-3-503, 10-3-505
  proclamation, 7-31-2101, 10-3-104, 10-3-105, 10-3-505
  response and recovery activities, 10-3-105
  seat of state government, relocation, 10-3-607
  tactical incident assistance, 10-3-704, 10-3-705
  temporary housing for victims, arrangement for, 10-3-313
Endangered species' management programs, responsibilities, 87-5-108
Energy conservation program for state buildings
  energy cost savings, 90-4-614
  report and project recommendations, 90-4-605, 90-4-606
Energy supply emergencies, 90-4-301, 90-4-310
  alert, declaration, 90-4-308, 90-4-309
  compliance, 90-4-313
  curtailment plans, requirement and approval, 90-4-307, 90-4-310
  declaration of alert or emergency, criteria, 90-4-308 — 90-4-310
  disaster and emergency services laws supplemented, 90-4-317
  distributors, orders to, 90-4-314
  expenditures authorized, 90-4-318
  information gathering, 90-4-305, 90-4-306
  orders, publication, 90-4-316
  public services, priority, 90-4-304
  rulemaking authority, 90-4-316
  state and local government executives, obligations, 90-4-311
Environmental contingency account
  control and financial report, 75-1-1101
  environmental quality protection fund, grant application — submission to, 75-10-704
  metal mines, environmental emergency — application for funds, approval, 82-4-357
  water mediator, payment of costs, 85-5-110
Environmental impact statements
  copies, availability, 75-1-201
  multiple applications or combined facility, lead agency to collect fee — designation, 75-1-206
Environmental Quality Council
  environmental quality studies, reports, and recommendations, 75-1-324
  ex officio member, 5-16-101
Environmental Review, Board of — appointments to, 2-15-3502
Examiners, Board of — member of, 2-15-201, 2-15-1007, 17-5-605, 17-5-615
Executive branch
  agencies
    allocation by, when, 2-15-125
    creation by, prohibited, 2-15-123
    transfer of functions, disposition of property, 2-15-132
  boards, quasi-judicial — appointment or removal of members, 2-15-124

GOVERNOR (Continued)
Executive branch (Continued)

chief executive officer, as, 2-15-103; Const., VI, 1; VI, 4
department heads or directors
appointment by, 2-15-111, 2-15-1001, 2-15-1801, 2-15-2201, 2-15-2301, 2-15-2501, 2-15-3001, 2-15-3301, 2-15-3401, 2-15-3501, 39-29-101, 39-30-103, 49-2-308; Const., VI, 8
duties concerning, 2-15-111, 2-15-112
departments, supervision, Const., VI, 8
legislative review and performance audits, recommendations for, 2-8-105
officers
information from, Const., VI, 15
vacancies, appointments to fill, 2-16-505; Const., VI, 6
reorganization, federal aid — order to effectuate receipt, 2-15-137
review, 2-7-103
Executive clemency, 46-23-301, See also **PROBATION, PAROLE, AND CLEMENCY, Executive clemency**
application to, 46-23-301, 46-23-315
authority, 46-23-103, 46-23-301, 46-23-315; Const., VI, 12
decision of board of pardons and parole to, 46-23-307
definitions, 46-23-103, 46-23-301
report to legislature, 46-23-316
respite, application and authority for, 46-23-315
youth correctional facility, commutation of sentence to, 52-5-111
Executive orders
agencies, for allocation, 2-15-125
attorneys, hiring, 18-4-132
emergencies and disasters, pertaining to, 10-3-104
incident response plan, activation, 10-3-310
energy supply emergency provisions, implementation, 90-4-316
executive branch, manageability — action for improvement, 2-7-103
federal aid, to effectuate receipt of — when, 2-15-137
federal mandates not to be implemented, 2-1-407
human services, substate planning districts — establishment, 53-10-501
tourism regions, for establishment, 2-15-1816, 15-65-101
Extradition
authority, 2-15-201, 46-30-101
child support enforcement, 40-5-153, 40-5-154
from another state
application to, 46-30-401
demand by, 46-30-402, 46-30-411
prosecution pending in other state, agreement for extradition before conclusion, 46-30-403
to another state
absence from demanding state when crime committed, 46-30-204
alias warrant, 46-30-214
arrest warrant, 46-30-213, 46-30-214
demand, 46-30-211
duty of governor, 46-30-201
guilt or innocence of accused, may not inquire, 46-30-225
investigation, call for, 46-30-212, 46-30-225
involuntary departure from demanding state, 46-30-203
prosecution pending in this state, discretionary authority, 46-30-202
waiver, filing with, 46-30-228
Family Education Savings Program Oversight Committee, appointments to, 20-25-901
Federal assistance programs and funds, duties, 17-3-101, 17-3-105

GOVERNOR (Continued)

Federal Comprehensive Environmental Response, Compensation, and Liability Act cooperative agreements — effective when, 75-10-604
Federal mandates
  budget recommendation requirements, 2-1-405
  information regarding, 2-1-405, 2-1-406
  legislative review, information to be provided, 2-1-408
  report and recommendations, 2-1-407
Federal surplus property, state agency for — designation, 2-15-1011, 18-5-201
Fire danger areas, closure of area to trespass when, 87-3-106
Fire department relief associations, mishandling of funds reported to, 19-18-206
Fish and wildlife, state-federal relationships
  federal waterfowl and wildlife area proposals, submission for review, 87-1-713
  fish restoration and management, 87-1-701, 87-1-703
  nongame and endangered species management programs, 87-5-108
  wildlife restoration, 87-1-709
Fish, Wildlife, and Parks Commission — appointments to, 2-15-3402
Flathead Basin Commission
  allocation and appointments to, 2-15-213
  recommendations, 75-7-305
  report, biennial, 75-7-304
Funeral Service, Board of — appointments to, 2-15-1853
Future fisheries review panel, appointment, 87-1-273
Governor-elect, 2-15-221, 17-7-112, 17-7-121
Grass Conservation Commission, appointments to, 76-16-112
Ground Water Assessment Steering Committee, appointments to, 2-15-1523
Hail Insurance, Board of — appointments to or removal from, 2-15-3003
Hazardous material incidents, state emergency response commission
  appointments to, 10-3-1204
  reimbursement claims, recommendations and warrants for payment, 10-3-1215
Hazardous waste management agreements, approval, 75-10-419
Health Care Advisory Council, appointments to, 50-4-203
Health care facilities plan, state — approval, 50-5-101
Health Facility Authority
  appointments to, 2-15-1815
  capital reserve account, certification of amount required to restore minimum reserve, 90-7-319
Hearing Aid Dispensers, Board of — appointments to, 2-15-1850
Heritage Preservation and Development Commission, appointments to and reports by, 22-3-1002, 22-3-1003
Higher education
  federal higher education programs, commission on — appointments to and duties, 2-15-1515, 20-2-403
  regents of higher education, board of, See **Regents of Higher Education, Board of**
  services, creation of entity to facilitate, 2-15-203
  social security system, referendum procedures, 19-1-822, 19-1-823
  western interstate commission for higher education, appointment of commissioners, 20-25-802, 20-25-806
  western regional higher education compact — notice of approval, ratification, and adoption, 20-25-802
Highway traffic safety program, duties, 61-2-103 — 61-2-105
Historical Society board of trustees, appointments to and report by, 22-3-104, 22-3-107
Historic preservation officer, appointment, 2-15-1512
Holidays, designation, 3-1-302, 20-1-306
Horseracing, Board of — appointments to or removal from, 2-15-1881

GOVERNOR (Continued)

Housing, Board of
  appointments to, 2-15-1814
  capital reserve account, certification of amount required to restore minimum balance, 90-6-120
Housing needs and problems, recommendations, 90-1-106
Human Rights, Commission for — appointments to, 2-15-1706
Hunting access enhancement program review committee, appointment, 87-1-269
Immunity from liability, 2-9-113, See also **GOVERNMENTAL LIABILITY**
Impeachment, subject to, Const., V, 13; Title 5, chapter 5, part 4, See **IMPEACHMENT OF PUBLIC OFFICERS**
Inability to perform duties, 2-16-513, 2-16-515
Indian affairs, state coordinator of — appointment and allocation, 2-15-217
Indian Monument and Tribal Flag Circle Advisory Committee, appointments to, 22-2-602
Indian tribes
  blackfeet highway, police jurisdiction — notification, 2-1-206
  crow tribe litigation, settlement agreement, 85-20-905
  state jurisdiction, proclamation for, 2-1-302, 2-1-306
  state-tribal cooperative agreements, governing body, 18-11-103
Institutions
  health inspections at request of, 50-1-202
  information from, Const., VI, 15
Investigatory committees and reports, Const., VI, 15
Investments, Board of
  appointments to, 2-15-1808
  economic development bond capital reserve account requirement, certification of sum, 17-5-1516
  reports by, 17-5-1650
Job training
  annual report submitted to, 53-2-1107
  job training plan, submission to legislature, 53-2-1110
  state job training coordinating council, appointments to and recommendations by, 53-2-1105
Judicial Nomination Commission
  appointments to, 3-1-1001, 3-1-1003
  list of nominees, 3-1-1001, 3-1-1007, 3-1-1008, 3-1-1010; Const., VII, 8
  nomination of judicial officer, 3-1-1011 — 3-1-1013
  secretary, duties, 3-1-1006
  senate confirmation, 3-1-1013
Judicial Standards Commission, appointments to, 3-1-1101, 3-1-1102; Const., VII, 11
Jurisdiction
  blackfeet highway, police jurisdiction — notification, 2-1-206
  fort peck dam territory, police or military jurisdiction — notification, 2-1-209
  glacier national park, police or military jurisdiction — notification, 2-1-205
  indian tribes, state jurisdiction, 2-1-302, 2-1-306
  national park purposes, acceptance for lands dedicated to, 2-1-215, 2-1-216
Juveniles, Interstate Compact on — appointment of administrator, 41-6-102
Labor and industry, commissioner of — appointment, Const., XII, 2
Labor Appeals, Board of — appointments to, 2-15-1704
Land Commissioners, Board of — member and president of, 2-15-201, 77-1-201; Const., X, 4
Landscape Architects, Board of — appointments to, 2-15-1872
Land warrants and patents, issuance, 2-15-201
Legislative auditor, violations reported by, 5-13-304
Legislature
  ability to govern, determination, Const., VI, 14
  appointment of legislators when, 13-16-503

GOVERNOR (Continued)
Legislature (Continued)

- appointments by governor, approval procedures, 5-5-301 — 5-5-303; Const., VI, 8
- bills, action on, Const., VI, 10
  - amendatory veto, 5-4-304, 5-4-305
  - approval, 1-2-201, 2-9-113, 5-4-302; Const., VI, 10
  - endorsement and exceptions, 5-4-301; Const., VI, 10
  - line item veto, 5-4-303, 5-4-305
  - no action, bill becomes law, 5-4-307; Const., VI, 10
  - returned when legislature not in session, 5-4-306
  - returned without approval, 5-4-305, 5-4-306
  - veto power, 2-9-113, 5-4-303 — 5-4-306, 5-4-308; Const., VI, 10
- election of governor when, 2-16-512, 2-16-513
- political party of governor, candidate elected as officer when, 5-2-216
- reports to, 2-15-108, 2-15-125, 39-51-407, 46-23-316, 53-2-1110, 85-1-704; Const., VI, 9
- special sessions, call for, 2-9-113, 5-2-103, 5-3-101, 10-3-505; Const., V, 6; VI, 11

Lewis and Clark Bicentennial Commission, appointments to, 2-15-150
Library Commission, State — appointments to, 22-1-101
Lieutenant governor
- appointment when, Const., VI, 6
- duties delegated to, 2-15-302, See **LIEUTENANT GOVERNOR**
- vacancy in office of, 2-16-504, 2-16-511

Litigation involving state, 2-15-201
Livestock
- buffalo or bison, wild — management plan approval, 81-2-120, 87-1-216
- importation prohibited when, 81-2-112
- marks or brands, rerecording fees — emergency expenditure authorized by, 81-3-107

Livestock, Board of — appointments to, 2-15-3102
Local government infrastructure projects, recommendations, 90-6-710
Long-range building program, Title 17, chapter 7, part 2
Lottery, state
- audit reports to, 23-7-410 — 23-7-412
- commission — appointments to, removal from, or reports by, 23-7-201, 23-7-202
- director, appointment, 23-7-103, 23-7-210

Martial rule, 10-1-106, 10-3-102; Const., VI, 13
Medal of Valor, awarding, 1-1-515
Medical Examiners, Board of — appointments to or removal from, 2-15-1841
Medicinal plants, wild
- notice of moratorium and memorandum of understanding, 77-1-139
- task force on, appointment and report by, 77-1-138

Mental Disabilities Board of Visitors
- appointment and allocation, 2-15-211
- reports by, 53-20-104, 53-21-104

Mental health, interstate compact on — copy to, 53-22-106
Mental health managed care ombudsman, appointment, 2-15-210
Mentally ill persons, protection and advocacy system — designation, 53-21-169
Microbusiness Advisory Council, appointments to, 17-6-411
Military affairs
- adjutant general's assistants, approval of appointments, 2-15-1203
- commander-in-chief, as, 10-3-305; Const., VI, 13
- enlisted members of militia, 10-1-303, 10-1-304
- home guard, 10-1-701 — 10-1-703
- martial rule, declaration, 10-1-106, 10-3-102; Const., VI, 13
- militia, calling out — mayor's request, 7-4-4303
- officers of militia
  - appointment, 10-1-201
  - discharge or resignation, 10-1-204, 10-1-205

GOVERNOR (Continued)
Military affairs (Continued)
    officers of militia (Continued)
        fitness examination, requirements and approval, 10-1-206
        retirement, 10-1-203
    rules, authority to prescribe, 10-1-105, 10-1-702
    tactical incident assistance, 10-3-704, 10-3-705
    veterans
        federal reimbursement funds, 10-2-107
        reemployment
            applications, receipt of, 10-2-223
            appointment of "acting" state officers, 10-2-227
Military Affairs, Department of
    buildings, joint consent for construction required when, 18-2-102
    direction by governor, 10-1-102
Mint Committee, appointments to, 2-15-3006
Montana Arts Council
    appointments to, 22-2-102
    officers, designation, 22-2-103
Motorcycle Safety Advisory Committee, appointments to, 20-25-1004
Motor pool provisions, applicability, 2-17-411
Motor vehicles, state-owned — emergency purchase, 2-17-403
Municipal commission government, certificate of adoption transmitted to, 7-3-4212
Municipal commission-manager government, certificate of adoption transmitted to, 7-3-4309
Municipal finance consolidation bond or note defaults, trustee's notice of principal due and payable, 17-5-1647
Nuclear Compact, Western Interstate — appointment of board member, 90-5-202
Nuclear facilities, review of evacuation and medical aid plans concerning, 75-20-1204
Nursing, Board of — appointments to or removal from, 2-15-1844
Nursing Home Administrators, Board of — appointments to or removal from, 2-15-1845
Occupational Therapy Practice, Board of — appointments to or removal from, 2-15-1859
Office, location, 2-16-111; Const., VI, 1
Official acts, attestation, 2-15-401
Oil and Gas, Interstate Compact to Conserve
    authorization to join, 82-11-301
    extension of expiration date and determination of withdrawal time, 82-11-303
    representative on commission, 82-11-304, 82-11-306
Open-space lands, powers of public body exercised by, 76-6-109
Optometry, Board of — appointments to, 2-15-1846
Organic certification program, submission to federal government, 80-11-601
Outfitters, Board of — appointments to, 2-15-1883
Pacific Northwest Electric Power and Conservation Planning Council — appointments to, removal from, duties, and compensation, 90-4-402 — 90-4-404
Pardons, 2-15-401, 37-16-411
Pardons and Parole, Board of — appointments to, 2-15-2302
Pearl Harbor Memorial Committee, appointments to, 5-17-302
Personnel Appeals, Board of — appointments to, 2-15-1705
Petroleum Tank Release Compensation Board, appointments to, 2-15-2108
Pharmacy, Board of — appointments to or removal from, 2-15-1843
Physical Therapy Examiners, Board of — appointments to or removal from, 2-15-1858
Physicians' licensing and registration fees, account reserves — approval for use when, 37-3-314
Plumbers, Board of — appointments to, 2-15-1875
Policymaking authority, 2-15-103
Political Practices, Commissioner of — appointment or removal, 13-37-102
Preservation Review Board, appointments to, 2-15-1512
Printing contracts, approval, 18-7-101

GOVERNOR (Continued)

Private Security Patrol Officers and Investigators, Board of — appointments to or removal from, 2-15-1891
Proclamations
  animal importation, to prohibit, 81-2-112
  arbor day, 1-1-225
  counties
    abandonment and consolidation, election results, 7-2-2712
    new, designation of attachment to judicial district, 7-2-2228
  emergencies or disasters, 7-31-2101, 10-3-104, 10-3-105, 10-3-505
  good roads day, 60-1-104
  indian tribes, state jurisdiction, 2-1-302, 2-1-306
  martial rule, 10-1-106, 10-3-102
  militia, extension of enlistment of enlisted members, 10-1-303
  seat of state government, relocation, 10-3-607
  special observance, for, 32-1-563
Professional Engineers and Professional Land Surveyors, Board of — appointments to or removal from, 2-15-1873
Property, See also **State lands**
  deeds or patents, execution, 60-4-207, 77-2-342, 87-1-209
  private property, actions with taking or damaging implications — submission of impact assessment to, 2-10-105
  state property, sale
    approval, 18-6-101
    interagency transfers, approval, 18-6-102
Proprietary Postsecondary Educational Advisory Council, appointments to, 2-15-1804
Psychologists, Board of
  appointments to, 2-15-1851
  meetings requested by, 37-17-201
  recommendations by, 37-17-202
Public Accountants, Board of — appointments to or removal from, 2-15-1866
Public Assistance, Board of — appointments to, 2-15-2203
Public Education, Board of
  appointments to and member of, 2-15-1507, 2-15-1508; Const., X, 9
  meetings called by, 20-2-112
Public Employees' Retirement Board
  appointments to, 2-15-1009
  investments, board of — member appointed to, 2-15-1808
Public Employees' Retirement System defined contribution plan, employer contribution allocation changes — notice, 19-3-2121
Public Health and Human Services, Department of — federal health programs, request for administration, 50-1-202
Public office, may not hold other public office, Const., VI, 5
Public participation in government
  exception from provisions, 2-3-102
  guidelines ensured, 2-3-103
Public service commissioners, appointment or suspension, 69-1-106, 69-1-113
Publishing Policy Committee, designation of member, 2-15-1017
Qualifications, Const., VI, 3
Quo warranto actions commenced when, 27-28-103
Radioactive substance control, federal-state agreements for, 50-79-203
Radiologic Technologists, Board of — appointments to, 2-15-1848
Rail passenger service applications, agreements for, 60-11-201
Rangeland Resources Committee, appointments to, 2-15-3305
Real Estate Appraisers, Board of — appointments to or removal from, 2-15-1868
Realty Regulation, Board of — appointments to, 2-15-1867

GOVERNOR (Continued)

Recall election, call for, 2-16-622
Reclamation and development grants program projects, recommendations, 90-2-1111 — 90-2-1113
Records, official, Const., VI, 1, See **PUBLIC RECORDS, Executive branch officers**
Regents of Higher Education, Board of
  appointments to and member of, 2-15-1505, 2-15-1508; Const., X, 9
  buildings, joint consent for construction required when, 18-2-102
  meetings called by, 20-2-112
Reports from other agencies, 2-15-201; Const., VI, 15
  administration, department of, 2-18-102
  agency reports and financial statements generally, 5-13-308
  agriculture, department of, 80-7-713
  budget director, 17-1-131
  commerce, department of, 19-18-206, 32-2-306, 32-4-306, 37-15-202
  department heads, 2-15-112
  drought advisory committee, 2-15-3308
  electric utility industry restructuring, transition advisory committee on, 69-8-501
  environmental quality council, 75-1-324
  environmental quality, department of, 90-4-605
  flathead basin commission, 75-7-304
  health care advisory council, 50-4-206
  heritage preservation and development commission, 22-3-1003
  historical society, 22-3-107
  hunting access enhancement programs review committee, 87-1-269
  investment program audits, Const., VIII, 13
  investments, board of, 17-5-1650
  labor and industry, department of, 39-6-101, 39-7-103, 39-51-301, 39-51-407
  law enforcement academy, annually by department of justice, 44-10-202
  medicinal plants, wild — task force on, 77-1-138
  mental disabilities board of visitors, 53-20-104, 53-21-104
  public employees' retirement board, 19-2-407, 19-17-202
  public health and human services, department of, 50-1-202, 52-3-101, 53-21-127, 53-21-202
  research and commercialization, board of — by executive director, 90-3-1006
  revenue, director or department of, 2-7-104, 15-1-205
  state lottery commission, 23-7-202
  supreme court administrator, 41-3-1004
  taxation, 2-7-104, 15-1-205, 15-1-601
  unified investment program, Const., VIII, 13
  upper clark fork river basin steering committee, 85-2-338, 85-2-439
  workers' compensation
    rates, examination and review, 39-71-2362
    state compensation insurance fund, 39-71-2363
Research and Commercialization Technology, Board of — appointments to, 2-15-1819
Reserved Water Rights Compact Commission
  appointments to, 2-15-212
  negotiations, duties, 85-2-701
Residence, 2-16-111; Const., VI, 1
Resignations, by and made to, 2-16-502; Const., VI, 6; VI, 14, See also **PUBLIC OFFICERS OR EMPLOYEES, Vacancy in office**
Respiratory Care Practitioners, Board of — appointments to, 2-15-1860
Revenue studies submitted to, 2-7-104
Rewards offered by, 2-15-201
Salary, 2-16-405, 2-16-406; Const., VI, 5
Sanitarians, Board of — appointments to, 2-15-1861
Schools, acceptance of federal money for, 20-9-603

GOVERNOR (Continued)

Secretary of state, appointment when, 2-16-505; Const., VI, 6
Small Business Compliance Assistance Advisory Çouncil, appointments to, 2-15-2110
Small business registration and licensing system plan, duties of board of review and cooperation in implementation, 30-16-302, 30-16-303
Small employer health reinsurance program, evaluation report, 33-22-1819, 33-22-1820
Social security system
  employment, service included — certification, 19-1-102
  federal-state agreements, 19-1-401, 19-1-824
  higher education, institutions of — referendum procedures, 19-1-822, 19-1-823
  referendum procedures, 19-1-301 — 19-1-304, 19-1-822, 19-1-823
Social Work Examiners and Professional Counselors, Board of
  appointments to, 2-15-1854
  professional counselor provisions, recommendation for amendment, 37-23-103
Solid waste management plans, submission to, 75-10-111
Speech-Language Pathologists and Audiologists, Board of
  appointments to, 2-15-1849
  recommendations by, 37-15-202
State auditor, appointment when, 2-16-505; Const., VI, 6
State employee classification and pay plans, reports concerning, 2-18-102
State lands, See also **Property**
  certificates of purchase signed by, 77-2-327
  patents, execution, 77-2-342
State Prevention Programs, Interagency Coordinating Council for — appointments to and allocation, 2-15-225
State Tax Appeal Board, appointments to and designation of chairman, 15-2-101, 15-2-103
State-Tribal Economic Development Commission — allocation, appointments to, and duties pertaining to, 90-1-131 — 90-1-133
Succession, 2-16-511 — 2-16-514; Const., VI, 6; VI, 14
  acting governor, 2-16-515, 2-16-521; Const., VI, 14
  emergency, 2-16-513, 10-3-602
  governor-elect, Const., VI, 14
Superintendent of public instruction, appointment when, 2-16-505; Const., VI, 6
Supreme court
  clerk, appointment when, 2-16-505
  justices, appointment when, 3-1-1001, 3-1-1011, 3-1-1012, 13-16-503; Const., VII, 8
Surplus property, federal — designation of state agency for, 2-15-1011, 18-5-201
Tactical incidents, order for national guard assistance, 10-3-704, 10-3-705
Taxation
  agricultural land valuation data, advisory committee — appointment by, 15-7-201
  consultation with and reports from department of revenue, 2-7-104, 15-1-204, 15-1-205
  excess tax refund agreement, certification to of ending fund balances for, 15-30-195
  state tax appeal board, 15-2-101, 15-2-103
Teachers' Retirement Board
  appointments to, 2-15-1010
  investments, board of — member appointed to, 2-15-1808
Telecommunications Access Services for Persons with Disabilities, Committee on — appointments to, 2-15-2212
Term of office, Const., IV, 8; VI, 1; VI, 6
Tourism Advisory Council — appointments to, replacement by, and advice from, 2-15-1816
Tourism regions, establishment, 2-15-1816, 15-65-101
Transportation Commission member, selection when, 2-15-2502
Transportation furnished by Department of Justice, 44-1-104
Trauma care committee, appointments to, 2-15-2216
Travel expenses, 2-18-501
Treasure state endowment program projects, review and recommendations, 90-6-710

GOVERNOR (Continued)

Treasure state living cultural treasures program, speakers' bureau registry of honorees — maintenance, 2-15-236, 2-15-238
United States senators, temporary appointment, 13-25-202
University system
  health inspections at request of, 50-1-202
  local executive board members, appointment or removal, 20-25-303
  student loan acquisition program, nonprofit corporation for — designation, 2-15-1520
Vacancies in public offices, appointments to fill, 2-15-108, 2-15-201, 2-16-505, 2-16-506; Const., VI, 6; VI, 8; VII, 8
Vacancy in office, 2-16-511, 10-3-602; Const., VI, 6; VI, 14, See also **Succession**
Vehicle Equipment Safety Compact, executive head, 61-2-209
Veterans, See **Military affairs**
Veterans' Affairs, Board of — appointments to, 2-15-1205
Veterinary Medicine, Board of — appointments to or removal from, 2-15-1852, 37-18-201
Volume cap bonds, allocations — authorization by, 17-5-1312, 17-5-1314
Water and Wastewater Operators' Advisory Council, appointments to, 2-15-2105
Water mediator, request for appointment, 85-5-110
Water Pollution Control Advisory Council, appointments to, 2-15-2107
Water pollution control state revolving fund, compliance with federal act — determination of progress, 75-5-1104
Water storage projects, report concerning, 85-1-704
Water Well Contractors, Board of — appointments to, 2-15-3307
Weapons, concealed — advisory council on permit issues, 45-8-329
Western Governors' University, creation, 2-15-203
Western Interstate Commission for Higher Education, appointment of commissioners, 20-25-802, 20-25-806
Western Regional Higher Education Compact — notice of approval, ratification, and adoption, 20-25-802
Wheat and Barley Committee, appointments to or removal from, 2-15-3002
Workers' compensation
  agreements with other governmental entities, approval, 39-71-402
  canadian provinces, reciprocal agreements, 39-71-426 — 39-71-428
  rates, examination and review, 39-71-2362
  state compensation insurance fund
    board of directors, appointments to, 2-15-1019
    budget and financial reports, 39-71-2363
Workers' compensation judge, appointment by, 2-15-1707
Workers' Compensation Regulation Advisory Council, recommendations by, 2-15-1709

GRAIN, Title 80, chapter 4, parts 4 — 7
  See **AGRICULTURAL COMMODITIES**

GRAND JURY
  See **CRIMINAL PROCEDURE**

GRANDPARENT-GRANDCHILD CONTACT, 40-9-101, 40-9-102
  See also **CHILD CUSTODY**

GRANTS
Administrative rule negotiated rulemaking committees, acceptance, 2-5-110
Agricultural chemical ground water protection, 80-15-301
Agricultural commodity research and market development, for, 80-11-517
Agricultural easements, for, 2-15-3318, 2-15-3319, 2-15-3321
Agricultural Experiment Station, 20-25-231, 80-7-814
Agricultural seed purposes, 80-5-132

GRANTS (Continued)

Agriculture, Department of — authority, 80-7-403, 80-7-813, 80-7-814, 80-7-905, 80-7-1102, 80-7-1107, 80-11-208, 80-11-210, 80-11-602
Agriculture Development Council, authority, 90-9-202, 90-9-306
Airports and landing fields, 67-1-304, 67-2-403, 67-10-405, 67-11-205, 67-11-303, 67-11-305
  disposal of property, limitations, 67-10-222, 67-11-232
  operation and use privileges, limitations, 67-10-302, 67-11-211
Alfalfa Seed Committee, acceptance, 80-11-304
Antiquities, preservation, 22-3-422, 22-3-423, 22-3-603
Art
  cultural and aesthetic projects, Title 22, chapter 2, part 3
  facilities, program for, 7-16-2202, 7-16-2205
  state buildings, for, 22-2-404
Banks, federal deposit insurance corporation aid, 32-1-602
Battered spouses and domestic violence grant program, Title 52, chapter 6, part 1
Block grants, 90-1-103; Title 53, chapter 10, part 5
Blind or visually impaired persons, vending facilities, 18-5-404
Brain injury, traumatic — trust fund, 53-6-502
Burial Preservation Board, acceptance, 22-3-804, 22-3-811
Chemical dependency programs, 53-24-108, 53-24-204, 53-24-206
Child-care resource and referral programs, 52-2-711
Cities and towns
  notes, issuance and sale in anticipation of, 7-7-109
  rehabilitation of private dwellings, 7-15-4103
  water pollution abatement or prevention, 7-7-4405
City-county consolidated governments, special services, 7-3-1311
City finance, See **CITY FINANCE**
Coal impact areas, Title 90, chapter 6, part 2
Commerce, Department of — acceptance, 17-6-407, 17-6-409
Commercial feed purposes, 80-9-207
Community college district trustees, acceptance, 20-15-225
Community service volunteer projects, 90-14-103, 90-14-105
Conservation districts, 76-15-404, 76-15-408, 76-15-530
Cooperative Extension Service, crop weed management research, 80-7-814
Counties
  hard-rock mine trust reserve account funds to provide, 7-6-2225
  health care facilities, 7-34-2402, 7-34-2411
  notes, issuance and sale in anticipation of, 7-7-109
  restrictions, 7-7-2103
County finance, See **COUNTY FINANCE**
Crime Control, Board of — acceptance, 44-2-703
Criminal investigations, federal grants — matching funds, 44-13-103
Cultural and aesthetic projects, Title 22, chapter 2, part 3
Deaf and Blind, Montana School for the, 20-8-101, 20-8-111
Development corporations, 32-4-201, 32-4-206
Discrimination in distribution prohibited, 49-3-206
Displaced homemaker programs, 39-7-304 — 39-7-307
District courts, state grants to, 3-5-901, 7-6-2352
Domestic violence and battered spouses grant program, Title 52, chapter 6, part 1
Drinking water state revolving fund, use, 75-6-212
Economic development
  certified communities program, 90-1-116
  commerce, department of — acceptance, 90-1-102
  federal community development block grant program, 90-1-103
Emergency or disaster purposes, 10-3-203, 10-3-313, 10-3-315, 10-3-1204
Eminent domain, federal financial assistance, Title 70, chapter 31

GRANTS (Continued)

Energy
  agriculture, conservation in, 90-2-140
  conservation grants, 15-32-103, 15-32-201, 15-32-402, 90-4-109
  renewable sources and conservation development, Title 90, chapter 4, part 1
  state buildings, for efficiency analysis, 90-2-141
  weatherization programs, 90-4-201, 90-4-215
Environmental contingency grant program, See **ENVIRONMENTAL PROTECTION, Contingency grant program**
Environmental Quality, Department of — authority, 75-2-112, 75-5-503, 75-5-1104, 75-10-105, 75-10-125, 75-10-404, 75-10-704, 75-10-909, 75-11-504, 75-20-111, 82-4-323, 90-2-140, 90-2-141
Executive branch department heads, authority, 2-15-112
Federal assistance programs, Title 17, chapter 3, part 1
Federal community services block grants, Title 53, chapter 10, part 5
Fish and wildlife
  future fisheries improvement program, implementation, 87-1-272
  mitigation trust fund, 87-1-611, 87-1-612, 87-1-614
  paddlefish egg caviar products sale proceeds used as seed money, 87-4-601
Fish, Wildlife, and Parks — Department of, authority, 23-1-102, 23-1-303, 23-2-101, 87-1-258, 87-3-236, 87-5-605
Flathead Basin Commission, authority, 75-7-305
Fort Peck Interpretive Center, to, 15-65-121
Health care facilities, 7-8-103, 7-34-2402, 7-34-2411, 50-5-232
Health Facility Authority, acceptance, 90-7-202
Higher education
  federal higher education programs, commission on — administration, 20-2-403
  resident student financial assistance program, 20-26-201, 20-26-202
Historical Society, acceptance, 22-3-603
Housing authorities
  county, acceptance, 7-15-2120, 7-15-2121
  municipal, acceptance, 7-15-4416, 7-15-4460, 7-15-4466, 7-15-4501, 7-15-4511
Housing, Board of — authority, 90-6-104, 90-6-132
Indian affairs, state coordinator of — qualifications, 2-15-217
Indian child welfare specialist, acceptance, 52-2-117
Industrial development, tax levy for — use limitation, 90-5-112
Investments, Board of — acceptance, 17-5-1504
Irrigation districts, issuance and sale of notes in anticipation of, 7-7-109
Job investment program, for, 17-6-512
Justice, Department of — acceptance, 44-10-202
Labor and Industry, Department of — authority, 39-7-103, 39-7-304, 39-7-306, 50-70-105
Land Commissioners, Board of — authority, 77-1-213
Lewis and Clark Bicentennial Commission, authority, 2-15-150
Libraries
  federations, 22-1-405, 22-1-413
  public libraries, 22-1-306, 22-1-309, 22-1-327, 22-1-331
  state library commission, authority, 22-1-103, 22-1-327, 22-1-331, 22-1-405, 22-1-413
Livestock, Department of — authority, 81-6-313
Local government, infrastructure projects, Title 90, chapter 6, part 7
Mausoleum-columbarium authority endowment care fund, for, 35-21-848
Mental health corporations, 53-21-204
Metal mines impact areas, Title 90, chapter 6, part 3
Montana Children's Trust Fund Board, acceptance, 41-3-703, 41-3-705
Montana Mint Committee, acceptance, 80-11-403, 80-11-415
Montana State University-Bozeman Local Government Center, acceptance, 20-25-237
Mosquito control board, authority, 7-22-2415

GRANTS (Continued)

Motorcycle safety training courses, 20-25-1002, 20-25-1006
Museums, program for, 7-16-2202, 7-16-2205
Natural Resources and Conservation, Department of — authority, 76-15-408, 76-15-530, 85-2-111, 85-3-103
Nonprofit corporation mergers, effect, 35-2-614
Open-space lands, power of public bodies, 76-6-109
Park Commissioners, County Board of — authority, 7-16-2332
Petroleum Tank Release Compensation Board, acceptance, 75-11-313
Planning boards, acceptance, 76-1-408, 76-1-409
Port authorities, 7-14-1126, 7-14-1133, 7-14-1136
Property, See **PROPERTY, GENERALLY**; **PROPERTY, PERSONAL**; **PROPERTY, REAL**
Public assistance, 53-2-602, 53-2-606, 53-2-608 — 53-2-610
  indian child welfare specialist, acceptance, 52-2-117
  needy families block grant, 53-4-202, 53-4-210 — 53-4-212, 53-4-221, 53-4-246
Public Health and Human Services, Department of — authority, 41-3-1103, 50-6-103, 50-6-304, 50-49-106, 50-79-201, 52-2-711, 52-3-102, 53-2-206, 53-20-203, 53-20-504, 53-21-202, 53-21-402, 53-24-204, 53-24-206
Public school fund, to, Const., X, 2
Radon control, 75-3-607
Rail authorities, receipt and disbursement, 7-14-1624, 7-14-1636
Reclamation and development grants program, Title 90, chapter 2, part 11
Regents of Higher Education, Board of — acceptance, 20-25-103, 20-25-301, 20-25-402, 20-31-401
Renewable resource grant and loan program, Title 85, chapter 1, part 6
Research and commercialization projects, 90-3-1003
Rodent control boards, authority, 7-22-2216
Rural special improvement districts, issuance and sale of notes in anticipation of, 7-7-109
School districts
  building fund, purpose, 20-9-508
  federal money generally, acceptance, 20-9-603
  interlocal cooperative agreements, 20-9-703
  miscellaneous programs fund, purpose, 20-9-507
  notes, issuance and sale in anticipation of, 7-7-109
Silicosis benefits, for, 39-73-103
Solid waste management, 75-10-103 — 75-10-106, 75-10-112, 75-10-121, 75-10-125, See also **SOLID WASTE MANAGEMENT**
Solid waste management districts, 7-13-236, 7-13-308
Special improvement districts, issuance and sale of notes in anticipation of, 7-7-109
Sports pool and sports tab game values, retention of portion by nonprofit organizations for educational grants, 23-5-503
State buildings, construction or maintenance, 17-7-206
State government
  audits of grants from or on behalf of state, 5-13-304
  energy conservation measure grants, 90-4-109
  procurement contracts, 18-4-123, 18-4-132
State Lands, Department of — authority, 77-5-404
State-Tribal Economic Development Commission, duties, 90-1-132
Telecommunications Services for Persons with Disabilities, Committee on — acceptance, 53-19-309, 53-19-310
Telecommunications services providers, infrastructure projects — program for, 15-53-203
Transloading facility, demonstration truck/train grant to local government, 7-14-120
Transportation, Department of — authority, 67-1-304, 67-2-403
Treasure state endowment program, Title 90, chapter 6, part 7

GRANTS (Continued)

Treasury funds and accounts
  federal grants, identification, 17-2-103
  investment of grants, funds for, 17-6-202, 17-6-203
Unemployment insurance funding, 39-51-407
University of Montana-Missoula Bureau of Government Research, acceptance, 20-25-207
University system, 20-25-108, 20-25-426, 20-25-427
Urban renewal, for, 7-15-4252, 7-15-4258, 7-15-4260, 7-15-4267, 7-15-4281, 7-15-4301
Water and wastewater authorities, regional — governing body, acceptance, 75-6-313
Water conservancy district directors, authority, 85-9-405, 85-9-408
Water pollution control state revolving fund, 75-5-1104, 75-5-1106, 75-5-1107, 75-5-1113
Water quality, 75-5-502, 75-5-503, 75-5-512
Water quality district board of directors, authority, 7-13-4517
Water use
  ground water assessment, 85-2-905
  projects, 85-1-102, 85-1-206, 85-1-207, 85-1-307, 85-1-308, 85-1-322
Weed management, 7-22-2142, 80-7-813, 80-7-814
Youth detention services, 41-5-1901 — 41-5-1908

GRASS CONSERVATION ACT, Title 76, chapter 16
  See **GRAZING DISTRICTS**, generally

GRAVEL
  See also **MINES AND MINING**, generally; **STATE LANDS**, **Nonmetallic mineral leases**
Conservation easements, prohibitions or limitations, 76-6-203
Counties, reservations of interest, 7-8-2514
County Commissioners, Board of — sale of surplus, 7-14-2124
Eminent domain, rights in land subject to, 70-30-104
Environmental control easements, prohibitions or limitations, 76-7-203
Flood plains and floodways, natural obstruction, 76-5-103
Metal mining provisions, exclusion, 82-4-303
Mining, 82-4-403, See **MINES AND MINING**, **Opencut mining, reclamation**
Mining operations, inspections and inspectors, 50-72-201, 50-72-202
Opencut mining, Title 82, chapter 4, part 4
Railroads, purchase or acquisition, 69-14-552
Road-building materials, 60-4-103, 60-4-107
Weight and measure provisions, applicability, 30-12-301

GRAZING DISTRICTS
Actions
  sue or be sued, 76-16-324
  trespassing livestock, recovery of damages, 76-16-311, 76-16-314
Administrative procedure, applicability, 76-16-110
Agreements
  consent and cooperation for, 76-16-105
  counties, cooperative use, 7-8-2507
  land
    management, for, 76-16-306
    purchase, 76-16-305
Agricultural lands, 76-16-305, 76-16-306, See also **Property**
Alteration, 76-16-209
Animal unit or animal unit month (AUM), 76-16-103
  fees based upon, 76-16-106
  preferences expressed in, 76-16-103
  trespassing livestock, charge for care and feeding, 76-16-311

GRAZING DISTRICTS (Continued)

Appeal procedure, 76-16-109, 76-16-113
Assessments, 76-16-103
  amount, determination, 76-16-323
  fence construction and maintenance, for, 76-16-320
  nonpayment, 76-16-412
Assets
  dissolution of district, distribution, 76-16-212
  equalization, 76-16-414
  mortgage, 76-16-323
  preferences as basis for determining interest in, 76-16-103
Board of directors, See **Directors, board of**
Borrowing, authority, 76-16-323
Boundaries
  changes, 76-16-207, 76-16-209
  grazing allotment, 76-16-208
  livestock owners, responsibilities, 76-16-309
  map or plat, 76-16-201, 76-16-207
Bylaws, 76-16-206, 76-16-208, 76-16-211, 76-16-301, 76-16-306, 76-16-320, 76-16-325, 76-16-405, 76-16-413, 76-16-414
Carrying capacity of range, See **Range**
Citation of Grass Conservation Act, 76-16-101
Commensurate property, 76-16-103, See also **Dependent commensurate property**
  owners, incorporation procedures, 76-16-201, 76-16-202
    articles of incorporation, preparation and filing, 76-16-204
  preferences, See also **Preferences, grazing**
    appurtenant to, 76-16-405
    distribution, 76-16-401
Commission, Montana Grass Conservation, 76-16-103, 76-16-112
  duties and powers, 76-16-113, See this heading generally
  secretary, 76-16-103, 76-16-112
Compliance with commission orders, 76-16-325
Counties
  cooperative use agreements, 7-8-2507
  land leases, 7-8-2709
County Commissioners, Board of — duties, 7-8-2507, 7-8-2709, 76-16-104, 76-16-317
Definitions, 76-16-103
Dependent commensurate property, 76-16-103, See also **Commensurate property**
  preferences, See also **Preferences, grazing**
    appurtenant to, 76-16-405
    distribution, 76-16-401
  protection, 76-16-102
  rating, 76-16-306
  temporary permittee lands converted to, 76-16-402
Directors, board of, 76-16-103
  appeals from decisions by, 76-16-113
  commision, representation on, 76-16-112
  dissolution
    assets, distribution, 76-16-212
    final report, 76-16-213
  orders by commission, compliance, 76-16-325
  powers and duties, 76-16-204, 76-16-301
  preferences
    reduction, 76-16-403
    transfer applications, 76-16-407
  records, submission, 76-16-105

GRAZING DISTRICTS (Continued)
Directors, board of (Continued)

- removal from office, 76-16-325
- state land
  - appraisals, information for, 77-6-201
  - leasing, 76-16-307
- stream access law, Title 23, chapter 2, part 3, See **RIVERS AND STREAMS, Recreational use**
- stream alteration or modification projects, Title 75, chapter 7, part 1
- transfers of land or leases, determination of rights and interest involved, 76-16-304

Dissolution, 76-16-210, 76-16-211
- assets, distribution, 76-16-212
- final report and order for, 76-16-213

Employees, 76-16-306, 76-16-319
Establishment, See **Incorporation**
Fees, 76-16-106, 76-16-323, 76-16-409
- livestock driven through range, for, 76-16-308
- membership, 76-16-204
- nonpayment, 76-16-412

Fences
- acquisition or construction, 76-16-305
- failure to fence, 76-16-411
- farming land, requirements, 76-16-322
- maintenance and construction, 76-16-320
- remedies, provisions concerning, 76-16-321
- trespassing livestock, impoundment, 76-16-312

Finances, 76-16-323
Formation, See **Incorporation**
Forms, 76-16-105
Hearings, 76-16-105, 76-16-109, 76-16-113, 76-16-202, 76-16-209, 76-16-211, 76-16-325, 76-16-407
Improvements, See **Range**
Incorporation
- articles of, 76-16-204, 76-16-207, 76-16-325
  - amendment, 76-16-206
- certificate of incorporation, 76-16-205
- certificate of approval, 76-16-203 — 76-16-206
- county land advisory boards, cooperation, 7-8-2709
- procedure for, 76-16-201, 76-16-202
- supervision, 76-16-104, 76-16-105

Injunction, 76-16-321
Investigations, 76-16-105, 76-16-113
Land, See **Property**
Leases, See also **Property**
- authority of district, 76-16-305, 76-16-323
- county land, 7-8-2709
- grazing preferences not subject to, 76-16-405
- land not controlled by district, owner's liability, 76-16-411
- range improvements, compensation, 76-16-410
- state lands, 76-16-307
- transfer, effect, 76-16-304

Liability, 76-16-319, 76-16-322
Livestock
- grazing within district, regulation, 76-16-308
- owners, boundary responsibilities, 76-16-309
- purchase or marketing, 76-16-305
- running at large or in herd, permit requirement, 76-16-310

GRAZING DISTRICTS (Continued)
Livestock (Continued)

  trespassing, See **Trespassing livestock**
Management of grazing lands, 76-16-306
Maps, 76-16-207
Meetings, 76-16-112, 76-16-206
Members and membership, 76-16-302, See also **Permittee members**
  articles of incorporation, amendment, 76-16-206
  assets and reserves, payment of value, 76-16-414
  fees, 76-16-204
  limitations, 76-16-302
  merger or subdivision of districts, consent, 76-16-209
  rights, nature of, 76-16-108
  transfer of land or leases, effect, 76-16-304
  trespassing livestock, remedies, 76-16-321
  voting rights, 76-16-303
Merger, 76-16-209
Mortgages, 76-16-323, 76-16-405
Name, 76-16-201, 76-16-204
Noncompliance with commission orders, 76-16-325
Officers, 76-16-105, 76-16-112, 76-16-204, 76-16-325
Operation, 76-16-104, 76-16-105, 76-16-113, 76-16-325
Permits, grazing, 76-16-103, See also **Preferences, grazing**
  failure to obtain, 76-16-411, 76-16-412
  livestock running at large or under herd, for, 76-16-310
  nonuse, 76-16-409, 76-16-412
  owners of land not controlled by district, to, 76-16-411
  rights, nature of, 76-16-108
  size, determination, 76-16-306, 76-16-411
  temporary, 76-16-401 — 76-16-403
Permittee members, See also **Members and membership**
  assessments, See **Assessments**
  assets and reserves of district, payment of value, 76-16-414
  borrowing, consent for, 76-16-323
  designation, 76-16-302
  dissolution of district, 76-16-210, 76-16-212
  notices, receipt — what constitutes, 76-16-111
  temporary permit lands, conversion, 76-16-402
  trespassing livestock, remedies, 76-16-321
  voting rights, 76-16-303
Plats, 76-16-201, 76-16-207, 76-16-208
Powers generally, 76-16-204, 76-16-206, 76-16-301
Preferences, grazing, 76-16-103, See also **Permits, grazing**
  application for, 76-16-404
  appurtenant to property, 76-16-405
  assessments based upon, 76-16-323
  assets and reserves, payment of value, 76-16-414
  changes in allocations, 76-16-208
  dissolution of district, 76-16-210, 76-16-212
  distribution, 76-16-401, 76-16-413
  reallocation when, 76-16-113
  reduction, 76-16-403
  revocation, 76-16-409, 76-16-412
    effect, 76-16-413
  rights, 76-16-108, 76-16-112, 76-16-402
  size, determination, 76-16-306
  temporary permittees, 76-16-402

GRAZING DISTRICTS (Continued)
Preferences, grazing (Continued)

- transfer, 76-16-405, 76-16-406
  - application, 76-16-406, 76-16-407
  - effect, 76-16-408
- trespass actions, applicability of provisions, 76-16-415
- underlying property, transfer, 76-16-409

Property
- acquisition and disposal, 76-16-305, 76-16-323
- commensurate, See **Commensurate property**
- dependent commensurate, See **Dependent commensurate property**
- dissolution of district, distribution of assets, 76-16-212
- management, 76-16-306
- transfer, effect, 76-16-304

Purpose of provisions, 76-16-102, 76-16-104
Range, 76-16-103
- carrying capacity and allotment, 76-16-306
  - permits, determination, 76-16-411
  - preferences, distribution, 76-16-401
- improvements
  - compensation for value, 76-16-410
  - construction, 76-16-323
- livestock driven through, regulation, 76-16-308
- management, 76-16-306
- wild game animals, for, 76-16-107

Rangeland resources, Title 76, chapter 14, See **RANGELAND RESOURCES**
Rangeland Resources Committee, recommendations by association for appointments to, 2-15-3305
Records, 76-16-105
Reports, 76-16-105, 76-16-208
Reserve fund, 76-16-323, 76-16-414
Reservoirs, 76-16-305, See also **Property**
Riders, 76-16-306
Sales
- assets, upon dissolution of district, 76-16-212
- preferences, 76-16-405
- trespassing livestock, 76-16-316

State lands, lease requirements, 76-16-307
Stream access law, Title 23, chapter 2, part 3
Stream alteration or modification projects, Title 75, chapter 7, part 1
Subdivision, 76-16-209
Sue or be sued, authority, 76-16-324
Taylor Grazing Act
- cooperation with, 76-16-102, 76-16-113
- money from, 17-3-221, 17-3-222

Trespassing livestock
- control, 76-16-311
- damages by
  - excess charge, recovery, 76-16-314
  - liability, 76-16-310, 76-16-311
  - owners of land not controlled by district, no recovery, 76-16-411
  - payment, 76-16-311, 76-16-313, 76-16-317
- impoundment, 76-16-312
- person responsible for, inability to locate — procedures, 76-16-315
- preference provisions, applicability to violations, 76-16-415
- release, 76-16-313
- remedies, provisions regarding, 76-16-321

GRAZING DISTRICTS (Continued)
Trespassing livestock (Continued)

    sale, 76-16-316
        proceeds, disposition, 76-16-317
    unlawful recovery, 76-16-318
Use of land, 76-16-104
Violations
    livestock running at large or in herd without permit, 76-16-310
    rules generally, 76-16-412
    trespass, applicability of preference provisions, 76-16-415
    trespassing livestock, unlawful recovery, 76-16-318
Wildlife protection within, 76-16-107

GREENBELT LAW, Title 15, chapter 7, part 2
    See **TAXATION, PROPERTY, Agricultural land**

GREYHOUND RACES, 23-4-101

GRIZZLY BEAR
    See **FISH AND WILDLIFE, Game animals; Grizzly bear**

GROCERY STORES
    See **RETAIL ESTABLISHMENTS**

GROUND WATER ASSESSMENT ACT, Title 85, chapter 2, part 9
    See **WATER USE, Ground water**

GROUP HOMES
    See **DEVELOPMENTAL DISABILITIES, PERSONS WITH, Community homes; YOUTH COURT, Youth residential facilities**

GROWTH THROUGH AGRICULTURE ACT, Title 90, chapter 9
    See **AGRICULTURE, Growth through**

GUARANTY
    See also **SURETYSHIP AND SURETIES; WARRANTY**
Acceptance, notice of — when necessary, 28-11-106
Agricultural loan authority loan guaranty program, 80-12-215
Alteration of obligation, 28-11-211, 28-11-215
    rescission, 28-11-212
Arrest bond certificates, 46-9-412, 46-9-414
Attachment, prejudgment — when, 27-18-101
Bank loans, limitations, 32-1-432
Child support, to secure, 40-4-209
Conditional obligation, 28-11-206
Consent of principal, 28-11-102
Consideration, 28-11-103 — 28-11-105, 28-11-108
Continuing, 28-11-108
Contracts, liability
    illegal contract or contract void against principal, 28-11-203
    incomplete contract, 28-11-202
Corporations, 35-1-115
Cosmetics, prohibited acts and exception to penalty, 50-31-501, 50-31-507
Credit union loans, security for, 32-3-604
Default of principal, 27-18-101, 28-11-205, 28-11-206
Definitions, 28-11-101, 28-11-108
Development corporations, secondary liability — restrictions, 32-4-201
Drugs, prohibited acts and exception to penalty, 50-31-501, 50-31-507
Economic development project costs, 17-5-1503

GUARANTY (Continued)

Exoneration of guarantor, 28-11-211, 28-11-212
  delay of creditor not applicable, 28-11-213
  discharge of principal not applicable, 28-11-214
  indemnification by principal, by, 28-11-215
  surety, applicability, 28-11-412
Factors
  guaranty commission, 30-11-604
  writing not required, 28-11-105
Food, prohibited acts and exception to penalty, 50-31-501, 50-31-507
Hard-rock mining impact plans, developer's costs when, 90-6-307
Hazardous substances, prohibited acts and exception to penalty, 50-30-301, 50-30-305
Hazardous substance releases, remedial action sites — liable person's financial assurance, 75-10-719, 75-10-721
Hearing aid dispensers, 37-16-303
Insurance guaranty associations, See **INSURANCE GUARANTY ASSOCIATION, CASUALTY AND PROPERTY**; **INSURANCE GUARANTY ASSOCIATION, LIFE AND HEALTH**
Knowledge of principal, 28-11-102
Letters of credit, 30-5-130
Liability of guarantor
  conditional obligation, 28-11-206
  illegal contract or contract void against principal, 28-11-203
  incomplete contract, 28-11-202
  indemnification by principal, to creditor, 28-11-215
  obligation is good or collectible, 28-11-204
  obligation not to exceed that of principal, 28-11-201
  part performance, effect, 28-11-216
  payment or performance, when, 28-11-205
  rescission of alteration, not restored, 28-11-212
Limited liability partnerships, ability of partners to act as guarantors, 35-10-307
Mining, large scale mineral development tax prepayment, 90-6-307, 90-6-309
Mortgage foreclosures, one-action limitation — nonapplicability, 71-1-222
Municipal finance consolidation bonds or notes, 17-5-1645
Negotiable instruments, 30-3-415
Nonprofit corporations, 35-2-118, 35-2-435
Offer of, binding when, 28-11-106
Original obligation, as, 28-11-105
Partial performance, effect, 28-11-216
Public contracts, bid security, 18-1-203
Sales, See **SALES**, **Warranties**
Secured transactions, secured party's transfer of collateral — effect, 30-9-504
Securities, See **SECURITIES AND SECURITIES REGULATION**, **Guarantor and guaranty**; **Warranties**
Special improvement district bonds, 7-12-4245
Statutes of fraud, 28-2-903, 28-11-104, 28-11-105
Surety, applicability of provisions
  exoneration, 28-11-412
  rights of guarantor, 28-11-414
Unconditional, when, 28-11-107
Water pollution control state revolving fund program, financial assistance for municipal obligations, 75-5-1107, 75-5-1111
Writing required when, 28-11-104

GUARDIANS AND GUARDIANSHIP
  See also **ESTATES AND PROBATE, Conservators and conservatorship**
Actions
  appeal permitted, Title 25, chapter 21, M.R.App.P., Rule 1
  default judgment against ward, Title 25, chapter 20, M.R.Civ.P., Rule 55(b)
  guardian ad litem, See **Guardian ad litem**
  injury to ward, for, 27-1-512
  justices' and city courts
    capacity as party, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 10A
    service of process, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
  minors, capacity as party, 27-1-511, 41-1-202
  notice to guardian, 72-5-202, 72-5-301
  representation of ward, 25-31-602, 27-1-511, 41-1-202; Title 25, chapter 20, M.R.Civ.P., Rules 17(a), 17(c)
  service of process, Title 25, chapter 20, M.R.Civ.P., Rule 4D; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
  small claims court, in, 25-35-505
  substitution of guardian, Title 25, chapter 20, M.R.Civ.P., Rule 25(b)
  support of ward, enforcement, 72-5-231
  venue, 72-5-232, 72-5-323
Adoption, See **ADOPTION**
Anatomical gifts, 72-17-214, 72-17-215
Attorneys' fees set by court, 25-10-301
Bond for guardian, See **SURETY BONDS, Official bonds**, generally
Child abuse and neglect, appointment, 41-3-401, 41-3-406, 41-3-412, 41-3-421
Conflict of interest of guardian
  condemnation commissioners, 70-30-207
  incapacitated persons, 72-5-312, 72-5-317
  jury duty, 25-7-223, 46-16-115
Conservatorship of ward's property, See also **ESTATES AND PROBATE, Conservators and conservatorship**
  conservators, duties and powers as guardian, 72-5-427
  distributions
    by conservator, recommendations by guardian, 72-5-428
    to guardian, 72-5-427
  inventory to guardian, 72-5-424
  petition, citing in, 72-5-402
  priority of guardian for appointment, 72-5-410
Consolidation of proceedings, 72-5-102
Corporate shareholders, as
  close corporations, 35-1-550
  signature on vote, consent, proxy appointment, or waiver — acceptance, 35-1-527
Corporation as guardian, oaths, 72-31-101
County interdisciplinary child information team, release of information — written consent, 52-2-211
County road improvement district petitions, signed by guardian when, 7-14-2702
Declaratory judgments, availability, 27-8-204
Deeds executed by guardian, validation, 72-31-103
Delegation of powers, 72-5-103
Developmental disabilities, persons with — exploitation, 52-3-803
Disability, persons under, See **Incapacitated persons**
Dissolution or annulment of marriage, revocation of nomination, 72-2-814
Elder abuse, neglect, or exploitation
  "exploitation" defined, 52-3-803

GUARDIANS AND GUARDIANSHIP (Continued)
Elder abuse, neglect, or exploitation (Continued)

- report disclosure to guardian, 52-3-813

Eminent domain, condemnation commissioners — guardian-ward relationship grounds for exclusion, 70-30-207
Executive clemency, application for, 46-23-301
Fiduciary, guardian defined as, 72-1-103

- breach of fiduciary obligation, 45-1-205

Force, right to use — when, 45-3-107, 49-1-103
Foreign trust company as guardian, 32-1-1001 — 32-1-1007
Gambling losses, civil action to recover, 23-5-131
Guardian ad litem

- abortion notification requirements, judicial waiver, 50-20-212
- abused and neglected children
  - appointment and duties, 3-5-901, 41-3-303, 41-3-401, 41-3-607, 41-3-610
  - child protective teams, member of, 41-3-108
  - contributions for care, order, 41-3-403, 41-3-1126
  - disclosure of records to, 41-3-205, 41-3-303
  - parent-child legal relationship termination — appointment, duties, and reports, 41-3-607, 41-3-610
  - permanency plan hearing and report, 41-3-412
  - protection, order for, 40-15-102
  - removal and replacement, 41-3-303
- appointment, 3-5-901, 25-5-301, 25-31-602, 40-6-110, 40-15-102, 41-3-303, 41-3-401, 41-3-607, 41-3-610, 41-5-333, 41-5-1411, 53-20-113, 53-21-119, 72-1-303, 72-33-705, 72-35-313; Title 25, chapter 20, M.R.Civ.P., Rules 4D, 17(c), 25(b); Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
- child custody
  - educational program on effects of dissolution of marriage, costs to include services, 40-4-226
  - parenting and parental contact
    - appointment for and duties, 40-4-205
    - investigations by, 40-4-215
- child support
  - attorney, appointment as, 40-4-205
  - enforcement, requirements for minor obligee, 40-5-159
  - medical care, no obligation when, 40-5-808
- conservatorship proceedings, representation in, 72-5-408
- default judgment against ward, Title 25, chapter 20, M.R.Civ.P., Rule 55(b)
- developmental disabilities, persons with — for, 53-20-113
- disclaimer of property interests, 72-2-811
- guardianship proceedings, representation in, 72-5-314, 72-5-315
- mentally ill persons, for, 53-21-119, 53-22-105
- notice, waiver, 72-1-302
- partition proceedings, 70-29-102
- paternity proceedings
  - appointment and party to action, 40-6-110
  - fees and costs, payment, 40-6-119
  - pretrial recommendations accepted or refused by, 40-6-114
- personal representative, appointment — exclusion from rights relating to, 72-3-505
- prescription drugs, administration to child, 40-6-233
- service of process, Title 25, chapter 20, M.R.Civ.P., Rule 4D; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
- trust
  - account or report, receipt, 72-34-511
  - appointment, 72-33-705, 72-35-313
  - modification or termination, consent for beneficiary, 72-33-408

GUARDIANS AND GUARDIANSHIP (Continued)
Guardian ad litem (Continued)

youth court
    appointment, 41-5-331, 41-5-1411
    compensation, 41-5-111
Home loan corporation bonds, investment in by guardian, 72-31-102
Incapacitated persons
    abortion notification requirements, Title 50, chapter 20, part 2
    abuse, neglect, or exploitation
        report disclosure to guardian, 52-3-813
        temporary guardian, 52-3-804
    accounting by guardian, 72-5-321, 72-5-323, 72-5-324
    AIDS testing, consent and counseling, 50-16-1003, 50-16-1007
    alcoholism of incapacitated person, rights and responsibilities, 53-24-301, 53-24-302
    attorney, court appointment, 72-5-315, 72-5-322
    child of incapacitated person as guardian, 72-5-312
    commitment of ward, applicability of laws, 53-20-141, 53-21-141, 53-21-190, 72-5-321, See also **MENTAL ILLNESS OR INCAPACITY, Guardians of**
    compensation of guardian for support, 72-5-321
    conservatorship, See **ESTATES AND PROBATE, Conservators and conservatorship**
    court appointment of guardian
        acceptance, 72-5-301
        certificate, seal of court on, 3-1-206
        conflict of interest, 72-5-312, 72-5-317
        filing fee, 25-1-201
        hearing, 72-5-314, 72-5-315
        jurisdiction, 72-5-323
        notice of hearing, 72-5-314
        order, 3-1-206, 72-5-316
        petition, 72-5-319, 72-5-320
        priorities, 72-5-312
        procedure, 72-5-315
        temporary guardian, 72-5-317
        testamentary nominee, of, 72-5-304
        venue, 72-5-311
        visitor, 72-5-313
    death of guardian or ward, 72-5-324, 72-5-325
    default judgment against incompetent person, Title 25, chapter 20, M.R.Civ.P., Rule 55(b)
    definitions, 72-1-103, 72-5-101, 72-5-305
    developmental disabilities, persons with
        commitment determination, 53-20-125
        planning and advisory council, representation on, 2-15-2204
    elective share of surviving spouse, 72-2-223
    evidence of necessity for guardianship, 72-5-306, 72-5-315
    hearings
        court as guardian, 72-5-316
        incapacity, issues on, 72-5-315
        removal or resignation of guardian, 72-5-325
        treatment of ward, 72-5-322
    HIV-related testing, consent and counseling, 50-16-1003, 50-16-1007
    incapacity of guardian, effect, 72-5-324, 72-5-325
    incapacity of ward
        adjudication, 72-5-304, 72-5-325
        findings, 72-5-316
        hearing, 72-5-315
        petition for finding, 72-5-315
        presumption, none, 72-5-306

GUARDIANS AND GUARDIANSHIP (Continued)
Incapacitated persons (Continued)
  incapacity of ward (Continued)
    termination, 72-5-325
    visitors' testimony, 72-5-315
  insurance producers, temporary license — issued when, 33-17-216, 33-17-217
  interested persons, 72-1-103
    actions by, 72-5-301
    incapacity, petition for finding, 72-5-315
    notice, request for, 72-5-318
  jurisdiction of court, 72-5-102, 72-5-301, 72-5-323
  liability of guardian, 72-5-321
    termination of appointment, effect, 72-5-324; Title 25, chapter 21, M.R.App.P., Rule 13
  limited guardian and guardianship, 72-5-305
    order, 72-5-316
    petition for, 72-5-319
    powers and duties generally, 72-5-321
    purpose of, 72-5-320
    temporary guardian, 72-5-317
    when, 72-5-312, 72-5-316
  medical care, 72-5-320 — 72-5-322
  midwife-client privilege, consent for release of information and actions from claims, 37-27-310
  necessaries, contracts for, 28-2-204
  notice
    court as guardian, 72-5-317
    guardian, to, 72-5-301
    hearings, 72-5-314
    interested person, request for, 72-5-318
    payment of property and support funds to guardian, 72-5-321
    testamentary appointment, 72-5-302
  occupational disease benefits, payment to, 39-71-742, 39-72-402
  parent
    as guardian, 72-5-312
    delegation of powers, 72-5-103
    notice of hearing, 72-5-314
    testamentary appointment of guardian, 72-5-302, 72-5-304
  powers
    delegation by parent or guardian, 72-5-103
    guardian, generally, 72-5-321
    limited guardian, 72-5-320, 72-5-321
  professional counselor-client privilege, consent for release of information and actions from claims, 37-23-301
  protective proceedings, 72-5-321, See **ESTATES AND PROBATE**, **Conservators and conservatorship**
  purpose of guardianship, 72-5-306, 72-5-320
  relative of incapacitated person, rights, 72-5-302, 72-5-312, 72-5-314
  removal of guardian, 72-5-314, 72-5-323 — 72-5-325
  reports by guardian, 72-5-315, 72-5-321
  resignation of guardian, 72-5-323 — 72-5-325
  rights, how affected, 72-5-306, 72-5-316, 72-5-319, 72-5-321
  social worker-client communications, disclosure or actions regarding, 37-22-401
  spouse
    as guardian, 72-5-312
    notice of hearing, 72-5-314
    testamentary appointment of guardian, 72-5-302, 72-5-304
  successor guardian, 72-5-325
  support, provision for, 72-5-321

GUARDIANS AND GUARDIANSHIP (Continued)
Incapacitated persons (Continued)

  suspension of guardian's authority, 72-5-314, 72-5-317
  temporary guardians, 52-3-804, 72-5-317, 72-5-319
    notice provision, exclusion, 72-5-314
  termination of appointment, 72-5-324; Title 25, chapter 21, M.R.App.P., Rule 13
    objection, by, 72-5-302, 72-5-304
    petition for, 72-5-325
  testamentary appointment of guardian, 72-5-302
    acceptance, 72-5-301 — 72-5-303
    foreign will, by, 72-5-303
    jurisdiction, 72-5-323
    objections, 72-5-302, 72-5-304
    priority, 72-5-302
  third persons, guardian's liability to, 72-5-321
  tuberculosis, consent for treatment, 50-17-110
  venue
    court appointment proceedings, 72-5-311
    proceedings subsequent to appointment, 72-5-323
  visitor, 72-5-313, 72-5-315
  workers' compensation benefits
    claims, appointment of guardian for, 39-71-602
    payment to, 39-71-742
Injury to ward, action for, 27-1-512
Institutional care, per diem payments, Title 53, chapter 1, part 4
Jurisdiction of guardian, extent, 26-3-203
Jurors, relationship grounds for challenge, 25-7-223, 46-16-115
Jury trials, 72-5-315
Letters of guardianship, 72-1-103, 72-5-201
  appeals, appointment of guardian, Title 25, chapter 21, M.R.App.P., Rule 1
Limited liability companies, disassociation of member, 35-8-803
Limited liability partnerships, exercise of partner's rights, 35-12-1105
Medical communications, interference — prohibitions against, 33-1-801 — 33-1-804
Minors
  abduction of ward, action for, 27-1-515
  abortion, notice to guardian, Title 50, chapter 20, part 2
  abused and neglected children, See also **CHILD ABUSE AND NEGLECT**
    appointment and duties of guardian, 41-3-401
    records, disclosure to guardian, 41-3-205
  accounting by guardian, 72-5-231 — 72-5-233
  actions, capacity as party, 27-1-511, 41-1-202
  adoption of ward, 72-5-103, 72-5-231, 72-5-233
  AIDS testing, consent and counseling, 50-16-1003, 50-16-1007
  alcoholic beverages, making available to minor, 16-6-305, 45-5-622
  alcoholism of minor, rights and responsibilities, 53-24-301, 53-24-302
  attorney for minor, court appointment, 72-5-225, 72-5-234
  compensation of guardian, 72-5-231
  conservators, powers and duties of guardian, 72-5-427
  court appointment of guardian, 72-5-222
    acceptance, 72-5-201, 72-5-202
    certificate, seal of court on, 3-1-206
    filing fee, 25-1-201
    letters of appointment, 72-5-201
    parental authority ceases, 40-6-234
    procedure, 72-5-225
    proceedings subsequent to appointment, 72-5-232
    qualifications, 72-5-223

GUARDIANS AND GUARDIANSHIP (Continued)
Minors (Continued)
  court appointment of guardian (Continued)
    temporary guardian, of, 72-5-224
    testamentary nominee, of, 72-5-213, 72-5-222
    venue, 72-5-221
  credit cards, issuance to — consent, 31-1-115, 41-1-304
  custody, See also **CHILD CUSTODY**
    child custody proceedings, inclusion, 40-7-103
    delegation of powers, 72-5-103
    interference with, 45-5-304
    legal, defined, 41-5-103
  day care, See **DAY CARE**
  deaf and blind, Montana school for the — transportation contracts, 20-8-121
  death of
    guardian or ward, termination of guardianship, 72-5-233
    ward, suit for, 27-2-205
  default judgment against infant, Title 25, chapter 20, M.R.Civ.P., Rule 55(b)
  definitions, 72-1-103, 72-5-101
  delinquent, Title 41, chapters 5 and 6, See **MINORS**, **Interstate Compact on Juveniles**; **YOUTH COURT**
  delivery of property, 72-5-104, 72-5-231
  disabilities, with — special education, Title 20, chapter 7, part 4
  drivers' licenses, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**, **Drivers' licenses**
  duration of guardian's appointment, 72-5-201, 72-5-224
  endangering the welfare of children, 45-5-622
  firearms, liability and exception when used by child under 14, 45-8-344, 45-8-345
  force, right to use — when, 45-3-107, 49-1-103
  grandparent-grandchild contact, 40-9-101, 40-9-102
  health care information concerning minor, disclosure — authorization requirement, 50-16-542
  hearings
    appointment of guardian, 72-5-225
    removal or permission to resign, petitions for, 72-5-234
  highway patrol officers' retirement benefits, payment for child's use, 19-6-505
  HIV-related testing, consent and counseling, 50-16-1003, 50-16-1007
  hotel property, damage to — liability, 70-6-514
  injury to ward, suit for, 27-2-205
  insurance contracts, binding when, 33-15-103
  interested persons, 72-1-103
    notice to, 72-5-202
    reports to, 72-5-231
  interstate placement, Title 41, chapter 4, part 1
  jurisdiction of court, 72-1-202, 72-5-102, 72-5-202, 72-5-232
  letters of guardianship, 72-1-103, 72-5-201
    appeals, appointment of guardian, Title 25, chapter 21, M.R.App.P., Rule 1
  liability of guardian, 72-5-231
    alcoholic beverages, for damages involving sale or provision to ward when, 16-6-305
    firearms, use by minor, 45-8-345
    school property, damage or destruction by minor, 20-5-201
    shoplifting by minor, 27-1-718
    termination of appointment, effect, 72-5-233; Title 25, chapter 21, M.R.App.P., Rule 13
    ward, to, 72-5-231
  managed care plan network adequacy and quality assurance, approval for disclosure of records, 33-36-305
  marriage of minor ward
    consent requirements, 40-1-213, 40-1-402, 72-5-103, 72-5-231

GUARDIANS AND GUARDIANSHIP (Continued)
Minors (Continued)
  marriage of minor ward (Continued)
    termination of guardian's appointment, 72-5-233
  medical care of minor
    abortion, notice to guardian, Title 50, chapter 20, part 2
    consent to, 72-5-231
    emergency, notification, 41-1-402, 41-1-403
    generally, Title 41, chapter 1, part 4, See **MINORS, Medical care**
    pregnancy, serological test results to guardian, 50-19-107
    tuberculosis, consent for treatment, 50-17-110
  midwife-client privilege, consent for release of information and actions from claims, 37-27-310
  missing children information program, Title 44, chapter 2, part 5
  name change, petition by guardian, 27-31-101, 27-31-201
  necessaries, provision, 41-1-305
  newspaper carrier or freelance correspondent, minor as
    unemployment insurance coverage exclusion, 39-51-204
    workers' compensation coverage exclusion, 39-71-401
  notice
    abortion, Title 50, chapter 20, part 2
    appointment, of, 72-5-211, 72-5-225
    guardian, to, 72-5-202
    removal or permission to resign, petition for, 72-5-234
  occupational disease benefits, payment to, 39-71-742, 39-72-402
  parenting
    plan, access, 40-4-234
    proceeding, notice, 40-4-211
  parents
    appointment of guardian terminates authority, 40-6-234
    delegation of powers by, 72-5-103
    notice of appointment proceedings to, 72-5-225
    testamentary appointment by, 72-5-211
  pawnbroker or junk dealer purchases from minor, written consent of guardian, 7-21-4208, 45-5-623
  payment of property, 72-5-104, 72-5-231
  police officers' retirement benefits, payment for child's use, 19-7-801, 19-9-804
  powers
    delegation by parent or guardian, 72-5-103
    guardian generally, 72-5-231, 72-5-427
  pregnancy, See also **PREGNANCY, Minors**
    abortion, notice to guardian, Title 50, chapter 20, part 2
    serological test results to guardian, 50-19-107
  privileged communications, consent to disclosure, 26-1-808, 26-1-809
  professional counselor-client privilege, consent for release of information and actions from claims, 37-23-301
  prostitution, aggravated promotion of, 45-5-602
  protective proceedings, commencement by guardian, 72-5-231, See also **ESTATES AND PROBATE, Conservators and conservatorship**
  public employees' retirement benefits, application for and payment to minor beneficiary, 19-2-803, 19-3-1204
  public health and human services, department of — as guardian, 52-2-115, See also **CHILD ABUSE AND NEGLECT, Child welfare services**
  removal of guardian, 72-5-232 — 72-5-234
  reports by guardian, 72-5-231
  residence, determination, 1-1-215
  resignation of guardian, 72-5-232 — 72-5-234
  rodeos and similar events, approval of consent for minor's voluntary participation, 27-1-733

GUARDIANS AND GUARDIANSHIP (Continued)
Minors (Continued)

  schools
    attendance requirements, noncompliance, 20-5-105 — 20-5-107
    enrollment of child, proof of identity required, 44-2-511
    grades, diploma, or transcript of pupil — withholding when, 20-5-201
    home schools, 20-5-102, 20-5-109, 20-5-111
    nonpublic schools, See **PRIVATE SCHOOLS**, generally
    out-of-district attendance agreements, 20-3-210, 20-5-320 — 20-5-324
    property damage or destrubtion by minor, liability of guardian, 20-5-201
    weapons in school building, allowing possession of — offense of, 45-8-361
  seduction of, action for, 27-1-514
  sexual offense, victim of — sexually transmitted disease testing of convicted person, 46-18-256
  sheriffs' retirement benefits, payment for child's use, 19-7-801
  shoplifting, liability of guardian, 27-1-718
  social worker-client communications, disclosure or actions regarding, 37-22-401
  status of guardian, how acquired, 72-5-201, 72-5-224
  substitute care, 41-3-1102, 41-5-103, See **YOUTH COURT**
  successor guardian, 72-5-234
  support, funds for, 72-5-104, 72-5-231
  tattooing of minor, consent required, 45-5-623
  temporary guardians, 72-5-224
  termination of appointment, 72-5-233; Title 25, chapter 21, M.R.App.P., Rule 13
    objection of minor, by, 72-5-213, 72-5-222
  testamentary appointment of guardian
    acceptance, 72-5-201, 72-5-202, 72-5-211
    foreign will, by, 72-5-212
    letters of appointment, 72-5-201
    objections by minor, 72-5-211, 72-5-213, 72-5-222
    priority, 72-5-211, 72-5-222
    probate, denial — effect, 72-5-233
    proceedings subsequent to appointment, 72-5-232
  transfers to, Title 72, chapter 26
  university sytem students, residence requirements, 20-25-501, 20-25-503, 20-25-504
  venue
    court appointment, 72-5-221
    proceedings subsequent to appointment, 72-5-232
  volunteer firefighters' benefits, payment to guardian of child, 19-17-405
  voting program for youth, participation, 13-22-105
  workers' compensation benefits
    claims, appointment of guardian for, 39-71-602
    payment to, 39-71-742
  youth court, Title 41, chapter 5
  youth residential services, Title 41, chapter 3, part 11
Motor vehicle dealer provisions, nonapplicability, 61-1-314
Multiple proceedings, 72-1-203
Nonprofit corporation members — acceptance of signature on vote, consent, waiver, or proxy appointment, 35-2-542
Notarial acts, Title 1, chapter 5, part 6, See **NOTARIES PUBLIC**
Orders, who bound, 72-1-303
Organ donation of deceased ward, 72-17-214, 72-17-215
Partnership partners, appointment for — effect, 35-10-616
Paternity proceedings
  jurisdiction, 40-6-109
  party to action, 40-6-110
Personal representative, appointment — rights of guardian, 72-3-505

GUARDIANS AND GUARDIANSHIP (Continued)

Pleadings, 72-1-303
Power of attorney, 72-5-103, 72-5-501, 72-5-502, 72-31-201, 72-31-231
Preexisting guardianships, 72-1-107
Professional corporations, amendment of articles of incorporation by guardian, 35-4-312
Property
  deeds executed by guardian, validation, 72-31-103
  delegation of powers, 72-5-103
  delivery or payment, 72-5-104, 72-5-231, 72-5-321, 72-5-439
  description in petition for guardian for incapacitated persons, 72-5-319
  disclaimer of property interests, 72-2-811
  drainage district elections, voting rights, 85-8-305
  exempt property, 72-2-415
  family allowance, 72-2-414
  force, use to protect, 49-1-103
  homestead allowance, 72-2-415
  irrigation districts
    united states, indebtedness of district to — exclusion of lands, 85-7-1826
    voting rights, 85-7-1710
  protective proceedings, See **Conservatorship of ward's property**; **ESTATES AND PROBATE, Conservators and conservatorship**
  real property
    holding over, damages for, 27-1-319
    partition proceedings, See **PARTITION, Incompetent persons**; **Minors**
    quiet title actions for heirs of deceased entrymen, as party, 70-28-204, 70-28-206
    waste by guardian, 70-16-106
  water conservancy district elections, voting rights, 85-9-421
Prostitution, aggravated promotion of, 45-5-602
Protection, right to use force, 49-1-103
Protective services of Department of Public Health and Human Services does not create guardianship, 52-3-207
Public servant, guardian defined as, 45-2-101
Register of probate and guardianship proceedings, 3-5-513
Securities
  exempt transactions, 30-10-105
  transfers, 30-8-117
Seduction of ward, action for, 27-1-514
Small claims court, representation of ward, 25-35-505
Spouse, capacity as guardian, 40-2-108
Taxation
  assessment of property, designation of guardian, 15-8-502
  income tax, fiduciary, 15-30-101, See **TAXATION, INDIVIDUAL INCOME**
Transfer of proceedings, 72-1-203
Trust company as, 32-1-107
Trusts, See **BANKS AND TRUST COMPANIES**; **TRUSTS**
Uniform Probate Code
  effective date, applicability, 72-1-107
  precedence, 72-1-106
  territorial extent, 72-1-201
Venue, 72-1-203
  appointment proceedings, 72-5-221, 72-5-311
  proceedings subsequent to appointment, 72-5-232, 72-5-323

GUESTS
Boats, 23-2-502
Carriers, See **CARRIERS, Passenger carriers**

GUESTS (Continued)

Fish and wildlife shooting preserves, 87-4-523
Force to protect, 49-1-103
Fraternal organizations, permits to sell alcoholic beverages, 16-4-301
Housing, exemption from discriminatory practices when, 49-2-305
Insurance, blanket disability, 33-22-601 — 33-22-604
Landlord and tenant, fire or casualty damage, 70-24-409
Lease warranties, third-party beneficiary, 30-2A-216
Lodging establishments, See **HOTELS AND LODGING ESTABLISHMENTS**
Meat and meat products, custom slaughter and preparation provision, 81-9-218
Motor vehicles, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Passengers**
Protection, 49-1-103
Sales warranties, third-party beneficiary, 30-2-318
Surreptitious visual observation or recordation, penalty, 45-5-223
Swimming pools, private, 50-53-102
University system facilities and services, 20-25-302
Veterans organizations, permits to sell alcoholic beverages, 16-4-301

GUIDES AND GUIDING, Title 37, chapter 47
    See **OUTFITTERS AND GUIDES**

GUNS
    See **WEAPONS, Firearms; Machine guns**

H

HABEAS CORPUS, WRIT OF
    See also **WRITS**, generally
Affidavit concerning petitioner, 46-22-302
Alcoholism, discharge from commitment for, 53-24-302
Appeal by prosecution, 3-5-901, 46-22-307
Appearance of petitioner, 46-22-302
Availability, 46-21-101, 46-22-101, 46-22-103; Const., II, 19
Bail, availability to give, 46-22-103
County officers, fees not allowed, 7-4-2516
Disobedience to writ, 46-22-303
Disposition of petitioner, 46-22-306
Evidence, 46-22-305
Expenses of proceedings, 3-5-901
Extradition, upon arrest, 46-30-217, 46-30-228, 46-30-229
Form, 46-22-205
Hearing and determination, 46-22-302, 46-22-304 — 46-22-306
Issuance, 3-1-302, 3-5-302, 46-22-202, 46-22-203, 46-22-204
Jurisdiction
    district court, 3-5-302, 3-5-311, 46-22-202; Const., VII, 4
    supreme court, 3-2-202, 3-2-212, 46-22-202; Const., VII, 2
Petition, 46-22-201, 46-22-205
Postconviction hearing, applicability of laws, 46-21-101
Return of writ, 46-22-202, 46-22-205, 46-22-301, 46-22-304
Service of writ, 46-22-206
Supreme court, proceedings in, Title 25, chapter 21, M.R.App.P., Rule 17, See also
    SUPREME COURT, Original proceedings in
Technical defects, no release for, 46-22-102

HAIL INSURANCE
  See also **INSURERS, FARM MUTUAL**
Agriculture, Department of — appraisers appointed by, 80-2-242
Applications, 80-2-203
  crop liens, inclusion, 80-2-226
  rates printed on, 80-2-222
Appraisal, disputed — procedures, 80-2-243
Appraisers, 80-2-242
Benefits
  bankruptcy, exemption, 31-2-106
  election of, 80-2-204
  execution, exempt from, 80-2-245
Board of, 2-15-3003; Title 80, chapter 2, part 2
Cancellation when, 80-2-207
Cash payment, 80-2-206
Crops subject to provisions, 80-2-205
Delinquent
  insurance, effect, 80-2-207, 80-2-244
  taxes, effect, 80-2-207
Insurers, tax on fire portion of direct premiums, 50-3-109
Levies for
  agreement concerning, 80-2-203
  amount, 80-2-222
  annual, 80-2-223, 80-2-228
  assessments, 80-2-224
  authorization, 80-2-221
  collection, 80-2-230
  county, amount transferable to, 80-2-232
  delinquent, 80-2-244
  increase, 80-2-228
  liability, 80-2-204
  liens, 71-3-711 — 71-3-713
  payable when, 80-2-224
  reinsurance, use of money for, 80-2-209
  withdrawal of crop when, 80-2-229
Liens for, 71-3-125, 71-3-711 — 71-3-713
Losses, 80-2-241, 80-2-244
Maximum, 80-2-208, 80-2-244
Participation in program, 80-2-203
Policies, issuance, 80-2-204
Real estate liens, creation, 80-2-225
Reduction, 80-2-207
Refunds when, 80-2-206, 80-2-222
Reinsurance, 80-2-209
Reserve fund, 80-2-228
Risks, classification, 80-2-203
Tax levy for, See **Levies for**
Withdrawal of crops, when, 80-2-229

HANDICAPPED PERSONS
  See **DISABILITIES, PERSONS WITH**

HARD-ROCK MINING IMPACT BOARD, 2-15-1822, 82-4-335, 82-4-339, 90-6-403; Title 90, chapter 6, part 3
  See also **MINES AND MINING**

HAY
    See **AGRICULTURE**

HAZARDOUS CHEMICALS
Accidents, 50-78-102, 50-78-301, 50-78-401
Applicability of provisions, 50-78-103
CERCLA, "hazardous substance" defined, 75-10-602, See **HAZARDOUS WASTES**
Citation of Employee and Community Hazardous Chemical Information Act, 50-78-101
Definitions, 50-78-102
Education and training programs for employees, 50-78-204, 50-78-305
Emergency and community information, 50-78-301
Exemptions from provisions, 50-78-103, 50-78-104
Fire prevention and safety, 50-3-103, 50-78-301
Information
    program, 50-78-306
    to employee, effect on employers, 50-78-401
Injunction when, 50-78-205
Inspections, 50-78-301
Investigations, 50-78-402
Labels, 50-78-102, 50-78-206
    interpretation, instruction for, 50-78-305
    sealed containers during transportation, 50-78-103
Liability and responsibilities of employer, 50-78-401
Material safety data sheets, 50-78-102, 50-78-203
    accessibility to employees, 50-78-103, 50-78-203, 50-78-204
    interpretation, instruction for, 50-78-305
    retention by employer, 50-78-103
    trade secret, withholding of chemical name, 50-78-205
    workplace chemical list, information for, 50-78-202
Notice to employuees, 50-78-201, 50-78-306
OSHA standard, 50-78-102
    medical emergencies or services, chemical identities to be provided, 50-78-205
    relationship to, 50-78-104
    training programs, 50-78-204
    violations, reporting, 50-78-402
Rights of employees, 50-78-201, 50-78-204, 50-78-306
Trade secrets, 50-78-102, 50-78-205, 50-78-206
Violations, 50-78-204, 50-78-205, 50-78-301, 50-78-402
Workplace chemical list, 50-78-102, 50-78-202
    availability to employees, 50-78-204
    trade secret, withholding of chemical name, 50-78-205

HAZARDOUS SUBSTANCES
    See also **HAZARDOUS WASTES; RADIOACTIVE SUBSTANCES**
Accidents
    investigation, 50-30-106
    prevention programs and procedures, 50-30-104
Actions
    disclosure of information, 50-30-301
    publication of judgments, decrees, or orders, 50-30-105
Anhydrous Ammonia Facilities Safety Act, Title 80, chapter 10, part 5, See **COMMERCIAL FERTILIZERS**
Banned hazardous substances, 50-30-203, 50-30-305
    authorization and declaration of ban, 50-30-219

HAZARDOUS SUBSTANCES (Continued)
Banned hazardous substances (Continued)

- detainer or embargo, 50-30-307
- prohibited acts, 50-30-301
- toys and other children's articles, 50-30-202, 50-30-220

Boats, ventilation system required when, 23-2-521
Carriers, inspection and applicability of laws, 50-30-108, See also **Transportation**
CERCLA, Title 75, chapter 10, part 6, See **HAZARDOUS WASTES**
Citation of Montana Consumer Product Safety Act of 1975, 50-30-101
Combustible, 50-30-209
Condemnation order, 50-30-307
Containers, 50-30-201 — 50-30-203, 50-30-209, 50-30-211, 50-30-217, 50-30-218, 50-30-301
Corrosive, 50-30-202, 50-30-206
Cosmetics, applicability of laws, 50-30-201, 50-30-202, 50-30-301
Declaration of, 50-30-201, 50-30-215
Definitions, 50-30-102

- banned hazardous substance, 50-30-203
- corrosive, 50-30-206
- extremely flammable, flammable, and combustible, 50-30-209
- hazardous substance, 10-3-1203, 50-30-201, 75-10-701
- highly toxic, 50-30-205
- irritant, 50-30-207
- label, 50-30-211
- misbranded hazardous substance, 50-30-202
- radioactive substance, 50-30-210
- strong sensitizer, 50-30-208
- toxic, 50-30-204

Drugs, applicability of laws, 50-30-201, 50-30-202, 50-30-301
Educational programs and materials, 50-30-104, 50-30-105
Electrical hazards, 50-30-201, 50-30-203, 50-30-212, 50-30-220
Enforcement of provisions, 50-30-103, 50-30-106 — 50-30-108
Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Title 75, chapter 10, part 6, See **HAZARDOUS WASTES, CERCLA**
Federal Hazardous Substances Act, adoption by reference, 50-30-103
Flammable, 50-30-202, 50-30-209

- extremely flammable, 50-30-209

Food, applicability of laws, 50-30-201, 50-30-202, 50-30-301
Glue sniffing unlawful, 45-9-121
Hazardous material incidents, response to, Title 10, chapter 3, part 12
Information, publication, 50-30-105
Injunction when, 50-30-306
Innkeepers, eviction of guests or refusal of services when, 70-6-511, 70-6-512
Inspections

- access to information and premises, 50-30-107, 50-30-108
- carriers, 50-30-108
- refusal unlawful, 50-30-108, 50-30-301

Investigations, 50-30-106

- publication of results, 50-30-105

Irritant, 50-30-207
Labeling, 50-30-211

- additional requirements, 50-30-202, 50-30-216
- banned hazardous substance, 50-30-203
- chemical sets for children, 50-30-203
- compliance, 50-30-218
- contents, 50-30-202
- correction of misbranded article, 50-30-307
- exemptions, 50-30-202, 50-30-217

HAZARDOUS SUBSTANCES (Continued)
Labeling (Continued)

  inspection of, 50-30-107
  misbranded hazardous substances, 50-30-202, 50-30-216, 50-30-307
  prohibited acts, 50-30-301
  radioactive substances, when, 50-30-201
Mechanical hazards, 50-30-201, 50-30-203, 50-30-213, 50-30-220
Minors, prohibited employment, 41-2-106
Misbranded, 50-30-202, 50-30-216, 50-30-301, 50-30-305, See also **Labeling**
Nuclear regulation, Title 50, chapter 79, See **RADIOACTIVE SUBSTANCES**
Paint sniffing, 45-9-121
Pesticides, applicability of laws, 50-30-106, 50-30-201, See also **PESTS AND PESTICIDES**
Poison, label designation, 50-30-202, See also **POISON**
Prohibited acts, 50-30-301
  detained or embargoed substance, removal or disposal, 50-30-307
  injunction, 50-30-306
  inspections, refusal to allow, 50-30-108, 50-30-301
  paint or glue sniffing, 45-9-121
  penalty, 50-30-304
    exceptions to, 50-30-305
  prosecution and notice and hearing prior to, 50-30-302, 50-30-303
Radioactive substances, applicability of laws, 50-30-201, 50-30-204, 50-30-210, See **RADIOACTIVE SUBSTANCES**
Release, remedial action upon, Title 75, chapter 10, part 7, See **HAZARDOUS WASTES, Remedial action upon release of hazardous substance**
Rules, 50-30-103, 50-30-201 — 50-30-203, 50-30-209, 50-30-215 — 50-30-217, 50-30-220
Strong sensitizer, 50-30-208
Thermal hazards, 50-30-201, 50-30-203, 50-30-214, 50-30-220
Toxic, 50-30-204
  highly toxic, 50-30-202, 50-30-205
Toys and other children's articles, 50-30-220
  banned hazardous substance, 50-30-202, 50-30-203, 50-30-220
  chemical sets, exemptions, 50-30-203
  hazardous substance when, 50-30-201
  misbranded hazardous substance when, 50-30-202
Trade secrets, disclosure, 50-30-301
Transportation
  educational programs, 50-30-104
  inspection of vehicles and records, 50-30-107, 50-30-108
  railroads, by — unlawful when, 69-14-562
Underground storage tanks, Title 75, chapter 11, parts 2 and 5, See **UNDERGROUND STORAGE TANKS**
Violations, See **Prohibited acts**

HAZARDOUS WASTES
  See also **HAZARDOUS SUBSTANCES; RADIOACTIVE SUBSTANCES**
Actions
  CERCLA, remedial actions, Title 75, chapter 10, part 6
  disclosure statement, 75-10-426
  enforcement proceedings, 75-10-413, 75-10-417, 75-10-418, 75-10-427
  facilities, release of waste — for relief, 75-10-425
  hazardous substance, remedial action upon release, See also **Remedial action upon release of hazardous substance**
    citizens suit, 75-10-726
    contribution, for, 75-10-711, 75-10-718, 75-10-719, 75-10-724
    indemnification, for, 75-10-718
    liability, resolution, 75-10-719

HAZARDOUS WASTES (Continued)
Actions (Continued)
    hazardous substance, remedial action upon release (Continued)
        orders, 75-10-707, 75-10-711
        private right of, 75-10-724
        recovery of costs, damages, or penalties, 75-10-424, 75-10-711, 75-10-715, 75-10-720, 75-10-722, 75-10-728
        relief, legal or equitable — for, 75-10-711
        "remedial action" defined, 75-10-701
        third parties, by, 75-10-718
    imminent hazard, to protect public health or environment, 75-10-415
    injunction, for, 75-10-413, 75-10-414, 75-10-425
    remedial, Title 75, chapter 10, parts 6 and 7
    venue, 75-10-715
Administration of provisions
    CERCLA, 75-10-621
    hazardous wastes, 75-10-402, 75-10-404, 75-10-413, 75-10-621
    remedial action upon release of hazardous substance, 75-10-701
Agriculture, Department of — agreements with, 80-8-110
Air quality permit for incineration facility, 75-2-215
Appeals, 75-10-407, 75-10-727
Cease and desist orders, 75-10-711
CERCLA
    bonds, 75-10-623
        agreement between department and board of examiners, 75-10-626, 75-10-627
        authorization, 75-10-623, 75-10-625
        benefit of state, 75-10-627
    CERCLA match debt service account
        appropriation to, 75-10-621, 75-10-622
        sufficiency, 75-10-623
    cooperative agreements, 75-10-603, 75-10-604
    definitions, 75-10-602, 75-10-701
    hazardous waste/CERCLA special revenue account
        appropriations from, 75-10-621
        revenue for, 75-10-621, 75-10-623, 75-10-625
        unused balances, 75-10-621
    institutional controls, establishment, 50-2-101, 50-2-116
    junk vehicle sales or recycling, disposition of money received from, 75-10-532
    penalties or damages collected under, disposition, 75-10-621
    purpose of provisions, 75-10-601
    state lands and buildings acquired pursuant to, acceptance or disposal, 77-1-211, 77-2-302
Citation of Montana Hazardous Waste Act, 75-10-401
Classification, 75-10-405
Cleanup
    fire company or department, volunteer — immunity, 75-10-725
    orders, 75-10-416, 80-8-305
    remedial action upon release of hazardous substance, 75-10-602, 75-10-701, 75-10-706, 75-10-707, 75-10-721, See also **Remedial action upon release of hazardous substance**
    voluntary, See **Voluntary cleanup and redevelopment**
Commercial
    fertilizers, applicability of laws, 75-10-602, 75-10-701
    incineration, 75-2-230, 75-2-231, 75-2-413, See also **AIR QUALITY**
Compliance
    hazardous wastes
        injunction to compel, 75-10-414
        monitoring and reporting, 75-10-409
        variance procedures, 75-10-408

HAZARDOUS WASTES (Continued)
Compliance (Continued)
  hazardous wastes (Continued)
    violations, 75-10-418, 80-8-305
  remedial action upon release of hazardous substance, orders, 75-10-707
Comprehensive Environmental Cleanup and Responsibility Act, Title 75, chapter 10, part 7, See **Remedial action upon release of hazardous substance**
Confidentiality of information, 75-10-707
Conflict of laws, 75-10-421
Containers, 75-10-410, 75-10-602, 75-10-701, 75-10-707, 75-10-1005
Contempt, 75-10-413, 75-10-707
Cooperation with other agencies, 75-10-404, 75-10-601 — 75-10-604, 75-10-621, 80-8-110
Coordination of programs, 75-10-404
Corrective action, hazardous wastes
  facilities, 75-10-405, 75-10-406, 75-10-425
  violations, order for, 75-10-413
Destruction, remedial action, 75-10-602, See **Remedial action upon release of hazardous substance**
Disposal, See **Storage or disposal**
Emergencies
  hazardous material incidents response, Title 10, chapter 3, part 12, See **EMERGENCIES AND EMERGENCY POWERS**, **Response to hazardous material incidents**
  permits for facilities, 75-10-406
  remedial action upon release of hazardous substance, 75-10-621, 75-10-712, 75-10-716, 75-10-717
  responders, recovery of costs, 75-10-716, 75-10-717
  response plans of facilities, 75-10-441
  variances, effect, 75-10-408
Enforcement
  hazardous wastes, 75-10-404, 75-10-407, 75-10-410, 75-10-417, 75-10-418
    administrative, 75-10-413
    permit violations, 75-10-407
    proceedings, 75-10-413, 75-10-417, 75-10-418
    program, of, 75-10-402
  remedial action upon release of hazardous substance, 75-10-701, 75-10-707, 75-10-711
Environmental contingency account, use, 75-1-1101
Environmental control easements, Title 76, chapter 7
Environmental quality protection fund, See **Remedial action upon release of hazardous substance**
Environmental Sciences, Division of — administration expenses, 75-10-621
Examiners, Board of — CERCLA bonds, duties, 75-10-623, 75-10-625, 75-10-626
Facilities, 75-10-403, 75-10-431, 75-10-701
  access by department, 75-10-707
  availability to state, 75-10-603
  classes or categories, permits granted by, 75-10-406, 75-10-431
  closure and postclosure, 75-10-405
  compliance monitoring and reporting, 75-10-409
  corrective action for releases, 75-10-405, 75-10-406, 75-10-425
  emergency, 75-10-406, 75-10-441
  entry by department, 75-10-707
  establishment, 75-10-405, 75-10-412
  fees, 75-10-405, 75-10-412, 75-10-432, 75-10-433
  filing and review fees, 75-10-432
  financial assurances, 75-10-405, 75-10-406
  halogenated solvents, 75-5-311, 75-10-451
  information, public availability, 75-10-405
  injunction, 75-10-414, 75-10-415, 75-10-425
  inspections, 75-10-405, 75-10-410, 75-10-707

HAZARDOUS WASTES (Continued)
Facilities (Continued)

- inventory of storage or disposal sites, 75-10-411
- maintenance and operation, 75-10-405, 75-10-406, 75-10-412, 75-10-441
- owners or operators, remedial action upon release of hazardous substance, 75-10-701
  - agreements to perform, 75-10-723
  - liability, 75-10-715, 75-10-719
  - samples, receipt and analysis, 75-10-707
  - trade secret information, claim for confidentiality, 75-10-707
- permits required, 75-10-405 — 75-10-407, 75-10-422, 75-10-426, 75-10-427
  - moratorium on certain permits, 75-10-442
- property for, 75-10-412
- proposed, hearing and notice requirements, 75-10-405, 75-10-441
- purpose of provisions, 75-10-402
- records, 75-10-405, 75-10-409, 75-10-410, 75-10-707
- releases
  - allowed by permit, 75-10-715
  - corrective action, 75-10-406
- remedial action upon release of hazardous substance, See **Remedial action upon release of hazardous substance**
- reports, 75-10-405, 75-10-411
- rules regarding, 75-10-405, 75-10-406, 75-10-418, 75-10-702
- samples, collection and analysis, 75-10-409, 75-10-707
- siting, 75-10-402, 75-10-405
- state, 75-10-405, 75-10-412
- testing, 75-10-411
- variance procedures, 75-10-408
- venue for legal actions, 75-10-420
- violations, 75-10-418

Facility siting decisions, concurrent studies, 75-10-407
False statements or representations, 75-10-418
Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Title 75, chapter 10, part 6, See **CERCLA**
Federal funds, matching, 75-10-621, 75-10-623, 75-10-625
Federal program participation, 75-10-419
Federal provisions
- CERCLA, cooperative agreements, 75-10-603, 75-10-604
- hazardous wastes, state more restrictive — prohibited when, 75-10-405, 75-10-408
- infectious waste, sterilization techniques, 75-10-1005
- remedial action upon release of hazardous substance, applicability, 75-10-701, 75-10-715, 75-10-718, 75-10-720, 75-10-721, 75-10-724

Fines for violations, 75-10-418
Fire company or department, volunteer — immunity, 75-10-725
Generation of waste, 75-10-402, 75-10-403
Generators, 75-10-403
- fees, 75-10-433, 75-10-434
- infectious waste, 75-10-1003, 75-10-1005, 75-10-1006
- injunction, 75-10-415
- liability for release of hazardous substance, 75-10-715
- registration requirements, 75-10-405
- variance procedures, 75-10-408

Grants, 75-10-404, 75-10-704
Halogenated solvents
- registration and sale, 75-10-451
- water quality district ordinances, 75-5-311

"Hazardous or deleterious substance" defined, 75-10-701
"Hazardous substance" defined, 75-10-602

HAZARDOUS WASTES (Continued)

Household hazardous waste, 75-10-104, 75-10-203, 75-10-215, 75-10-807
Identification
  hazardous wastes, 75-10-403, 75-10-405
  infectious waste, steam-sterilized, 75-10-1005
  remedial action upon release of hazardous substance
    costs, damages, and penalties, 75-10-720
    natural resources impaired by release, liability concerning damage costs, 75-10-715
    persons liable, 75-10-704, 75-10-711
    release or threat of, 75-10-711
    substance, 75-10-707, 75-10-715
Implementation of Hazardous Waste Act, funding, 75-10-532, 75-10-621
Incineration
  air quality permit, 75-2-215
  infectious waste, 75-10-1003, 75-10-1005
  remedial action, 75-10-602, See **Remedial action upon release of hazardous substance**
  solid or hazardous waste, permits, 75-2-216
Industrial furnaces and boilers that burn wastes, rules and performance standards, 75-10-405
Infectious waste management
  citation of infectious waste management act, 75-10-1001
  definitions, 75-10-1003
  fees, 75-10-1006
  disposal, handling, and labeling, 75-10-1005
  incineration, 75-10-1003, 75-10-1005
  licensing and regulation, 75-10-1006
  management standards, 75-10-1005
  prohibition, 75-10-1004
  purpose of provisions, 75-10-1002
  rules, 75-10-1004, 75-10-1006
  storage and transportation, 75-10-1003 — 75-10-1006
Information, public availability, 75-10-405, 75-10-441, 75-10-451
Injunctions, 75-10-413 — 75-10-415, 75-10-417, 75-10-418, 75-10-425, 75-10-707
Inspections
  hazardous or deleterious substances, facilities, 75-10-707, 75-10-715
  hazardous wastes
    facilities, 75-10-405
    property, premises, or place, 75-10-411, 80-8-110
Integration of programs, 75-10-404
Interstate cooperation, 75-10-419
Investigations
  hazardous substances, 75-10-621
  hazardous wastes management, 75-10-404, 75-10-413
  remedial action upon release of hazardous substance, 75-10-621, 75-10-701, 75-10-704, 75-10-707, 75-10-711
Landfills, 75-10-701, 75-10-920, See also **Facilities**
  infectious waste, disposal, 75-10-1005
Legislative findings, 75-10-402, 75-10-601
Management, 75-10-403
  agreements, 80-8-110
  fees, 75-10-431 — 75-10-434
  infectious waste, Title 75, chapter 10, part 10
  interstate cooperation, 75-10-419
  purpose of provisions, 75-10-402
  research and investigation, 75-10-404
Megalandfills, illegal dumping, 75-10-920

HAZARDOUS WASTES (Continued)

Monitoring activities
  hazardous waste facilities or sites, 75-10-405, 75-10-409, 75-10-411
  remedial action upon release of hazardous substance, 75-10-602, 75-10-701, 75-10-711
Motor oil recycling center, notice, 75-10-1101
Noncompliance with provisions, 75-10-406, 75-10-409, 75-10-410, 75-10-711, 75-10-714
Nuclear, Title 50, chapter 79, See **RADIOACTIVE SUBSTANCES**
Penalties
  administrative, 75-10-424, 75-10-704, 75-10-714
  civil, 75-10-417, 75-10-704, 75-10-711, 75-10-715, 75-10-722
  criminal, 75-10-418
  lien, as, 75-10-720
Permits
  denial or modification, mitigating factors, 75-10-427
  disclosure statement required, 75-10-426
  incineration facility, 75-2-215
  infectious waste management, 75-10-1006
  management facilities, 75-10-405 — 75-10-407, 75-10-422, 75-10-442
Pesticides, applicability of laws, 75-10-701, 80-8-110
Petroleum and petroleum products, See **Remedial action upon release of hazardous substance**; See also **UNDERGROUND STORAGE TANKS**
Policy of state, 75-10-402
Program, 75-10-402
Public availability of information concerning, 75-10-405
Public nuisances, abatement, 75-10-404
Purpose of provisions, 75-10-402, 75-10-706, 75-10-1002
Radioactive substances, Title 50, chapter 79, See **RADIOACTIVE SUBSTANCES**
Reclamation and development grants program projects, eligibility, 90-2-1112
Records
  CERCLA bonds and notes, 75-10-623
  hazardous or deleterious substance, remedial action upon release, 75-10-707, 75-10-722
  hazardous wastes, 75-10-405, 75-10-409, 75-10-410, 75-10-418
Recovery, 80-8-110
Recycling, 75-10-451, 75-10-602, 80-8-110
  motor oil recycling center, notice, 75-10-1101
Registration of generators and transporters, 75-10-405
Releases, 75-10-602, 75-10-701
  "contaminant" defined, 75-10-602
  corrective action by facilities, 75-10-406
  environmental control easement holders, nonliability, 76-7-213
  remedial action, See **Remedial action upon release of hazardous substance**
  site monitoring, testing, analysis, and reporting, 75-10-411
Remedial action upon release of hazardous substance
  access to facilities, 75-10-707
  administration, 75-10-701
  administrative
    order, public meeting, 75-10-713
    penalties, 75-10-704, 75-10-714
    settlement, 75-10-719
  agreements to perform, 75-10-723
  bid requirements, nonapplicability, 75-10-703
  cease and desist orders, 75-10-711
  CERCLA, under, 75-10-603, 75-10-621, 75-10-625, 75-10-718
  citation of comprehensive environmental cleanup and responsibility act, 75-10-705
  citizens suit, 75-10-726
  civil penalties, 75-10-704, 75-10-711, 75-10-715, 75-10-722

HAZARDOUS WASTES (Continued)
Remedial action upon release of hazardous substance (Continued)

- cleanup, 75-10-602, 75-10-701, 75-10-706, 75-10-707, 75-10-721, 75-10-733, 75-10-737
- compliance, action to compel, 75-10-726
- condemnation of property, 75-10-720
- confidentiality of information, 75-10-707
- consent decrees, public comment, 75-10-713, 75-10-723
- contempt, 75-10-707
- "contract" defined, 75-10-701
- contractor, 75-10-701, 75-10-718
- contribution, 75-10-711, 75-10-715, 75-10-724
  - claims, 75-10-718, 75-10-719
  - liability, 75-10-724
- cooperative agreements, 75-10-603, 75-10-604
- cost-effective actions, 75-10-721
- costs, 75-10-603, 75-10-625, 75-10-701, 75-10-704, 75-10-711, 75-10-715, 75-10-717 — 75-10-720, 75-10-722, 75-10-728
- damages, 75-10-704, 75-10-711, 75-10-715, 75-10-718, 75-10-720, 75-10-722, 75-10-723
- declaratory judgment concerning costs, 75-10-722
- defenses, 75-10-715, 75-10-718
- definitions, 75-10-602, 75-10-701
- department, by, 75-10-603, 75-10-703, 75-10-704, 75-10-711
- determination, 75-10-603, 75-10-707
- disposal facilities, availability to state, 75-10-603
- emergency actions, 75-10-621, 75-10-712, 75-10-716
  - responders, recovery of costs, 75-10-716, 75-10-717
- eminent domain, 75-10-720
- enforcement, 75-10-701, 75-10-707, 75-10-711
- entry of facilities, 75-10-707
- environmental quality protection fund, 75-10-701
  - creation and administration, 75-10-704
  - environmental contingency account, 75-1-1101, 75-10-704
  - expenditures, 75-10-704, 75-10-711
  - revenue for, 15-38-202, 75-1-1101, 75-10-704, 75-10-711, 75-10-714, 75-10-722
- environmental requirements, 75-10-721
- evidence, 75-10-707, 75-10-715, 75-10-718, 75-10-724
- exemption of portion of action when, 75-10-721
- financial assurance, 75-10-704, 75-10-719, 75-10-721
- funding, 75-10-706
- good faith efforts to identify responsible persons, 75-10-711
- grant, application for, 75-10-704
- hearings, 75-10-714
- imminent hazard, 75-10-701, 75-10-704, 75-10-707, 75-10-711, 75-10-712, 75-10-720
- indemnification, claims, 75-10-718
- information gathering, 75-10-707, 75-10-711
- injunction, 75-10-707
- inspections of facilities, 75-10-707, 75-10-715
- institutional controls, 75-10-701, 75-10-721, 75-10-727
- investigations, 75-10-621, 75-10-701, 75-10-704, 75-10-707, 75-10-711
- judgments, 75-10-722, 75-10-724
- judicial
  - consent decree, approval, 75-10-713
  - orders, review, 75-10-711
  - penalties, review, 75-10-714
  - settlement, approval, 75-10-719
- liability
  - action not admission, 75-10-703

HAZARDOUS WASTES (Continued)
Remedial action upon release of hazardous substance (Continued)
- liability (Continued)
  - actions for resolution, 75-10-719
  - cease and desist or other orders to persons liable, 75-10-711
  - contractor, 75-10-718
  - contribution, 75-10-718, 75-10-719, 75-10-724
  - controlled allocation, 75-10-745, 75-10-750
    - allocator selection, 75-10-749
    - citation of controlled allocation of liability act, 75-10-742
    - decision, appeal, 75-10-751
    - definitions, 75-10-701
    - discovery, 75-10-747
    - emergency actions, 75-10-746
    - enforcement, 75-10-746
    - orphan share state special revenue account, allocations to, 15-37-117, 15-38-106, 75-10-742
    - preallocation negotiations, 75-10-748
    - process initiation, 75-10-745
    - termination, effect, 75-10-752
  - costs, for, 75-10-715, 75-10-718 — 75-10-720, 75-10-722, 75-10-728
  - damages, 75-10-715, 75-10-718, 75-10-720, 75-10-722
  - discharge of potentially liable persons, 75-10-719
  - emergency actions, notice to persons liable, 75-10-712
  - establishment, 75-10-715, 75-10-718
  - exemption, 75-10-718
  - failure of persons to provide appropriate action, 75-10-711, 75-10-715
  - financial assurance, 75-10-704, 75-10-719, 75-10-721
  - identification of persons liable, 75-10-704, 75-10-711
  - immediate action required by persons liable, 75-10-711
  - immunity, 75-10-718
  - joint and several, 75-10-715, 75-10-724
  - noncompliance of persons liable, 75-10-711, 75-10-715
  - nonliability, establishment, 75-10-715
  - notice to persons liable, 75-10-711, 75-10-712, 75-10-715, 75-10-720
  - participation and financial contribution of persons liable, 75-10-704, 75-10-711, 75-10-714
  - penalties assessed to persons liable, 75-10-711, 75-10-714, 75-10-715, 75-10-720, 75-10-722
  - previous owners or operators, 75-10-715
  - reimbursement of fund by persons liable, 75-10-711
  - settlement, 75-10-719
- lien created when, 75-10-720
- maintenance, 75-10-603, 75-10-621, 75-10-625, 75-10-721
- matching funds, 75-10-621
- monitoring, 75-10-701, 75-10-711
- natural resources, 75-10-701
  - damages, 75-10-704, 75-10-715, 75-10-720, 75-10-723
  - emergency actions, 75-10-712
- noncompliance with orders, 75-10-711, 75-10-714, 75-10-715
- notices and orders, 75-10-701, 75-10-707, 75-10-711 — 75-10-715, 75-10-720
- penalties, 75-10-704, 75-10-711, 75-10-714, 75-10-715, 75-10-720, 75-10-722
- public comment, order or decrees, 75-10-713, 75-10-723
- purpose of provisions, 75-10-706
- records, 75-10-707, 75-10-722
- recovery of costs, damages, or penalties, 75-10-704, 75-10-711, 75-10-715, 75-10-720, 75-10-722
- “release” defined, 75-10-602, 75-10-701

HAZARDOUS WASTES (Continued)
Remedial action upon release of hazardous substance (Continued)

- rulemaking authority, 75-10-702
- samples from facilities, 75-10-707
- selection of action, 75-10-721
- sites, establishment and implementation, 75-10-704
- state lands and buildings acquired as, disposal, 77-2-302
- state participation, 75-10-621, 75-10-625
- statute of limitations, actions for recovery of costs, 75-10-722
- subpoena, 75-10-707
- third parties, 75-10-715, 75-10-718
- trade secret information, confidentiality, 75-10-707
- upper clark fork river basin, partial closure — exception, 85-2-336
- violation of orders, 75-10-711, 75-10-714
- voluntary, 75-10-703, 75-10-706, 75-10-733, 75-10-737
- witnesses, 75-10-707

Remedies cumulative, 75-10-421
Reports
- hazardous wastes, concerning, 75-10-405, 75-10-409, 75-10-411, 75-10-418
- regulated substances, concerning, 75-10-411

Research programs, 75-10-404, 75-10-1003
Reuse, 75-10-451, 75-10-602
Samples and analysis, 75-10-409 — 75-10-411, 75-10-707
Sanitarians, authority, 37-40-101
Site monitoring — testing, analysis, and reporting, 75-10-411
Solid waste disposal sites, disposal at, 75-10-406, 75-10-715
Solvents, halogenated
- registration and sale, 75-10-451
- water quality district ordinances, 75-5-311

State facilities, 75-10-405, 75-10-412
Storage or disposal, 75-10-403
- agreements, 80-8-110
- cleanup orders, 75-10-416, 80-8-305
- emergency permits, 75-10-406
- facilities, See **Facilities**
- facility siting decisions resulting in, 75-10-407
- halogenated solvents, 75-5-311, 75-10-451
- household hazardous waste, 75-10-104, 75-10-807
- infectious waste, 75-10-1003 — 75-10-1006
- inventory of sites, 75-10-411
- program for, 75-10-402
- "release" defined, 75-10-602, 75-10-701
- remedial action upon release of hazardous substance, 75-10-602, See **Remedial action upon release of hazardous substance**
- requirements, rules for, 75-10-405
- sanitarians, authority, 37-40-101
- sites, See **Facilities**
- solid waste disposal sites, at, 75-10-406
- streamside management zones, prohibited practices, 77-5-303
- unlawful, 75-10-416, 75-10-422

Streamside management zones, prohibited practices, 77-5-303
Studies, publication, 75-10-404
Subpoenas, 75-10-413, 75-10-707
Trade secret information, confidentiality, 75-10-707
Transfer facilities, 75-10-403, 75-10-405
Transportation, 75-10-403
- agreements, 80-8-110

HAZARDOUS WASTES (Continued)
Transportation (Continued)

  commercial motor vehicle, 61-1-134, 61-8-805, 61-8-806, 61-8-811, 61-8-812
    "hazardous material" defined, 61-1-137
  facility siting decisions resulting in, 75-10-407
  infectious waste, 75-10-1003 — 75-10-1005
  manifests, 75-10-403, 75-10-405, 75-10-418
  program for, 75-10-402
  requirements, rules for, 75-10-405
  violations, 75-10-418
Transporters, 75-10-403
  infectious waste, 75-10-1005, 75-10-1006
  injunction, 75-10-415
  liability for release of hazardous substance, 75-10-715
  registration requirements, 75-10-405
  reports and records, 75-10-405
  variance procedures, 75-10-408
Treatment, 75-10-403
  agreements, 80-8-110
  cleanup orders, 75-10-416
  emergency permits, 75-10-406
  facilities, See **Facilities**
  halogenated solvents, 75-5-311, 75-10-451
  infectious waste, 75-10-1003 — 75-10-1006
  program for, 75-10-402
  remedial action upon release of hazardous substance, 75-10-602, See **Remedial action upon release of hazardous substance**
  requirements, rules for, 75-10-405
  sites, See **Facilities**
Underground storage tanks, See **UNDERGROUND STORAGE TANKS**
Variance procedures, 75-10-408
Venue for legal actions, 75-10-420, 75-10-715
Violations
  halogenated solvents, sale when, 75-10-451
  hazardous wastes
    corrective action, order for, 75-10-413
    disposal, unlawful, 75-10-422
    generally, 75-10-407, 75-10-413, 75-10-418
    hearings, 75-10-413
    injunction to restrain, 75-10-413, 75-10-414, 75-10-417, 75-10-418
    notice to violator, 75-10-413
    penalties, 75-10-417, 75-10-418
  remedial action upon release of hazardous substance
    orders, 75-10-711, 75-10-714
    penalties, 75-10-704, 75-10-711, 75-10-714
Voluntary cleanup and redevelopment
  citation of voluntary cleanup and redevelopment act, 75-10-730
  closure of facilities, 75-10-738
  eligibility, 75-10-732
  plan, 75-10-733
    approval, content, and time limits, 75-10-736
    public participation, 75-10-735
    requirements, 75-10-734
  public participation, 75-10-735
  purpose and legislative declaration, 75-10-731
  remedial action
    costs, reimbursement, 75-10-733

HAZARDOUS WASTES (Continued)
Voluntary cleanup and redevelopment (Continued)
  remedial action (Continued)
    degree of cleanup required, 75-10-721
    preclude, voluntary action to, 75-10-737
Voluntary compliance, 75-10-413
Warnings, 75-10-413
Water quality
  district ordinances, limitations, 75-5-311
  nonsignificant activities, 75-5-317
Witnesses, 75-10-413, 75-10-707

HEALTH CARE ADVISORY COUNCIL
Compensation and expenses of members, 50-4-205
Composition and terms of office, 50-4-203, 50-4-403
Consumer report cards for health care services and costs, 50-4-312
Creation, 50-4-103
Database for health care resources and services, 50-4-502, 50-4-504
Definitions, 50-4-504
Health care planning regions, 50-4-203, 50-4-403
Insurance claim forms and procedures, uniformity, 50-4-505
Meetings, 50-4-204
Powers and duties, 50-4-206
Purpose of provisions, 50-4-103
Reports, 50-4-206
Rules of procedure, 50-4-204
Staff support, 50-4-206
State health care policy, 50-4-104

HEALTH CARE FACILITIES
Abandonment, 50-5-115
Abortion, Title 50, chapter 20, See **ABORTION**
Abuse, neglect, or exploitation
  aging persons or persons with developmental disabilities, reporting, 52-3-811
  children, investigations and reporting of, 41-3-201 — 41-3-207
Accreditation, 50-5-101, 50-5-103, 50-5-308
Admissions
  new, cessation when, 50-5-114
  policies, 53-6-106
Adult day-care centers, 7-34-2201, 50-5-101
Adult foster care homes, 50-5-101, See **ADULTS**
AIDS
  exposure of personnel, 50-16-702, 50-16-1007
  persons with, discrimination prohibited, 50-5-105
  testing and counseling, 50-16-1003, See **DISEASES, AIDS (acquired immunodeficiency syndrome)**
Alcoholic beverages, allowances and restrictions, 16-1-204, 16-6-309
Alteration, See **Construction, alteration, or expansion**
Ambulances, See **EMERGENCY MEDICAL SERVICES, Transportation or treatment services**
Ambulatory surgical facilities, 33-36-103, 50-32-314
Anatomical gifts, duties, 50-5-212; Title 72, chapter 17
Animal and research facilities protection, Title 81, chapter 30, part 1
Autopsies, See also **FORENSIC SCIENCE**
  conducted at facility, 46-4-103
  reports and records, 50-21-104
Battered spouses programs for hospital personnel, 52-6-104
Birth certificates, completion and filing, 50-15-221
Blood or blood products, liability, 50-33-101 — 50-33-104

HEALTH CARE FACILITIES (Continued)

Bonds to fund, 90-5-108; Title 17, chapter 5, part 15; Title 90, chapter 7, See also **County facilities**
Bones, furnishing declared service and not sale, 50-33-102
Building, See **Construction, alteration, or expansion**
Capital expenditures, 50-5-101, 50-5-301, 50-5-305, 50-5-308, 50-5-310
Certificate of need, 50-5-101, 50-5-301
  appeals, 50-5-305, 50-5-306
  application, 50-5-101, 50-5-106, 50-5-302, 50-5-310
  decision, 50-5-302, 50-5-305, 50-5-306
  definitions, 50-5-101, 50-5-301
  expiration and extension, 50-5-305
  fees, 50-5-310
  health maintenance organizations, applicability, 33-31-111, 33-31-203, 33-31-221
  hearings, 50-5-302, 50-5-305, 50-5-306
  letters of intent, 50-5-301, 50-5-302, 50-5-310
  licensing provisions, applicability, 50-5-207
  reconsideration of application, 50-5-305
  review of application, 50-5-302, 50-5-304, 50-5-309
  special circumstances, issuance, 50-5-308
  violations and penalties, 50-5-305, 50-5-307
Charitable hospitals, purchasing provisions, 18-4-401
Chemical dependency facilities, 50-5-101, See **CHEMICAL DEPENDENCY, Treatment facilities**
Child abuse and neglect investigations and reporting of, 41-3-201 — 41-3-207
Closure when, 50-5-115, 53-6-107
Collective bargaining for nurses, Title 39, chapter 32
Communicable disease hospital, 7-34-4101, 50-2-118
Community service corps program, Title 90, chapter 14, part 1
Consolidation, See **Cooperative agreements, mergers, and consolidations**
Construction, alteration, or expansion, 50-5-101
  certificate of need requirements, 50-5-301, 50-5-304, 50-5-305, 50-5-308
  compliance with requirements, 50-5-103, 50-5-104
  county facilities, 7-34-2201, 7-34-2411, 7-34-2501 — 7-34-2504
    boarding homes for the aged, 7-34-2301, 7-34-2411
  development projects, See **HEALTH FACILITY AUTHORITY; INDUSTRIES AND INDUSTRIAL DEVELOPMENT, Development projects**
  plans and specifications, approval, 50-5-201
Consumer report cards for health care services and costs, 50-4-312
Cooperative agreements, mergers, or consolidation, 50-4-601 — 50-4-603
  appeals from decisions, 50-4-610
  amendments, 50-4-603
  certificates of public advantage, 50-4-605
    application and hearing, 50-4-603, 50-4-612
    enforcement, 50-4-621
    fees, 50-4-623
    reconsideration after denial, application and hearing, 50-4-604, 50-4-612
    revocation, 50-4-609, 50-4-610, 50-4-612
  definitions, 50-4-605
  enforcement, 50-4-621
  findings and purpose, 50-4-601
  records, 50-4-611, 50-4-623
  reports, 50-4-622, 50-4-623
  rulemaking, 50-4-612
  supervision, 50-4-612
  termination, 50-4-609, 50-4-611

HEALTH CARE FACILITIES (Continued)
Cooperative agreements, mergers, or consolidation (Continued)

void agreements when, 50-4-603
Corridors
doors, applicability of building codes, 50-60-205, 50-60-301
smoking prohibited, 50-40-106
County facilities
boarding homes for the aged, 7-34-2301, 7-34-2303, 7-34-2411, 7-34-2501 — 7-34-2504
bond issues
authorization, 7-34-2411
boarding homes for the aged, 7-34-2303, 7-34-2411
details, 7-34-2415
election required, 7-6-2531, 7-34-2414
leases, receipts from and termination date, 7-34-2204, 7-34-2303
limitations, 7-34-2413, 7-34-2415
tax-exempt status, 7-34-2416
tax levy, 7-6-2512, 7-6-2531, 7-34-2411, 7-34-2414, 7-34-2417, 7-34-2418
buildings and sites, 7-34-2201
commission for management of, 7-34-2202
depletion allowance reserve fund, 7-34-2401 — 7-34-2404
employees, membership in public employees' retirement system, 19-3-412
erection and maintenance, 7-8-2102, 7-34-2201
expenses as county charge, 7-6-2426
grants, 7-34-2402, 7-34-2411
indigents, 53-2-322
lease of county property, 7-34-2204, 7-34-2303
multicounty operation
authorization, 7-34-2502
bond issues and tax levy for, 7-34-2418
contracts for, 7-34-2503
costs, division among counties, 7-34-2504
definitions, 7-34-2501
depletion allowance reserve fund, 7-34-2401 — 7-34-2404
services
fees and payments for, 7-34-2411
provision for, 7-34-2203
tax levy for, 7-6-2512, 7-6-2531, 7-34-2411
Crippled children's hospitals, inheritance tax exemptions, 72-16-312
Dead on arrival or death following admission, inquiry by coroner, 46-4-122
Definitions, 7-34-2201, 50-4-504, 50-4-605, 50-5-101, 50-5-301, 53-6-106
Dental hygienists, practice in, 37-4-405
Detention center inmates, hospitalization, 7-32-2222, 7-32-2245
Detention hospitals, 7-34-4101
Detoxification services, 53-24-108, See **CHEMICAL DEPENDENCY**, generally
Developmental disabilities, persons with — report of abuse, neglect, or exploitation required, 52-3-811, See **DEVELOPMENTAL DISABILITIES, PERSONS WITH, Abuse, neglect, or exploitation**
Development projects, Title 90, chapter 5, part 1; Title 90, chapter 7
Dimethyl sulfoxide (DMSO), use, 50-42-103, 50-42-104
Disasters, See **EMERGENCIES AND EMERGENCY POWERS, Medical services**
Discontinuance of operation 50-5-201
Discrimination prohibited, 50-5-105, See also **DISCRIMINATION, Public accommodations**
abortion, refusal to participate — no cause of action, 50-20-111
sterilization, refusal to participate — no cause of action, 50-5-502, 50-5-503
Domestic violence programs for hospital personnel, 52-6-104
Do not resuscitate (DNR) provisions, 50-10-101 — 50-10-103

HEALTH CARE FACILITIES (Continued)

Doors, applicability of building codes, 50-60-205, 50-60-301
Drug distribution, wholesale — exception to licensing provisions, 37-7-602
Drugs, dangerous — ambulatory surgical facility registration, 50-32-314
Drug standards for inpatients, drug utilization review — nonapplicability, 37-7-406
Elderly persons — report of abuse, neglect, or exploitation required, 52-3-811, See also **AGING AND AGED PERSONS, Abuse, neglect, or exploitation**
Emergency medical services, See **EMERGENCY MEDICAL SERVICES**
Endowments for state hospitals, 17-3-1003
Energy supply emergencies, curtailment plans, 90-4-307
Estates, claims against — priority, 72-3-807
  small estates, 72-3-1103, 72-3-1104
Expansion, See **Construction, alteration, or expansion**
Faith healing institutions, exemption from provisions, 50-5-104
Family practice training program, 50-5-601 — 50-5-603, 50-5-611
Fetal, infant, and child mortality review teams — representation on, 50-19-403
Fire protection and safety regulations, 50-5-103, 50-5-104, 50-5-308, 50-61-103, 53-6-106, See also **FIRES AND FIRE PROTECTION**
Fireworks, sale — proximity restricted, 50-37-103
Food and nutrition standards, 53-6-106
Grants, 7-8-103, 7-34-2402, 7-34-2411, 50-5-232
Hazardous chemical information provisions, compliance when, 50-78-103
Health care database for resources and services, 50-4-502, 50-4-504
Health care information, See **HEALTH CARE INFORMATION**
Health Facility Authority, development through, Title 90, chapter 7
Health maintenance organizations, 50-5-101
  acquisition, 33-31-221
  providers, health care facilities as, See **HEALTH MAINTENANCE ORGANIZATIONS, Providers**
Health service corporations, See **HEALTH SERVICE CORPORATIONS**
HIV or HIV-related condition, See **AIDS**
Home health agencies and services, 50-5-101, 50-5-204, See **HOME HEALTH CARE**
Home infusion therapy agencies and services, 27-6-103, 50-5-101, 50-5-213
Hospices, 7-34-2201, 50-5-101, See **HOSPICES**
Hospital districts, Title 7, chapter 34, part 21, See **HOSPITAL DISTRICTS**
Infectious disease, exposure of personnel to — responsibilities, Title 50, chapter 16, part 7
Infectious waste management, Title 75, chapter 10, part 10, See **HAZARDOUS WASTES**
Infirmaries, 7-34-2102, 27-6-103, 50-5-101, 50-8-101, 50-61-103
Injunctions, 50-5-108, 50-5-307, 50-5-504
Inspections
  construction plans and specifications, 50-5-201
  facilities, 50-5-103, 50-5-116, 50-5-204, 50-5-207, 50-8-101, 50-8-102, 50-8-105
Insurance
  disability insurance
    home health care, See **INSURANCE, DISABILITY**
    mental illness, alcoholism, and drug addiction — treatment coverage, 33-22-701 — 33-22-706
    practitioner, insured's choice of — effect of provision on licensing or use of hospitals, 33-22-111
    payment of claims, direct — effect, 33-22-212, 33-22-505, 33-22-604
  health service corporations, See **HEALTH SERVICE CORPORATIONS**
  information and privacy protection, Title 33, chapter 19, See **INSURERS REGULATION GENERALLY, Information and privacy protection**
  managed care plan network adequacy and quality assurance, Title 33, chapter 36
  medical communications, interference — prohibitions against, 33-1-801 — 33-1-804

HEALTH CARE FACILITIES (Continued)
Insurance (Continued)

- professional liability
  - cancellation of policy or increase in premium rates, 33-23-301, 33-23-302
  - insurers, 33-9-101 — 33-9-105
    - information required of, 33-23-311
- state hospitals, 2-9-201

Insurers, accident and health — investment in real estate used for, 33-12-207, 33-12-307
Laboratories

- clinical laboratories, 50-5-101, 50-78-103; Title 50, chapter 15, part 7
- clinical laboratory science practitioners, Title 37, chapter 34, See **CLINICAL LABORATORY SCIENCE PRACTITIONERS**
- cooperative agreements for, 50-4-605
- managed care, 33-36-103
- smoking prohibited, 50-40-106

Laetrile, use, 50-41-103, 50-41-104
Leases

- county property for county facilities, 7-34-2204, 7-34-2303
- health facility authority, from, Title 90, chapter 7
- health maintenance organizations, by, 33-31-221

Liability

- abortion, refusal to participate — no cause of action, 50-20-111
- blood or blood products, services relating to, 50-33-103, 50-33-104
- calcium-EAP, harnosal, and phosetamin — administering, immunity, 50-43-105
- child abuse and neglect, reporting of, 41-3-203
- dentistry, board of — information provided to, 37-4-313
- DMSO, administration — no liability, 50-42-104
- laetrile, administration — no liability, 50-41-104
- midwives' patients, emergency care of, 27-1-734, 37-27-311
- minors, in treatment of, 41-1-407
- physicians, practice of medicine — prohibitions or limitations on, reporting, 37-3-404
- professional liability, See **Insurance**; See also **MALPRACTICE, MEDICAL**
- state hospitals, 2-9-101, See **GOVERNMENTAL LIABILITY**
- sterilization, refusal to participate in, 50-5-502, 50-5-503
- tissue banks, 50-33-104
- utilization review or medical ethics review committees, 37-2-201

Licenses and licensing

- appeals when, 50-5-207, 50-5-208
- application, 50-5-203
- complaints concerning, 50-5-103
- denial, 50-5-207, 50-5-208
- eligibility, 50-5-103
- fees, 50-5-202, 50-5-203
- injunction, 50-5-108
- inspection requirements, 50-5-103, 50-5-116, 50-5-204
- issuance, 50-5-204
- managed care plan network adequacy and quality assurance, disclosure of health care and quality assurance records, 33-36-305
- one-step licensing required, 50-8-101, 50-8-102
- operation without, 50-5-111, 50-5-115
- organ procurement program, condition for, 50-5-212
- provisional license, 50-5-204, 50-5-207
- renewal, 50-5-204
- required and requirements, 50-5-201
- revocation or suspension, 50-5-207, 50-5-208
- spiritual healing institutions, 50-5-104
- violations, 50-5-108, 50-5-111 — 50-5-114, 50-5-207

HEALTH CARE FACILITIES (Continued)

Lien for services, Title 71, chapter 3, part 11
Living will provisions
  immunities, 50-9-204
  transfer of patients when, 50-9-105, 50-9-203
Lodging facility use tax, nonapplicability, 15-65-101
Long-term care, See **LONG-TERM CARE FACILITIES**
Malpractice, See **INSURANCE, CASUALTY, Professional liability; MALPRACTICE, CHIROPRACTIC; MALPRACTICE, MEDICAL**
Managed care, See **MANAGED CARE**
Medicaid
  funding levels, recommendations — effect, 53-6-110
  managed care program, 53-6-701 — 53-6-709
  payments, See **PUBLIC ASSISTANCE, Medicaid**
  standards for certification, 53-6-106
    sanctions, penalties, or fines, 53-6-107, 53-6-108
Medical assistance facilities, 7-34-2201, 33-36-103, 39-71-704, 50-5-101, 50-6-401
Medical communications, interference — prohibitions agains, 33-1-801 — 33-1-804
Medical records, See **Records and reports; HEALTH CARE INFORMATION**
Medical waste incineration, 75-2-231
Mentally ill persons
  detention center inmates, transfer to, 53-21-138
  detention in prior to commitment, 53-21-120, See **MENTAL ILLNESS OR INCAPACITY, Mental health facilities; Montana State Hospital**
  disability insurance, coverage for treatment, 33-22-701 — 33-22-706
  escape or release from confinement, notice provisions, 44-2-601
  mental health corporations, contracts or agreements for, 53-21-203
  release from confinement, care and treatment following, 53-21-185
Mergers, See **Cooperative agreements, mergers, and consolidations**
Midwives, direct-entry
  emergency care of patients by hospital, liability, 27-1-734, 37-27-311
  practical experience, 37-27-201
Minors
  child abuse and neglect investigations and reporting of, 41-3-201 — 41-3-207
  consent for health services, 41-1-402
  disabilities, with — special education, Title 20, chapter 7, part 4, See **SCHOOLS, Special education**
  financial responsibility, 41-1-403, 41-1-404
  psychiatric hospital, special education for children placed in, 20-7-403, 20-7-419, 20-7-420, 20-7-435, 20-7-436
  treatment of, immunity and responsibility, 41-1-407
Montana State Hospital, See **MONTANA STATE HOSPITAL**
Morgue facilities in hospitals, 46-4-103
Motor vehicles, gross vehicle weight fee exemption, 61-10-214
Multiple sclerosis, medication for — administration and use, 50-43-104, 50-43-105
Negligence, See **Liability**
Nursing facility utilization fees, Title 15, chapter 60
Nursing homes, See **NURSING HOMES**
"Nursing", unlawful use of word, 50-5-107
Nutrition
  services, exemption from nutritionists' licensing requirements when, 37-25-304
  standards, 53-6-106
Occupational disease
  benefits, payment for services, 39-72-704
  reporting, 50-70-107
Oral surgeons, patient histories and physical examinations when, 37-4-515

HEALTH CARE FACILITIES (Continued)

Organ procurement program and donations, duties, 50-5-212; Title 72, chapter 17
Organs, furnishing declared service and not sale, 50-33-102
Outpatient centers
  for primary care, 50-5-101
  for surgical services, 37-6-107, 50-5-101, 50-5-301
Outpatient facilities, 7-34-2102, 7-34-2201
Overtime compensation exclusion for employees, 39-3-406
Parole of incarcerated persons, medical — placement, 46-23-210
Partner or family member assault victims, notice of rights, 40-15-103
Paternity acknowledgment process at birth, 50-15-210, See also **PARENT AND CHILD**
Patient protection account, 50-5-115, 50-5-232
Patients, 50-5-101, See also this main heading generally
  care planning, 53-6-106
  do not resuscitate (DNR) provisions, 50-10-101 — 50-10-103
  living will provisions, 50-9-105, 50-9-203, 50-9-204
  misappropriation or conversion of property or funds of, 50-5-207
  mistreatment, 50-5-112, 50-5-113, 50-5-207
  oral surgeons, histories and physical examinations by — when, 37-4-515
  physician-patient relationship, no interference, 50-5-105, 50-41-103, 50-42-103, 50-43-104
  receivers and receiverships, duties, 50-5-115
  records, confidentiality, 50-5-106, See generally **HEALTH CARE INFORMATION**
  relocation to other facilities, 50-5-114, 50-5-232, 53-6-107
  transportation, free or reduced rates, 69-11-208
  utilization review of health care provider, Title 33, chapter 32
Peer review, See **HEALTH CARE INFORMATION, Hospital medical staff committees**
Personal care facilities, 50-5-101, See **PERSONAL CARE FACILITIES**
Pesticide application within, notice, 80-8-107
Physical therapist licensees, list distributed to hospitals, 37-11-201
Physicians
  hospital privileges, 37-3-315, 37-3-342
    practice of medicine, prohibitions or limitations on — reporting, 37-3-403 — 37-3-405
  physician-patient relationship, no interference, 50-5-105, 50-41-103, 50-42-103, 50-43-104
Podiatrists
  ankle surgery, requirements, 37-6-107
  staff membership or privileges, 50-5-105
Postattack emergency regulation, 10-3-505
Prisoners, diseased — removal to hospital, 50-2-121
Prohibited activities, 50-5-108, 50-5-111 — 50-5-113
Property, authority for acceptance by gift or devise, 7-8-103
Public assistance recipients, See **PUBLIC ASSISTANCE, Medical care**
Public health centers, 7-34-2102, 7-34-2201, 50-16-701, 50-60-205, 50-60-301, 50-78-103
Purchase of supplies, price discrimination provisions — nonapplicability, 30-14-902
Receiverships, 50-5-115, 50-5-232
Records and reports, See also **HEALTH CARE INFORMATION**
  abuse, neglect, or exploitation, 52-3-811
  AIDS testing, consent, 50-16-1007
  autopsies, 50-21-104
  child abuse and neglect investigations, access for, 41-3-202, 41-3-203
  chiropractic legal panel, access to, 27-12-302, 27-12-306, 27-12-308
  chiropractors, board of — examination by, 37-12-322
  confidentiality, 50-5-106, See generally **CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS; HEALTH CARE INFORMATION**
  consumer reports, medical information, 31-3-102
  destruction or falsification prohibited, 50-5-113
  examination — prevention, interference, or impeding, 50-5-111

HEALTH CARE FACILITIES (Continued)
Records and reports (Continued)

  hospital medical staff committee access, See **HEALTH CARE INFORMATION**
  information and privacy protection, Title 33, chapter 19, See **INSURERS REGULATION GENERALLY, Information and privacy protection**
  inspection, 50-5-116, 50-5-204
  medical examiners, board of — examination by, 37-3-323, 37-6-311
  medical legal panel, access to, 27-6-302, 27-6-306
  public health and human services, department of — reports to, 50-5-106, 52-3-811
  required, 50-5-106
Rehabilitation facilities, 7-34-2102, 7-34-2201, 33-36-103, 50-5-101, 50-5-103, 50-5-301
Remodeling, See **Construction, alteration, or expansion**
Renal dialysis facilities, 7-34-2201, 27-6-103, 50-5-101, 50-8-101, 50-8-102, 50-8-105
Reports, See **Records and reports**
Research and farm animal facilities protection, Title 81, chapter 30, part 1
Residential care or treatment facilities, 27-6-103, 33-36-103, 50-5-101, 50-5-301, 53-6-101
Respiratory care practitioners, Title 37, chapter 28
Retirement homes, requirements, 50-5-214
Rulemaking authority, 50-5-103, 50-5-104, 50-5-114, 50-5-302, 50-5-304, 50-5-306, 50-8-105
Rural, health care professionals employed by — tax exemption for motor vehicle, 15-6-217, 61-3-707
Sanitation standards, 53-6-106
Smoking regulations, 50-40-103, 50-40-106, 50-40-108, 50-40-204, See also **SMOKING AND SMOKERS**
Social workers, licensed clinical — applicability of provisions, 37-22-305
Spiritual healing institutions, exemption from provisions, 50-5-104
Staff and staff privileges, 50-5-105, 53-6-106
  abortion, refusal to participate — no cause of action, 50-20-111
  "hospital" defined, 50-5-101
  inspections without notice to, 50-5-116, 50-5-204
  insufficiency of staff, 50-5-207, 53-6-106
  medical staff committees, access to information, 50-16-201 — 50-16-205
  oral surgeons, patient histories and examinations, 37-4-515
  osteopaths or podiatrists, staff membership or privileges, 50-5-105
  physician-assistants, qualifications, 37-20-101
  physicians, hospital privileges, 37-3-315
    practice of medicine, prohibitions or limitations on — reporting, 37-3-403 — 37-3-405
  preferred providers, staff privileges not required as criteria for, 33-22-1705
  receivers, powers, 50-5-115
  sterilization, refusal to participate in, 50-5-502, 50-5-503, 50-5-505
Standards for operation, 50-5-103, 50-5-104, 50-5-204
  license denial, revocation, or suspension when, 50-5-207
  medicaid certification, 53-6-106 — 53-6-108
State health care facilities plan, 50-5-101
  certificate of need considerations, 50-5-301, 50-5-304, 50-5-308
  medicaid funding, report and recommendations, 53-6-110
Statewide health coordinating council, 50-5-101
Sterilization, refusal to participate in, 50-5-502, 50-5-503
  definitions, 50-5-501
  effect of refusal, 50-5-505
  interference with refusal unlawful, 50-5-504
Taxation
  county facilities
    bond issues, tax-exempt status, 7-34-2416
    levy for, 7-6-2512, 7-6-2531, 7-34-2411, 7-34-2414, 7-34-2417, 7-34-2418
  crippled children's hospitals, inheritance tax exemptions, 72-16-312
  nonprofit facilities, exemption when, 15-6-201; Const., VIII, 5

HEALTH CARE FACILITIES (Continued)

Telecommunications services
  discounted, 69-3-841, 69-3-846, 69-3-856 — 69-3-859, 69-3-861, 69-3-862
  interactive, access improvements, 15-53-203
Telemedicine, 37-3-341 — 37-3-349, See **PHYSICIANS AND SURGEONS**
Tissue banks, liability, 50-33-104
Tissues, furnishing declared service and not sale, 50-33-102
Transfer of ownership, 50-5-201
Trauma care system
  confidentiality of information, 50-6-415
  definitions, 50-6-401
  duties of department of public health and human services, 50-6-402
  state trauma register, 50-6-401, 50-6-402, 50-6-415
  trauma care committee, 2-15-2216
  trauma facility, 50-6-401, 50-6-412
    designation and revocation and appeal, 50-6-402, 50-6-410, 50-6-415
Tuberculosis patients, Title 50, chapter 17, See **DISEASES, Tuberculosis control**
Tumor registration, Title 50, chapter 15, part 7
Unemployment insurance coverage, 39-51-201, 39-51-203, 39-51-2108, See also **UNEMPLOYMENT INSURANCE**, generally
University system facilities, 20-25-302, 27-6-103
Utilization review of health care provider, Title 33, chapter 32
Violations
  alcoholic beverages administered to patients when, 16-6-309
  certificate of need violations, 50-5-305, 50-5-307
  corrective action, order for, 50-5-114
  child abuse and neglect, failure to report, 41-3-207
  hearings on, 50-5-114
  injunction, 50-5-108, 50-5-307
  license denial, suspension, or revocation when, 50-5-207
  medicaid certification standards, 53-6-107, 53-6-108
  notice, 50-5-114
  "nursing", unlawful use of word, 50-5-107
  penalties, 50-5-112, 50-5-113, 50-5-232, 50-5-307
  prevention, abatement, or control — order for, 50-5-114
  prohibited activities, 50-5-111
Vocational rehabilitation, physical restoration, 53-7-101, 53-7-301, See **BLINDNESS OR LOW VISION, PERSONS WITH; PUBLIC ASSISTANCE**
Workers' compensation, Title 39, chapter 71, See **WORKERS' COMPENSATION, Benefits**, hospital expenses; **Hospitals**

HEALTH CARE INFORMATION
Abortion reports and documents, 50-20-110, 50-20-208
  parental notification requirements, 50-20-208
Actions
  compulsory process or discovery, 50-16-530, 50-16-535, 50-16-536
  enforcement, for, 50-16-552
  health care providers, against
    action barred when, 50-16-528
    immunity pursuant to written authorization, 50-16-531
  infant mortality and morbidity, disclosure — action barred, 50-16-102
  violations, civil remedies for, 50-16-553
Anatomical gift requests and dispositions, 72-17-213, 72-17-215
Application of provisions, 50-16-503
Artificial insemination, consent for, 40-6-106
Audits of health care providers, 50-16-504, 50-16-529

HEALTH CARE INFORMATION (Continued)

Autopsies, 50-21-104
Bribery in obtaining, 50-16-551
Cardiopulmonary resuscitation, do not resuscitate order, 50-10-101
Child abuse and neglect investigation information, 41-3-202, 41-3-203, 41-3-205, 41-3-208, 41-3-303, 50-16-603
Citations
  government health care information act, 50-16-601
  uniform health care information act, 50-16-501
Compulsory process or discovery, See also **CIVIL PROCEDURE, Discovery**
  falsification of certification, 50-16-551
  health maintenance organizations, 33-31-113
  information available by, when, 50-16-530, 50-16-535
  method of, 50-16-536
  workers' compensation information, 50-16-527
Confidentiality, See this heading generally; See also **CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS**
Consent for disclosure, See also **Disclosures**, authorization
  compulsory process or discovery request, in response to, 50-16-535
  developmental disabilties, persons with — records, 53-20-161
  health, local boards and officers — information in possession of, 50-16-603, 50-16-605
  infant mortality and morbidity information, 50-16-102
  midwives, direct-entry — clients, 37-27-310
Construction of provisions, 50-16-503
Copying, See **Examination and copying**
Corporate employees and officers to furnish when, 50-16-101
Correction or amendment
  disagreement, statement of, 50-16-543 — 50-16-545
  dissemination, 50-16-545
  fee, 50-16-545
  procedure, 50-16-544
  requests for, 50-16-543
  retention of records during pendency of request for, 50-16-513
Corrections, Department of — commitment to, medical examination report required, 52-5-108
CPR, do not resuscitate order, 50-10-101
Crime victims compensation claimants or victims, reports and records, 53-9-104, 53-9-107, 53-9-123
Database for health care resources and services, 50-4-502
Deceased patients
  physical or mental condition as issue when, 50-16-535
  representatives or relatives, authority, 50-16-522
Definitions, 50-16-201, 50-16-504, 50-16-602
Developmental disabilities, persons with — records, 53-20-161
  medication, notations kept in, 53-20-145
Directory information, 50-16-504, 50-16-530
Disclosures
  abortion information, 50-20-110
  AIDS test results or identity of subject, 50-16-529, 50-16-1007, 50-16-1009, 50-16-1013
  authorization, 7-1-4144, 50-5-106, 50-16-526, See also **Consent for disclosure**
    disclosure without, 50-16-529, 50-16-530
    falsification, 50-16-551
    form required, 50-16-531
    required, 50-5-106, 50-16-525
    retention, 50-16-513, 50-16-527
    revocation, 50-16-527, 50-16-528, 50-16-531

HEALTH CARE INFORMATION (Continued)
Disclosures (Continued)
- authorization (Continued)
  - validity, 50-16-526, 50-16-527
- chemical dependency treatment facility information, 53-24-306
- child abuse and neglect investigations, for, 41-3-202, 41-3-203, 41-3-205, 41-3-208, 41-3-303, 50-16-603
- children's health insurance program, 53-4-1010
- chiropractic legal panel review proceedings, 27-12-302, 27-12-306
- city or town records, 7-1-4144
- commitment proceedings, for, 50-16-535
- communicable diseases, concerning, 50-16-602, 50-16-603
- compulsory process or discovery, 50-16-530, 50-16-535, 50-16-536
- consumer reporting agencies, nondisclosure, 31-3-102, 31-3-122
- court order for, 50-16-536
- crime control, division of
  - records, 53-9-107
  - requests for information, 50-16-530, 53-9-104
- crime victims compensation claimants or victims, records, 53-9-104, 53-9-107
- developmental disabilities, persons with — records, 53-20-161
- emergency medical services, for, 50-16-603
- health, local boards and officers — information in possession of, 50-16-603
  - secondary release prohibited when, 50-16-604
- health maintenance organizations, 33-31-113
- HIV-related test results or identity of subject, 50-16-529, 50-16-1007, 50-16-1009, 50-16-1013
- hospital medical staff committee publications, 50-16-204
- immunity from action, 41-3-203, 50-16-102
- infant mortality and morbidity information, 50-16-102
- infectious disease, exposure to — persons involved, 50-16-704, 50-16-712
- law enforcement authorities, to, 50-16-530
- law enforcement proceedings, for, 50-16-535
- medical legal panel review proceedings, 27-6-302, 27-6-306
- mental health facility records and information, 53-21-166
- midwives, direct-entry, 37-27-310
- minors
  - disclosure to, 50-16-542
  - emancipation, limited — rights, 41-3-408
  - health care providers, 41-1-403
  - parent when party to parenting plan, 40-4-225
  - prenatal serological test information, 50-19-107
  - school district records, to parent or guardian, 20-3-324
- occupational disease reports, 50-70-107, 50-70-109
- prenatal serological test information, 50-19-107, 50-19-108
- public policy, 50-16-502
- record of, 50-16-525, 50-16-602
  - health care information to include, 50-16-504
- sexually transmitted disease information, 50-16-603, 50-18-109
- statistical purposes, 50-16-603
- third-party health payors, to, 50-16-527, 50-16-529
- tuberculosis, concerning, 50-16-603
- tumor registry information, 50-15-704
- workers' compensation records or information, 39-71-224, 50-16-527
- workers' compensation insurers, to, 50-16-527

Discovery, See **Compulsory process or discovery**
Do not resuscitate (DNR) order, 50-10-101
Driving under the influence of alcohol or drugs, blood test results, 61-8-405
Enforcement of provisions, 50-16-552

HEALTH CARE INFORMATION (Continued)

Evidence
  access denied, burden of proof on provider to establish proper withholding, 50-16-553
  disclosure authorization not waiver of patient's rights under rules, 50-16-526
  hospital care and treatment of patient, admissibility, 50-16-205
  hospital medical staff committee records, 50-16-203 — 50-16-205
  infant mortality and morbidity information, 50-16-102
  introduction, order prohibiting, Title 25, chapter 20, M.R.Civ.P., Rule 35(b)
  production by compulsory process or discovery not waiver of privilege, 50-16-536
  testimony prohibited when, 50-16-605
  violations, of, 50-16-553
Examination and copying
  compulsory process or discovery requests, 50-16-536
  denial, 50-16-536, 50-16-541, 50-16-542, 50-16-553
  fees, 50-16-504, 50-16-536, 50-16-540, 50-16-541
  requirements and procedures, 50-16-541
  retention of records during pendency of request for, 50-16-513
Fees, 50-16-504, 50-16-526, 50-16-536, 50-16-540, 50-16-541, 50-16-545
Fetal, infant, and child mortality review teams — representation of hospital medical records department, 50-19-403
Government health care information
  citation of government health care information act, 50-16-601
  confidentiality, 50-16-603, 50-18-109
  definitions, 50-16-602
  disclosure when, 50-16-603, 50-16-1009, 50-18-109
  secondary release of information, 50-16-604
  testimony prohibited when, 50-16-605
  uniform health care information act, information subject to — when, 50-16-606, 50-16-1009
  violations, 50-16-611
Health care facilities, reporting obligations, 50-5-106
Health carriers and managed care entities, review of adverse determinations — for, 33-37-102, 33-37-105
Health, local boards and officers, confidentiality provisions, See **Government health care information**
Health maintenance organizations, 33-31-113
Hospital medical staff committees
  access to information, 50-16-202
  confidentiality, 50-16-203 — 50-16-205
  "data" defined, 50-16-201
  infant mortality and morbidity information, 50-16-102
  information, disclosure for review, 50-16-529
  nonliability, 37-2-201
  publication and use of information, 50-16-204
Immunization records, 20-5-109, 20-5-403, 20-5-405, 20-5-406
Infant mortality and morbidity, 50-16-102
Infectious disease, exposure to
  disclosure of persons involved, 50-16-704
  tracking and notification requirements, 50-16-711
Insurance information and privacy protection, Title 33, chapter 19, See **INSURERS REGULATION GENERALLY, Information and privacy protection**
Legislative findings, 50-16-502
Living will declarations, 50-9-103, 50-9-104, 50-9-201, 50-9-206
Local boards of health and health officers, See **Health, local boards and officers**
Long-term care facility residents, interfacility transfer or discharge — documentation, 50-5-1104

HEALTH CARE INFORMATION (Continued)

Managed care plan network adequacy and quality assurance, availability and confidentiality, 33-36-204, 33-36-305
Medicaid managed care records, 53-6-709
Mental health facility records and information, 53-21-165, 53-21-166, See also **MENTAL ILLNESS OR INCAPACITY, Confidentiality**
Mentally ill persons, medication — notations kept in records, 53-21-145
Misrepresentation in obtaining, 50-16-551
Notice of information practices, content and dissemination, 50-16-512
Occupational disease reports, 50-70-107, 50-70-109
Oral surgeons, patient histories taken by — when, 37-4-515
Organ donation requests and dispositions, 72-17-213, 72-17-215
Peer review, 50-16-504, See **Hospital medical staff committees**
Pharmacist-patient communications in drug utilization review, 37-7-406
Physical therapists or assistants, effect of reporting of violations by other therapists or assistants, 37-11-320
Pine Hills Youth Correctional Facility, commitment to — medical examination report required, 52-5-108
Policy, public, 50-4-104, 50-16-502
Prenatal serological test information, 50-19-107, 50-19-108
Privileged communications, See this main category generally; **CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS; EVIDENCE, Privileges**
Process, See **Compulsory process or discovery**
Public officials to furnish when, 50-16-101
Records
  disclosures, of, 50-16-525, 50-16-602
    health care information to include, 50-16-504
  hospital care and treatment of patient, admissibility, 50-16-205
  hospital medical staff committees, access to, 50-16-202 — 50-16-205
  retention, 50-16-513, 50-16-527
  testimony concerning, prohibited when, 50-16-605
Release of information, See **Disclosures**
Representatives of patients, authority, 50-16-521, 50-16-522
Research programs
  chemical dependency treatment facility information for, 53-24-306
  disclosures for, 50-16-529
  hospital medical staff committee information for, 50-16-202, 50-16-204
  infant mortality and morbidity information, 50-16-102
  institutional review board, duties, 50-16-504, 50-16-529
  mental health facility records and information for, 53-21-166
School district records, 20-3-324, 20-5-109, 20-5-403, 20-5-405, 20-5-406
Security safeguards, 50-16-511
Sexually transmitted diseases, 50-16-603, 50-18-106, 50-18-109
Subpoenas, investigative — issuance when, 46-4-301
Telemedicine, transfer of records, 37-3-342, 37-3-348
Theft to obtain, 50-16-551
Tumor registration and registry, Title 50, chapter 15, part 7
Uniform application and construction, 50-16-503
Uniform Health Care Information Act, government health care information subject to — when, 50-16-606, 50-16-1009
Utilization reviews, health care services, 33-22-125, 33-32-103, 33-32-203, 33-32-204
Viatical settlement contracts, medical records released for, 33-20-1312
Violations, 50-5-106, 50-16-551, 50-16-611, 50-16-1009, 50-19-108
  civil remedies, 50-16-553
  penalties, 50-5-106, 50-16-551, 50-16-611

HEALTH CARE INFORMATION (Continued)

Workers' compensation
    insurers, to, 50-16-527
    records or information, 39-71-224, 39-71-1105, 39-71-1106, 50-16-527

HEALTH FACILITY AUTHORITY, 2-15-1815
Actions generally, 90-7-201, 90-7-202
Agent of, 90-7-204
Assignments, powers, 90-7-202, 90-7-226, 90-7-305
Audits, 90-7-121
Bonds and notes, 90-7-202, 90-7-301 — 90-7-303, 90-7-318, 90-7-319
    contracts financed by, standard prevailing wage requirement, 18-2-403, 90-7-302
    costs allowable for financing, 90-7-103
    credit of state not pledged, 90-7-111
    investment, legal — as, 90-7-113
    pledge of state not to impair, 90-7-311
    prerelease center projects, 90-7-226
    purchase, 90-7-212, 90-7-320
    securities law, applicability, 90-7-112
    security, 90-7-304, 90-7-305, 90-7-318
    tax exemption, 90-7-112
    trust agreement to secure, 90-7-305
    trust, establishment, 72-33-108
    trust funds, 90-7-306
    volume cap bond allocation, 17-5-1312
Capital project loans, coal tax trust fund money for, 17-6-308, 90-7-202
Citation of Montana Health Facility Authority Act, 90-7-101
Compensation of members, 90-7-201
Contract, power to, 90-7-202, 90-7-204, 90-7-226, 90-7-312
Conveyance of facility by, 90-7-214, 90-7-307
Definitions, 90-7-102, 90-7-104
Eligibility for financing through Authority, 90-7-102, 90-7-104, 90-7-204, 90-7-227, 90-7-303
    costs, allowable, 90-7-102, 90-7-103, 90-7-211, 90-7-305
Expenses, 90-7-211, 90-7-319
Fees, 90-7-211, 90-7-317
Funds
    additional, 90-7-228
    audit costs, payment, 90-7-121
    capital reserve account, 90-7-102, 90-7-317 — 90-7-320
    enterprise fund, 90-7-202, 90-7-317
    expenses, payment from, 90-7-211
    investment of, 17-6-308, 90-7-202, 90-7-317
    trust, held in, 90-7-306
Indebtedness of, 90-7-202, 90-7-211, 90-7-302
Investments by, 90-7-202, 90-7-317
Leases, 90-7-202, 90-7-204, 90-7-214, 90-7-226, 90-7-302, 90-7-304, 90-7-307
Loans, 17-6-308, 90-7-202, 90-7-211, 90-7-213, 90-7-220, 90-7-221, 90-7-226, 90-7-311, 90-7-317, 90-7-320
Meetings, 90-7-201
Montana Developmental Center, loan agreement, 90-7-220, 90-7-317
Montana State Hospital, loan agreement, 90-7-221, 90-7-317
Operation of facilities by, restrictions, 90-7-214
Personnel, 2-15-1815, 90-7-203, 90-7-311
Pledges, 90-7-111, 90-7-304, 90-7-305, 90-7-311, 90-7-312, 90-7-318
Powers and duties generally, 2-15-1815, 90-7-202

HEALTH FACILITY AUTHORITY (Continued)

Prerelease centers, specific provisions, 90-7-226, 90-7-227
Property, powers, 90-7-202, 90-7-312
Quorum, 90-7-201
Reserves, 90-7-228
Resolutions, 90-7-201, 90-7-228, 90-7-301, 90-7-305, 90-7-312, 90-7-317, 90-7-318
Rulemaking authority, 90-7-202
Seal, 90-7-202
Tax exemption, 90-7-112
Vacancies, 90-7-201

HEALTH INSURANCE
  See generally **HEALTH MAINTENANCE ORGANIZATIONS; HEALTH SERVICE CORPORATIONS; INSURANCE, CASUALTY; INSURANCE, DISABILITY; MANAGED CARE**

HEALTH, LOCAL BOARDS OF
AIDS, disclosure of test subject or results when, 50-16-1003, 50-16-1009
Campgrounds and trailer courts
  inspections and enforcement, funding, 50-52-302
  license, validation refused — appeal from, 50-52-209
  list of licensees to department of public health and human services, 50-52-204
  violations, petition for injunction, 50-52-106
City boards of health, 7-31-4101, 50-2-105, 50-2-110
  barbershops or barber schools and colleges, approval of wastewater disposal methods, 37-30-403
  milk price control provisions, effect, 81-23-103
  solid waste management district board of directors, membership, 7-13-305
City-county boards of health, 50-2-106, 50-2-111
  water quality district board of directors
    board of health, designation as directors, 7-13-4516
    membership on board of health, 7-13-4516, 7-13-4528
Communicable diseases, See **DISEASES**
County boards of health, 50-2-104, 50-2-109
  city-county commission as, 7-3-1347
  milk price control provisions, effect, 81-23-103
  solid waste management district board of directors, membership, 7-13-305
  water quality district board of directors, membership, 7-13-4516, 7-13-4528
Day-care facilities — staff training, inspections, and certification, 52-2-735
Definitions, 50-2-101, 50-2-116
Dental hygienists, practice under, 37-4-405
Dentists, employment by, 50-1-202
Departments of health
  adoption, putative father registration forms and notice, 42-2-214
  fetal, infant, and child mortality review teams — approval and representation on, 50-19-403
  livestock, department of — cooperative agreements, 81-22-305
  medicaid managed care entities, community-based programs — cooperation, 53-6-705
  school food services for indigent pupils, certification of indigency, 20-10-205
  school immunization requirements, duties, 20-5-402 — 20-5-410
  telecommunications services, discounted, 69-3-856 — 69-3-859, 69-3-861, 69-3-862
  water quality provisions, See **WATER QUALITY, Health, local departments of**
Disease control, 50-2-116, See also **DISEASES**
District boards of health, 50-2-107, 50-2-112
Food establishments
  baked goods and preserves, sale by farmer's markets and nonprofit organizations, 50-50-103
  enforcement of provisions, 50-50-305
  inspections, funding, 50-50-305

HEALTH, LOCAL BOARDS OF (Continued)
Food establishments (Continued)

- license validations, appeals from and hearings, 50-50-215
- list of licensees to department of public health and human services, 50-50-208
- tour boats, 16-4-210

Funding and funds
- appropriations, by, 50-2-108 — 50-2-112
- campgrounds and trailer courts, inspections and enforcement, 50-52-302
- contributions from school boards and other agencies, 50-2-108, 50-2-113, 50-2-116
- federal funds, 50-2-103, 50-2-108, 50-2-116
- food establishments, for enforcement, 50-50-305
- hotels and lodging establishments, for enforcement, 50-51-303
- levies, by, 50-2-108, 50-2-111, 50-2-114
- local board inspection fund account, 50-2-108, 50-50-205, 50-50-305, 50-51-204, 50-51-303, 50-52-202, 50-52-302, 50-53-203, 50-53-218
- nursing services, for, 50-2-119
- state funds, 50-2-108, 50-2-116
- swimming pools and swimming areas, inspections and enforcement, 50-53-218

Health care information, confidentiality provisions, See **HEALTH CARE INFORMATION, Government health care information**
Health officers, local — appointment, 50-2-116, 50-2-117, See **HEALTH OFFICERS, LOCAL**
HIV, disclosure of test subject or results when, 50-16-1003, 50-16-1009
Hotels and lodging establishments
- injunction, petition for, 50-51-402
- inspections and enforcement, funding, 50-51-303
- license, validation refused — appeal of decision, 50-51-215
- list of licensees to department of health and human services, 50-51-208

Inspections, 16-4-210, 50-2-116
Legal adviser, 50-2-115
Livestock, Department of — cooperation and agreements with, 81-2-106, 81-22-305
Meetings, 50-2-116
Megalandfill siting decisions, judicial review, 75-10-942
Membership changes, 50-2-118
Naturopathic physicians, responsibilities and duties, 37-26-303
Nuisances, abatement by, 50-2-116
Nursing services, provision for, 50-2-119
Officers and personnel, 50-2-116
Powers and duties generally, 50-2-116
Public Health and Human Services, Department of — authority, 50-1-202
Public health deficiencies, actions to correct, 50-1-203
Public health standards, state regulations or guidelines — comparable stringency requirement, 50-2-130
Quarantine authority, 50-2-116
Rules, 50-2-116
- violations of
  - penalties, 50-2-124
  - reporting, 50-2-118

Sewage disposal requirements, 50-2-116, 75-5-305, 75-5-601
Sexually transmitted diseases, information relating to — confidentiality and disclosure, 50-18-109
Smoking in public places, enforcement of regulations, 50-40-108
Solid waste management, rules for, 75-10-112
Subdivisions, sanitation — reviewing authority, 76-4-102, 76-4-104, See also **SUBDIVISIONS, Reviewing authority**
Swimming pools and swimming areas, 50-53-102
- cooperative agreements, 50-53-103, 50-53-209

HEALTH, LOCAL BOARDS OF (Continued)
Swimming pools and swimming areas (Continued)

  enforcement authority, 50-53-104, 50-53-218
  inspections, 50-53-209, 50-53-218
  license validation, refusal — appeal from decision, 50-53-207
  performance standards, 50-53-103
Trailer courts, See **Campgrounds and trailer courts**
Tuberculosis control, 50-17-102
  commitment for examination or treatment
    order, copies to, 50-17-109
    release, voluntary, 50-17-113
    transfer to another hospital, notification, 50-17-111
  court order for examination or treatment of infected persons, application for, 50-17-105
Water supplies, public — survey or inspection agreements, 75-6-104

HEALTH MAINTENANCE ORGANIZATIONS
  See also **INSURANCE, DISABILITY**
Abuse, victims of — discrimination prohibited, 33-18-216
Acquisition, control, or merger — restrictions, 33-31-204
Actions
  examination charges and expenses, recovery, 33-31-401
  injunction, to obtain, 33-31-405
  medical information, production, 33-31-113
Administrative
  changes effected by complaints, 33-31-303
  penalty, 33-31-405
  procedure, applicability, 33-31-404, 33-31-405
  services and staff, 33-31-201
Advertising, 33-31-111, 33-31-312, 33-31-402
Advisory panels, 33-31-222
Affiliation periods, 33-31-102, 33-31-307
Annual statement, 33-31-112, 33-31-211, 33-31-212
Applications, 33-18-215, 33-31-112, 33-31-202
Assets, 33-31-216, 33-31-401
Bond, fidelity — officers and employees, 33-31-223
Cancellation of enrollees, 33-31-303, 33-31-312
Capital requirements, 33-31-216
Cease and desist orders, 33-31-405
Certificate of authority
  application, 33-31-201, 33-31-202, 33-31-212
  continuation fee, 33-31-211, 33-31-212
  denial, 33-31-202, 33-31-404
  fees, 33-31-202, 33-31-211, 33-31-212
  issuance, 33-31-202
  required, 33-31-201, 33-31-312
  revocation or suspension, 33-31-201, 33-31-211, 33-31-402, 33-31-404
Certification card, enrollee's — effect of use by nonenrollees, 33-31-312
Children's health insurance program, Title 53, chapter 4, part 10, See **PUBLIC ASSISTANCE**
Child support, inclusion of health insurance, 40-5-804
Citation of Montana Health Maintenance Organization Act, 33-31-101
Claims, 33-31-113, 33-31-303, 33-31-403
  timely payment, administrative process for, 33-18-231 — 33-18-235
Complaints and complaint system, 33-31-201, 33-31-301, 33-31-303, 33-31-402
Comprehensive health association, participation in, Title 33, chapter 22, part 15, See **INSURANCE, DISABILITY**
Confidential information, 33-31-112, 33-31-113, 33-31-201, 33-31-303

HEALTH MAINTENANCE ORGANIZATIONS (Continued)

Construction of provisions, 33-31-111
Contracts
  adopted children, coverage, 33-22-130, 33-31-114
  delegated management authority, for, 33-31-201
  dentists, for participation, 33-31-305
  deposit requirements, effect on, 33-31-216
  filing requirements, exception when, 33-31-221
  health service corporations or insurers, with, 33-31-203, 33-31-216, 33-31-221
  powers of organization, 33-31-221
  provider, 33-31-201
  reinsurance, of — filing, 33-31-201
  underwriting after issue date prohibited, 33-18-215
Coverages, See also **Health care services**
  adopted children, 33-22-130, 33-31-114
  alcoholism, treatment, 33-22-1827, 33-31-102, 33-31-301
  breast cancer, postmastectomy care and reconstructive breast surgery following mastectomy, 33-22-134, 33-22-135, 33-31-111
  childbirth, minimum hospital stay following, 33-22-133, 33-31-301
  continuing coverage when, 33-31-301, 33-31-312
  diabetes, 33-31-301
  disenrollment of enrollee, alternate coverage, 33-31-312
  drug addiction, treatment, 33-22-1827, 33-31-102, 33-31-301
  evidence of, See **Evidence of coverage**
  genetic traits, discrimination on basis of — prohibited, 33-18-903
  home health care, 33-31-301
  insolvency of organization, alternate coverage, 33-31-216
  kidney disease treatment, 33-31-301
  mammography examinations, 33-22-132, 33-22-1827, 33-31-102
  maternity benefits for dependent children, 33-31-301
  mental illness, treatment, 33-22-706, 33-22-1827, 33-31-111, 33-31-301
  metabolism, inborn errors of — treatment, 33-22-131, 33-31-102, 33-31-111
  newborn infant, 33-31-102, 33-31-301, 33-31-402
  nursing care, skilled, 33-31-301
  preexisting conditions, 33-31-216, 33-31-301, 33-31-307
    exclusion, waiver and prohibition, 33-22-241, 33-22-242
  well-child care, 33-31-102
Deceptive practices, 33-31-301, 33-31-312, 33-31-402
Definitions, 33-18-231, 33-18-901, 33-22-140, 33-31-102, 33-31-114, 50-5-101
Deposit of cash or securities, 33-31-202, 33-31-216
Directors, 33-31-111, 33-31-211, 33-31-223
Disability insurance, 33-31-111, See **INSURANCE, DISABILITY**
Disclosures, 33-31-113, 33-31-301, 33-31-312, 33-31-321
Discontinuance, 33-31-202
Disenrollment of enrollees, 33-31-303, 33-31-312
Dual choice by employers, 33-31-304
Employees, 33-31-211, 33-31-223
Enforcement, 33-31-405
Enrollment forms, 33-31-301, 33-31-321, 33-31-322
Establishment, 33-31-201
Evidence
  medical information, production, 33-31-113
  privileged communications, 33-31-113
  rules of, applicability, 33-31-404
Evidence of coverage, 33-31-102, 33-31-301
  charges for health care services, 33-15-308, 33-31-111

HEALTH MAINTENANCE ORGANIZATIONS (Continued)
Evidence of coverage (Continued)

- complaint system, description in, 33-31-301, 33-31-303
- deceptive practices, 33-31-301, 33-31-312
- disclosure of coverage, standards, 33-31-321
- discrimination prohibited, 49-2-309
- disenrollment, cancellation, or nonrenewal of enrollees — disclosure in, 33-31-312
- exclusions, limitations, and exceptions, 33-31-301
- genetic traits, discrimination on basis of — prohibited, 33-18-903
- language simplification
  - applicability schedule, 33-15-329
  - application of provisions, 33-15-324
  - citation of life and disability insurance policy language simplification act, 33-15-321
  - construction of provisions, 33-15-326
  - definitions, 33-15-323, 33-15-325
  - exceptions, 33-15-324
  - forms, approval, 33-15-328
  - powers of insurance commissioner, 33-15-327
  - purpose of provisions, 33-15-322
  - standards, minimum, 33-15-325
- noncompliance with requirements, 33-31-402
- state statutes, conformity with, 33-31-301
- underwriting after issue date prohibited, 33-18-215
- uniform health benefit plan, 33-31-322

Examinations, 33-31-202, 33-31-303, 33-31-401
Fees, 33-31-202, 33-31-211, 33-31-212, 33-31-301, 33-31-311
Filings

- annual statement, 33-31-211, 33-31-212
- bond, fidelity — notice of cancellation or termination, 33-31-223
- certificate of authority application information — changes, alterations, or amendments, 33-31-201, 33-31-212, 33-31-402
- complaints, summary, 33-31-303
- coverage, outline of, 33-31-321
- delegated management authority contracts, 33-31-201
- enrollment forms and amendments to approved forms, 33-31-301
- evidence of coverage, 33-31-301
- exemption from requirements when, 33-31-201, 33-31-221
- fees, 33-31-212
- financial statements, 33-31-211
- forms, approval required, 33-31-301
- grievances, 33-31-312
- merger or acquisition of control, information, 33-31-204
- public documents, as, 33-31-112
- reinsurance contracts, 33-31-201

Financial statements, 33-31-112, 33-31-201, 33-31-211
Fines, 33-31-211, 33-31-212, 33-31-311
Forms, 33-31-201, 33-31-211, 33-31-301
Funds, fiduciary responsibilities, 33-31-223
Genetic testing, information, and traits — requirements and prohibitions, 33-18-901 — 33-18-904, 33-31-111
Governing body, 33-31-222
Grievances, filing, 33-31-312
Group health plans

- affiliation periods, 33-31-307
- creditable coverage, 33-22-140 — 33-22-143
- deceased peace officer, game warden, or firefighter — coverage for spouse and dependents when, 33-22-136

HEALTH MAINTENANCE ORGANIZATIONS (Continued)
Group health plans (Continued)

  disenrollment of enrollee, effect, 33-31-312
  premium increase, restriction, 33-31-313
  termination and conversion, 33-31-301
Health care database for resources and services, 50-4-502, 50-4-504
Health care expenses, 33-22-903, See **INSURANCE, DISABILITY, Medicare supplement insurance policies and certificates**
Health care facilities, certificate of need requirements — applicability, 33-31-111, 33-31-203, 33-31-221
Health care services, 33-31-102, See also **Coverages**
  agreement for, 33-31-102, 33-31-306, 33-31-311
  basic health care services, 33-31-102, 33-31-201, 33-31-202, 33-31-221, 33-31-301, 33-31-402
  charges
    explanation, 33-15-308, 33-31-111
    schedule of, 33-31-202, 33-31-304, 33-31-402
  evidence of coverage, statement in, 33-31-301
  payment for, 33-31-202, 33-31-301
  point-of-service options, 33-31-102, 33-31-306
  powers of organization for providing, 33-31-221
  providers, See **Providers**
  reimbursement for, by enrollees, 33-31-201
  requirements, noncompliance, 33-31-402
Health service corporations or insurers, operation by or as insurers, 33-31-102, 33-31-111, 33-31-201 — 33-31-203, 33-31-211, 33-31-216, 33-31-221, 33-31-301
Hearings, 33-31-404
  certificate of authority — denial, suspension, or revocation, 33-31-404
  fines, imposition, 33-31-211
  forms, on disapproval, 33-31-301
  penalty, administrative — imposition, 33-31-405
  plan — proposed change, alteration, or amendment, 33-31-201
  power, for exercise of, 33-31-221
  rules, for, 33-31-103
  rules of pleading and evidence, applicability, 33-31-404
  violations, concerning, 33-31-405
Holding company systems, financial guaranties, 33-31-201
Individual coverage, 33-31-301
  creditable coverage, 33-22-140 — 33-22-143
  disenrollment of enrollee, effect, 33-31-312
  premium increase, restriction, 33-31-313
Information and privacy protection, Title 33, chapter 19
Injunction, 33-31-405
Insolvency, 33-31-102, 33-31-201, 33-31-216
Insurance guaranty association, life and health — nonapplicability, 33-10-202
Insurance producers, 33-31-102, 33-31-211, 33-31-311, 33-31-401
Investments by, 33-31-215, 33-31-223
Liquidation, 33-31-403
Loans to medical groups, 33-31-221
Long-term care insurance, Title 33, chapter 22, part 11, See **INSURANCE, DISABILITY**
Malpractice claims, 33-31-303
Managed care plan network adequacy and quality assurance, 33-31-111; Title 33, chapter 36, See **MANAGED CARE**
Management authority, delegation, 33-31-201
Material transactions, disclosure, 33-31-111
Medicaid managed care community networks and health care entities, applicability, 33-1-102, 33-31-115; Title 53, chapter 6, part 7
Medicaid medical savings accounts, Title 53, chapter 6, part 9

HEALTH MAINTENANCE ORGANIZATIONS (Continued)

Medical information, confidentiality, 33-31-113
Medicare supplement insurance policies and certificates, Title 33, chapter 22, part 9, See **INSURANCE, DISABILITY**
Medicine, practice of — exemption from provisions, 33-31-111
Merger or consolidation, 33-31-204
Montana Insurance Code, applicability of provisions, 33-1-102, 33-31-111
Name, use, 33-31-312
Nonrenewal of enrollees, 33-31-303, 33-31-312
Notices, 33-31-404
  bond, fidelity — cancellation or termination, 33-31-223
  certificate of authority — denial, suspension, or revocation, 33-31-404
  complaints, notice to enrollee of right to file, 33-31-303
  fines, imposition, 33-31-211
  forms, disapproval, 33-31-301
  newborn infant, notice of birth to organization when, 33-31-301
  operation of organization, changes — to enrollees, 33-31-302
  penalty, administrative — imposition, 33-31-405
  plan — proposed change, alteration, or amendment, 33-31-201
  power, prior to exercise of, 33-31-221
  rules, for, 33-31-103
  violations, of, 33-31-405
Officers, 33-31-111, 33-31-211, 33-31-223, 33-31-401
Operation, 33-31-201 — 33-31-203
  changes in, notice to enrollees, 33-31-302
Partners, 33-31-211, 33-31-223
Penalties, 33-1-804, 33-31-211, 33-31-405
Point-of-service options, 33-31-102, 33-31-306
Policies, See **Evidence of coverage**
Powers, 33-31-221
Premiums, 49-2-309
  deceased peace officer, game warden, or firefighter — spouse and dependents, 33-22-136
  disclosure, 33-31-321
  disenrollment, alternate coverage upon, 33-31-312
  genetic traits, discrimination on basis of — prohibited, 33-18-903
  income, administration costs in relation to, 33-31-201
  increase
    proportionate distribution, 33-22-243
    restriction and exception, 33-31-313
  nonpayment, 33-18-215, 33-22-136, 33-31-312
Privileged communications, 33-31-112, 33-31-113, 33-31-201, 33-31-303
Prohibited practices, 33-18-215, 33-31-301, 33-31-312
  genetic testing, information, and traits, 33-18-902 — 33-18-904
Property, 33-31-216, 33-31-221, 33-31-401
Providers, 33-31-102
  contracts with, See **Contracts**
  dentists, participation, 33-31-305
  designation by enrollee, when, 33-31-301
  governing body of organization, inclusion, 33-31-222
  health care services, See **Health care services**
  medicaid fraud, offense of, 45-6-313
  medical communications, interference — prohibitions against, 33-1-801 — 33-1-804, 33-31-111
  medical information, confidentiality and disclosure when, 33-31-113
  obstetricians and gynecologists as primary care physicians, 33-22-1901 — 33-22-1908, 33-31-111

HEALTH MAINTENANCE ORGANIZATIONS (Continued)
Providers (Continued)

  physician-patient relationships, unsatisfactory, 33-31-312
  principals, examination, 33-31-401
  reimbursement for services, 33-31-201
  uncovered expenditures, priority of claims for, 33-31-403
Records, 33-31-303, 33-31-401
Rehabilitation, 33-31-403
Reinsurance, 33-31-201
Relationship to other laws, 33-31-111
Reports, 33-31-112, 33-31-211
Rules, 33-31-103, 33-31-201, 33-31-202, 33-31-212, 33-31-221, 33-31-312
Service of process, 33-31-201
Short title, 33-31-101
Small employer health insurance, Title 33, chapter 22, part 18
Solicitation of business, 33-31-111, 33-31-311, 33-31-312, 33-31-402
Supervision, 33-31-403
Surety bond, officers and employees, 33-31-223
Uncovered expenditures, 33-31-102, 33-31-216, 33-31-403
Uniform health benefit plan, 33-31-322
Utilization reviews, applicability, 33-22-125, 33-32-105
Violations, 33-1-804, 33-18-233, 33-31-211, 33-31-312, 33-31-405

HEALTH OFFICERS, LOCAL, 50-2-101
AIDS, disclosure of test subject or results when, 50-16-1003, 50-16-1009
Anatomical gifts, release and permitting removal of parts when, 72-17-215
Appointment, 50-2-116 — 50-2-118
Campgrounds and trailer courts
  inspections and investigations, 50-52-103, 50-52-301 — 50-52-303
  licenses, validation, 50-2-118, 50-52-201, 50-52-208, 50-52-209
Cemetery associations, interment information furnished to, 35-20-210
Chiropractors, reports by, 37-12-103
City-county consolidated government department of health, director's powers and duties, 7-3-1346
Communicable disease cases reported to, 37-2-301, See also **DISEASES**
Community homes
  persons with developmental disabilities, for — certification, 53-20-307
  persons with severe disabilities, for — inspections, 52-4-204
County officers, specific provisions
  city-county consolidated government department of health, director's powers and duties, 7-3-1346
  mosquito control board, ex officio member, 7-22-2419
  premarital examinations, 40-1-207
Day-care facilities — staff training, inspections, and certification, 52-2-735
Detention center inmates, removal from center when diseased, 50-2-121
Diseases, authority, 50-2-118, See also **DISEASES**
Environmental Review, Board of — representation on, 2-15-3502
Expenses, reimbursement, 50-2-116
Food establishments
  access to establishment, 50-50-302
  baked goods or preserves, records pertaining to sale, 50-50-202
  injunction, action for, 50-50-106
  inspections and investigations, 50-50-301
  licenses, validation, 50-2-118, 50-50-214, 50-50-215
  nonprofit organizations, registration, 50-50-202
  report of violations, 50-50-304
Hazardous chemical complaints, duties, 50-78-402

HEALTH OFFICERS, LOCAL (Continued)

Health care information, confidentiality provisions, See **HEALTH CARE INFORMATION, Government health care information**
HIV, disclosure of test subject or results when, 50-16-1003, 50-16-1009
Hotels and lodging establishments
  inspections and investigations, 50-51-301 — 50-51-303
  licenses, validation, 50-2-118, 50-51-201, 50-51-214, 50-51-215
Inspection authority, 50-2-118
Law enforcement officers, assistance by, 50-2-120
Marriage license applicants
  medical certificates, laboratory statements or reports, and applications — availability, 40-1-208
  premarital examinations, 40-1-207
Milk or cream investigations, samples, or analyses — agreements with department of livestock, 81-22-305
Municipal commission-manager government, supervision by director of public welfare, 7-3-4463
Notices of, removal or defacing, 50-2-122
Obstruction in performance of duties, 50-2-122
Orders and compliance orders, 50-2-123
Organ donations, release and permitting removal of parts when, 72-17-215
Pesticide applicator or dealer licensing provisions, exemption when, 80-8-213
Powers and duties generally, 50-2-118
Prenatal serological test results, disclosure to, 50-19-108
Prisoners, removal when affected, 50-2-121
Qualifications, 50-2-116
Quarantine authority and duties, 50-2-118, 50-23-103
Rabies in wild animals, authority, 50-23-103
Reports by, 50-2-118
Sanitarian licensing provisions, exemption when, 37-40-102
School immunization requirements, duties, 20-5-402 — 20-5-410
Septage disposal sites, certification, 75-10-1211, 75-10-1212
Sexually transmitted diseases
  disobedience to orders issued by, 50-18-113
  information relating to, confidentiality and disclosure, 50-18-109
  powers and duties generally, 50-18-107
  report of cases or suspected sexual activity of infected person, 50-18-106
  statement of freedom from disease, issuance, 50-18-111
Solid waste management system or disposal licenses, duties, 75-10-222 — 75-10-224
Subdivisions, sanitation in — duties, 76-4-106, 76-4-122, 76-4-125
Swimming pools and swimming areas, 50-53-102
  licenses, validation, 50-2-118, 50-53-202, 50-53-206, 50-53-207
  performance standards, 50-53-103, 50-53-218
Tuberculosis control
  court order for examination or treatment of infected person, request for, 50-17-105
  emergency detainment of person, notice, 50-17-115
Underground storage tank installations or closures, inspection, 75-11-213
Water quality provisions, "local department of health" defined, 75-5-103, See **WATER QUALITY, Health, local departments of**
Water supply systems, public — complaints regarding pollution of, 75-6-104

HEALTH SERVICE CORPORATIONS
  See also **INSURANCE, DISABILITY**
Abuse, victims of — discrimination prohibited, 33-18-216
Actions
  investigations not a bar to, 33-30-303

HEALTH SERVICE CORPORATIONS (Continued)
Actions (Continued)

    third-party actions, 33-30-1101, 33-30-1102
Administrative Procedure Act, applicability, 33-30-106, 33-30-112
Advertising, 33-30-305
Annual report, 33-30-202
Annual statement, 33-30-107, 33-30-204
Application of provisions, 33-30-102
Assets, 33-30-105, 33-30-201
Cease and desist orders, 33-1-318, 33-30-112, 33-30-113
Claims, timely payment — administrative process for, 33-18-231 — 33-18-235
Comprehensive health association, participation in, Title 33, chapter 22, part 15, See INSURANCE, DISABILITY
Conflict of laws, 33-30-102
Construction of related laws, 33-30-102
Contractees, injuries caused by — nonliability, 33-30-304
Contracts allowed, 33-30-302
Coverages
    adopted children, 33-22-130, 33-30-1016
    alcoholism treatment, 33-22-701 — 33-22-705, 33-22-1827
    breast cancer, postmastectomy care and reconstructive breast surgery following mastectomy, 33-22-134, 33-22-135
    childbirth, minimum hospital stay following, 33-22-133
    dentists, payments for care or services allowed when, 33-30-1011
    disabilities, dependents with — continuation, 33-30-1003, 33-30-1004
    drug addiction treatment, 33-22-701 — 33-22-705, 33-22-1827
    genetic traits, discrimination on basis of — prohibited, 33-18-903
    home health care, 33-22-1001 — 33-22-1003
    mammography examinations, 33-22-132, 33-22-1827
    mental illness, treatment, 33-22-701 — 33-22-706, 33-22-1827
    metabolism, inborn errors of — treatment, 33-22-131
    naturopathic physicians, services provided by, 33-30-1017
    newborn infant, 33-30-1001
    nurse specialists, services provided by, 33-30-1013
    physician assistants-certified, services provided by, 33-22-114
    preexisting condition exclusion
        converted policies, 33-30-1008
        waiver and prohibition, 33-22-241, 33-22-242
    public medical assistance, coverage of persons eligible for, 33-30-1002
    reduction of work schedule, continuation, 33-30-1006
    state institutions, services received in, 33-30-1002
    well-child care, 33-30-1014
Definitions, 33-1-201, 33-18-231, 33-18-901, 33-22-140, 33-22-1501, 33-30-101, 33-30-311, 33-30-1014, 33-30-1016
Discrimination prohibited, 33-18-216, 33-18-903, 33-30-306, 49-2-309
Examination or investigation, 33-30-105, 33-30-303, 33-30-305
Fees, 33-30-108, 33-30-204
Filings, 33-30-107, 33-30-202, 33-30-204, 33-30-301
Financial condition, 33-30-202, 33-30-305
Fines, 33-30-107
Forms, 33-30-301, 33-30-1007
Genetics program fee, 33-2-712
Genetic testing, information, and traits — requirements and prohibitions, 33-18-901 — 33-18-904, 33-31-111
Grievance procedures for members, 33-30-303
Group plans
    adopted children, coverage, 33-30-1016

HEALTH SERVICE CORPORATIONS (Continued)
Group plans (Continued)

- conversion to individual policies, 33-30-307, 33-30-1007 — 33-30-1009, 33-30-1015
- creditable coverage, 33-22-140 — 33-22-143
- deceased peace officer, game warden, or firefighter — coverage for spouse and dependents when, 33-22-136
- dentists, payments for care or services allowed when, 33-30-1011
- disabilities, dependents with — continuation of coverage, 33-30-1004
- discrimination prohibited, 33-30-306
- genetic testing, information, and traits — requirements and prohibitions, 33-18-901 — 33-18-904, 33-31-111
- naturopathic physicians, coverage for services provided by, 33-30-1017
- newborn infant coverage, 33-30-1001
- nurse specialists, coverage for services provided by, 33-30-1013
- public officers and employees, 2-18-702
- reduction of work schedule, continuing coverage, 33-30-1006
- uniform health benefit plan, 33-22-522
- well-child care, coverage for, 33-30-1014

Health care database for resources and services, 50-4-502, 50-4-504
Health maintenance organizations, as insurers or operation by, 33-31-102, 33-31-111, 33-31-201 — 33-31-203, 33-31-211, 33-31-216, 33-31-221, 33-31-301
Hearings, 33-30-105, 33-30-107, 33-30-112
Individual plans

- adopted children, coverage, 33-30-1016
- conversion from group plans, 33-30-307, 33-30-1007 — 33-30-1009, 33-30-1015
- creditable coverage, 33-22-140 — 33-22-143
- dentists, payments for care or services allowed when, 33-30-1011
- disabilities, dependents with — continuation of coverage, 33-30-1003
- genetic testing, information, and traits — requirements and prohibitions, 33-18-901 — 33-18-904, 33-31-111
- naturopathic physicians, coverage for services provided by, 33-30-1017
- newborn infant coverage, 33-30-1001
- nurse specialists, coverage for services provided by, 33-30-1013
- well-child care, coverage for, 33-30-1014

Information and privacy protection, 33-30-102; Title 33, chapter 19
Injunction, 33-1-318, 33-30-113
Insurance administrators, nonapplicability of provisions, 33-17-102
Insurance guaranty association, life and health — nonapplicability, 33-10-202
Insurance producers, 33-17-102, 33-30-105, 33-30-311

- health maintenance organization insurance producers, applicability of provisions, 33-31-311

Investment provisions, 33-12-102, 33-12-205, 33-12-207, 33-12-307, 33-12-312, See also **INSURERS REGULATION GENERALLY, Investments**
Jurisdiction to Determine Jurisdiction of Providers of Health Care Benefits Act, Title 33, chapter 1, part 11
License, 33-30-107, 33-30-108, 33-30-201, 33-30-204
Liens of physicians, nurses, physical therapists, occupational therapists, chiropractors, dentists, psychologists, licensed social workers, licensed professional counselors, and hospitals — personal injury claims, when exempt from, 71-3-1118
Long-term care insurance, Title 33, chapter 22, part 11, See **INSURANCE, DISABILITY**
Managed care plan network adequacy and quality assurance, Title 33, chapter 36, See **MANAGED CARE**
Medicaid managed care community networks, Title 53, chapter 6, part 7
Medicaid medical savings accounts, Title 53, chapter 6, part 9
Medical communications, interference — prohibited practices, 33-1-801 — 33-1-804
Medicare supplement insurance policies and certificates, Title 33, chapter 22, part 9, See **INSURANCE, DISABILITY**

HEALTH SERVICE CORPORATIONS (Continued)

Membership contracts, 33-30-101
  charges, explanation, 33-15-308
  coverages, See **Coverages**
  discrimination in terms and conditions prohibited, 33-30-306, 49-2-309
  filing fee, 33-30-204
  forms, 33-30-301
  genetic testing, information, and traits — requirements and prohibitions, 33-18-901 — 33-18-904, 33-31-111
  language simplification
    applicability schedule, 33-15-329
    application of provisions, 33-15-324
    citation of life and disability insurance policy language simplification act, 33-15-321
    construction of provisions, 33-15-326
    definitions, 33-15-323, 33-15-325
    exceptions, 33-15-324
    forms, approval, 33-15-328
    powers of insurance commissioner, 33-15-327
    purpose of provisions, 33-15-322
    standards, minimum, 33-15-325
  misrepresentations, 33-30-305
  premiums, See **Premiums**
  rescission, right of, 33-30-1005
  terms favorable to insured, applicability of provisions, 33-30-1021
  underwriting after issue date prohibited, 33-18-215
  uniform health benefit plan, 33-22-245
Montana Insurance Code, applicability of provisions, 33-1-102, 33-30-102
Obstetricians and gynecologists as primary care physicians, 33-22-1901 — 33-22-1908
Plans issued by, See **Coverages**
Preferred provider agreements, Title 33, chapter 22, part 17
Premiums
  deceased peace officer, game warden, or firefighter — spouse and dependents, 33-22-136
  genetic traits, discrimination on basis of — prohibited, 33-18-903
  increases
    proportionate distribution, 33-22-243
    restriction and exception, 33-22-107
  individual policies converted from group policies, 33-30-1007, 33-30-1015
  newborn infant coverage, 33-30-1001
  refund when, 33-30-1005
Premium tax exemption, 33-30-203
Profit organizations as, prohibited, 33-30-104
Prohibited practices, 33-18-215, 33-30-305
  genetic testing, information, and traits, 33-18-902 — 33-18-904
Purposes, 33-30-103
Rates, 33-30-306, 33-30-307, 49-2-309
Receivership, 33-30-113
Records, 33-30-105
Reserves, 33-30-107, 33-30-201
Small employer health insurance, Title 33, chapter 22, part 18
Subrogation rights, 33-30-1101, 33-30-1102
Third-party actions for damages, 33-30-1101, 33-30-1102
Utilization reviews, applicability, 33-22-125, 33-32-105
Violations, 33-1-318, 33-1-804, 33-18-233, 33-30-112, 33-30-113, 33-30-1002
  notice and conference, 33-30-111

HEARING AID DISPENSERS
    See also **PROFESSIONAL AND OCCUPATIONAL LICENSING AND REGULATION**
Advertising, 37-16-301, 37-16-401, 37-16-411
Audiologists, licensing as, 37-15-103, 37-16-402, 37-16-405, 37-16-411
Board of, 2-15-1850, 37-16-102; Title 37, chapter 16, part 2
    licensing duties, Title 37, chapter 16, part 4
Change of address, notification, 37-16-301
Competitors, prohibited practices, 37-16-411
Complaints, 37-16-202, 37-16-411
Continuing education requirements, 37-16-407
Conviction of felony, effect, 37-16-411
Definitions, 37-16-102, 37-16-405
Dispensing fee, 37-16-304
Enforcement of provisions, 37-16-413
Exemptions from provisions, 37-16-103
Fraudulent practices, 37-16-411
Incompetence, 37-16-411
Injunction, 37-16-202, 37-16-413
Inspection of equipment and facilities, 37-16-202
Licenses and licensing, 37-16-102
    application, 37-16-402, 37-16-405
    discrimination in issuance prohibited, 49-3-204
    examinations, 37-16-202, 37-16-403 — 37-16-405
    fees, 37-16-402, 37-16-405 — 37-16-408
    fraudulent practices in obtaining, 37-16-411
    inactive status and reinstatement, 37-16-407
    lack of, unlawful, 37-16-413
    nonresidents, 37-16-406
    qualifications, 37-16-402
    renewal, 37-16-405, 37-16-407
    required, 37-16-401
    revocation, suspension, or denial, 37-16-202, 37-16-411, 37-16-412
    trainee license, 37-16-405
Misrepresentation, 37-16-411
Negligence, 37-16-411
Physician assistants-certified utilization plans, applicability, 37-20-303
Place of business, 37-16-301
    sale, 37-16-302
Policy concerning, 37-16-101
Practice of selling, dispensing, and fitting hearing aids, 37-16-102, 37-16-411, 37-16-413
Records, 37-16-301, 37-16-411
Sales
    bills of sale and receipts, requirements, 37-16-303
    fraudulent practices, 37-16-411
    place of business, 37-16-302
    refunds and receipts for, 37-16-304
    right to cancel, 37-16-303, 37-16-304
    trial periods and money back guarantee, 37-16-304
Speech-language pathologist and audiologist provisions, applicability, 37-15-103
Subpoenas, 37-16-411
Trainees, 37-16-102, 37-16-301, 37-16-405
Unethical conduct, 37-16-411
Violations
    fines, 37-16-408, 37-16-411, 37-16-413

HEARING AID DISPENSERS (Continued)
Violations (Continued)
  investigation, 37-16-411
  license, failure to have, 37-16-413

HERBICIDES
  See **PESTS AND PESTICIDES**, generally; **WEEDS AND WEED CONTROL**

HERD DISTRICTS, Title 81, chapter 4, part 3
  See **LIVESTOCK**

HIGHER EDUCATION
  See **UNIVERSITY SYSTEM**

HIGHER EDUCATION, COMMISSIONER OF, 20-1-101
Appointment and term, 2-15-1506; Const., X, 9
Budget provisions, 17-7-102, See **BUDGET AND BUDGETING**
Collective bargaining, responsibilities, 39-31-301, 39-31-306
Community college district budget forms, approval, 20-15-309
Duties, compensation, staff, and office space, 20-2-131
Education, State Board of — participant, 20-2-101
Employee group benefits plans and premium levels, duties, 2-15-1530, 20-25-1303, 20-25-1304, 20-25-1310
Federal Higher Education Programs, Commission on — administrative officer, 2-15-1515
Fire prevention inspections, requests for and reports to, 50-3-102
Health inspection reports to, 50-1-202
Higher education funds, interentity loan procedures and negative cash balance reports, 17-2-107
Indian studies, instruction in — requirements, 20-1-501 — 20-1-503; Const., X, 1
Proprietary Postsecondary Educational Advisory Council, member, 2-15-1804
Public Education, Board of — member, 2-15-1507; Const., X, 9
Regents of Higher Education, Board of — member and secretary to, 2-15-1505, 20-2-111
Resident student financial assistance program, duties, 20-26-104, 20-26-201, 20-26-203
State Library Commission, appointment to, 22-1-101
Student Loan Advisory Council, representation, 2-15-1520
Student loan delinquencies, license suspension — appeal, 20-26-1116
Telecommunications network (METNET), 20-32-101 — 20-32-104
Vocational-technical education, state plan — duties, 20-7-328, 20-7-330

HIGHWAY PATROL OFFICERS
  See also **LAW ENFORCEMENT**; **PEACE OFFICERS**; **PUBLIC OFFICERS OR EMPLOYEES**
Arrests by, 44-1-1001, 44-1-1003, 44-1-1101 — 44-1-1103, 45-5-637, 61-1-305
Bail, acceptance permitted, 44-1-1101 — 44-1-1103
Chief of highway patrol, 44-1-201 — 44-1-203, 44-1-301 — 44-1-303, 61-1-302
  amateur radio operators'license plates, list to, 61-3-424
  disciplinary actions, 44-1-303, 44-1-705, 44-1-804
  injured officer, salary benefit, 44-1-511 — 44-1-515
  probationary training and service, permanent appointment recommendations, 44-1-601, 44-1-602
  supervisory personnel, 44-1-302, 44-1-402, 44-1-602
  vehicle equipment safety commission, as commissioner on, 61-2-204
Civil disorder, prohibited activities and exceptions, 45-8-107 — 45-8-109
Creation of Montana highway patrol, 44-1-101
Defined, 61-1-305
Disability, reinstatement following, 19-6-612
Disciplinary action
  appeal, 44-1-901 — 44-1-903
  authority of chief of highway patrol, 44-1-303

HIGHWAY PATROL OFFICERS (Continued)
Disciplinary action (Continued)
- authority of department of justice, 44-1-701
- causes for, 44-1-612
- charges, 44-1-701 — 44-1-704, 44-1-801, 44-1-802
- decision, 44-1-802, 44-1-804
- demotion or discharge of officer, 44-1-601, 44-1-602, 44-1-611, 44-1-612, 44-1-701, 44-1-806, 44-1-808, 44-1-901
- evidence, 44-1-802, 44-1-803
- exoneration, 44-1-805, 44-1-903
- hearings, 44-1-701, 44-1-704, 44-1-705, 44-1-801 — 44-1-803
- notice, 44-1-801
- rights of accused, 44-1-803
- suspension of officer, 44-1-701, 44-1-705, 44-1-806, 44-1-807, 44-1-901
- waiver of rights, 44-1-910

Expenses of highway patrol, payment, 44-1-501
Firewardens, as, 77-5-104
Forest development roads, jurisdiction, 61-8-111, 61-8-112
Funeral processions, 61-8-380
Highways and highway property, authority, 44-1-1003
Injury on duty, salary benefit, See **Salary**
Jurisdiction generally, 44-1-302; Title 44, chapter 1, part 10
Labor disputes, no authority, 44-1-1002
Litter control, enforcement, 75-10-233
Livestock or livestock products in transit, authority, 44-1-1004
Livestock permits or certificates, exhibit to, 81-3-211, 81-3-231
Maintenance, 44-1-102
Memorial for slain officers, 2-17-817
Military service, status of replacements, 44-1-404
Motor carriers safety standards, enforcement, 44-1-1005, 61-10-141
Motor vehicles, duties
- abandoned vehicles, 61-12-401, 61-12-402
- accidents — notification, reports, and investigation, 61-7-108, 61-7-109, 61-7-111, 61-7-114, 61-8-111
- drivers' licenses, duties, 61-5-116
- equipment regulations, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
- fines and forfeitures, disposition, 53-9-109, 61-12-701
- forest development roads, jurisdiction, 61-8-111, 61-8-112
- funeral processions, 61-8-380
- gross vehicle weight, duties, 61-10-109, 61-10-141, 61-10-209, 61-10-213, 61-10-231
- illegally stopped, removal, 61-8-705
- liability insurance cards, exhibition when, 61-6-302
- license plates, original Montana — inspection and certification, 61-3-412
- off-highway vehicle provisions, enforcement, 23-2-806
- registration, 44-1-1003
- size, weight, and load
  - confiscation of permits when, 61-10-143
  - excess size and weight permits, duties, 61-10-142
- special mobile equipment identification plate, receipt — inspection, 61-3-434
- traffic laws, enforcement, 44-1-303
- unattended, removal, 61-8-705
- violations, authority, 44-1-1003
- weighing vehicles, authority, 61-10-141
- window tinting or sunscreening restrictions, waiver, 61-9-428

Motor vehicles for highway patrol officers, 44-1-105
- confidential license plates and certificates of registration not permitted, 44-4-201
- motor pool provisions, nonapplicability, 2-17-411

HIGHWAY PATROL OFFICERS (Continued)

9-1-1 emergency telephone system advisory council, recommendations for membership, 10-4-102
Obedience to, 61-8-105, 61-8-201, 61-8-344, 61-8-346, 61-8-349, 61-8-354, 61-9-105
Probationary training and service, 44-1-601, 44-1-602
  injured officers, 44-1-516
  replacements for officers entering military service, 44-1-404
Qualifications, 44-1-401
Reserve officers, 44-1-404
Residence requirements, 44-1-202, 44-1-401
Retirement system, Title 19, chapter 6
Roadblocks, 46-1-202, 46-5-502, 46-5-510
Rules pertaining to, 44-1-103, 44-1-612
Salary
  chief of highway patrol, 44-1-203
  disciplinary action, effect, 44-1-805, 44-1-808, 44-1-903
  injury while on duty, salary benefit, 44-1-511
    assignment to light duty or another position, 44-1-511, 44-1-513, 44-1-515
    disability retirement allowance, effect on, 44-1-514
    eligibility determination, 44-1-512
    medical examinations, 44-1-513
    probationary status, effect on, 44-1-516
    retirement contributions and service credits, 44-1-518
    subrogation, 44-1-517
  permanent appointment, upon, 44-1-503
  suspension without, 44-1-701, 44-1-807
School bus two-way radios, permission for operation, 20-10-108
Snowmobiles, duties, 23-2-631, 23-2-641
Special fuel user's permits, issuance or inspection, 15-70-302, 15-70-311
Supervision, 44-1-101, 44-1-102, 44-1-301, 44-1-303
Supervisory personnel, 44-1-302, 44-1-402, 44-1-602, 44-1-611
Term of service, 44-1-611
Tow trucks
  equipment, noncommercially manufactured or modified — classification disputes, 61-8-905
  inspections, 61-8-907, 61-8-908
  law enforcement rotation system, administration, 61-8-908
Traffic control, 61-1-305, 61-1-407
Traffic violations, authority, 44-1-1003, 44-1-1103, 61-1-305, 61-11-104
Trees and boughs, coniferous — bill of sale or authorization exhibited on request by, 76-13-601
Uniforms and equipment, 44-1-105, 44-1-106, 44-1-303
University system tuition waiver for survivors, 20-25-421

HIGHWAY PATROL OFFICERS' RETIREMENT SYSTEM
  See also **PUBLIC EMPLOYEES' RETIREMENT GENERALLY**
Administration, Title 19, chapter 2, See **PUBLIC EMPLOYEES' RETIREMENT GENERALLY**
Benefits, See also **Disability retirement benefits**; **Service retirement benefits**; **Survivorship benefits**
  death benefits in absence of survivor, 19-6-903
  discrimination prohibited, 49-2-309
  early retirement, 19-6-503, 19-6-902
  family law orders, alternate payees, 19-2-907
  guaranteed annual benefit adjustment, 19-6-710
  support obligation, execution or income withholding for, 19-2-909
Citation of Highway Patrol Officers' Retirement Act, 19-6-106

HIGHWAY PATROL OFFICERS' RETIREMENT SYSTEM (Continued)

Contributions, state, 19-6-404, 44-1-518, See also **Member contributions**
Death benefits in absence of survivor, 19-6-903, See also **Benefits**
Definitions, 19-6-101
Disability retirement benefits, 19-6-601, See also **Benefits**
  cancellation, 19-6-612
  family law orders, alternate payees, 19-2-907
  injured officer's salary benefit, effect, 44-1-514
  medical examination requirements, 19-6-612
  minimum monthly benefit, 19-6-707
  service retirement status, change to — when, 19-2-907, 19-6-612
  supplemental, 19-6-709, 61-3-321
  support obligation, execution or income withholding for, 19-2-909
Discrimination prohibited, 49-2-309
Early retirement benefit, 19-6-503, 19-6-902
Enforcement of provisions, 19-2-403
Establishment, 19-6-102
Family law orders, alternate payees, 19-2-907
Fund, See **Pension trust fund**
Investment fund, 17-6-203
Member contributions, 19-6-402
  accumulated contributions, 19-6-402
    beneficiary, paid to — when, 19-6-505, 19-6-903
    refunds, 19-6-301, 19-6-403, 19-6-810, 19-8-902
  guaranteed annual benefit adjustment, increased rate for, 19-6-710
  ill or injured employees, 19-6-810
  injured officer's salary benefit, from, 44-1-518
  military service, qualification, 19-6-801
  out-of-state law enforcement employment, qualification of service in, 19-6-803
  pension trust fund, payment to, 19-6-401
  public service employment, qualification of service in, 19-6-802
  refund when, 19-2-709, 19-6-803, 19-7-802, 19-9-405, 19-13-404
  resignation or discharge of member, 19-6-403
  transfer, 19-2-709
  withdrawals, 19-2-907, 19-2-909
Membership, 19-6-301
Pension trust fund
  drivers' license fees, percentage for, 19-6-401, 19-6-404, 61-5-121
  member contributions, 19-6-401, 19-6-802, 19-6-804
  motor vehicle registration fees, allocation, 19-6-709, 61-3-321
  state contribution, 19-6-404
  transfers, 19-2-709
Service credits
  absence due to illness or injury, qualification, 19-6-810
  additional, purchase, 19-2-706, 19-6-804
  firefighters' unified retirement system, transfers to, 19-13-404
  game wardens' and peace officers' retirement system, transfers to, 19-8-902
  inactive vested members, purchase, 19-6-301
  military service, 19-6-801, 19-6-803
  minimum monthly benefits, use in calculation, 19-6-707
  municipal police officers' retirement system, transfers to, 19-9-405
  out-of-state law enforcement employment, qualification, 19-6-803
  public employees' retirement system, transfers to, 19-3-509
  public service employment, qualification, 19-6-802
  sheriffs' retirement system, transfers to, 19-7-802
  supplemental benefits, 19-6-709

HIGHWAY PATROL OFFICERS' RETIREMENT SYSTEM (Continued)
Service credits (Continued)

termination, involuntary — additional, 17-7-304, 19-2-706
Service retirement benefits, See also **Benefits**
  absence due to illness or injury, qualification, 19-6-810
  amount, 19-6-502, 19-6-503
  death of member, effect, 19-6-505
  disability retirement status, change from — when, 19-2-907, 19-6-612
  early retirement benefit, 19-6-503, 19-6-902
  eligibility, 19-6-501
  family law orders, alternate payees, 19-2-907
  minimum monthly benefit, 19-6-707, 19-6-709
  payment, 19-6-505
  supplemental, 19-6-709, 61-3-321
  support obligation, execution or income withholding for, 19-2-909
Social security system
  referendum, authorization, 19-1-301
  separateness, 19-1-104
Support obligation, execution or income withholding for, 19-2-909
Survivorship benefits, See also **Benefits**
  death from other causes, 19-6-902
  employment-related death, 19-6-901
  family law orders, alternate payees, 19-2-907
  minimum monthly benefit, 19-6-707
  supplemental, 19-6-709, 61-3-321
  support obligation, execution or income withholding for, 19-2-909
Unfunded liabilities, amortization, 19-6-709

HIGHWAY REVENUE BONDS ACT OF 1983, Title 17, chapter 5, part 9
  See **BONDS AND BOND ISSUES, Highway revenue bonds**

HIGHWAYS
  See also **BRIDGES**; **COUNTY ROADS AND BRIDGES**; **STREETS AND ALLEYS**
Abandoning on highway
  animals, 45-8-211
  vehicles, removal, Title 61, chapter 12, part 4
Abandonment or vacation of highway, 60-1-103, 60-2-107, 60-4-208, 60-4-209
Accidents upon, Title 61, chapter 7, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Accidents and accident reports**
Acquisition of property, 60-4-102
  compensation not required when, 60-4-108
  controlled-access highways or facilities, for, 7-14-101, 60-4-111, 60-5-104
  eminent domain, 2-17-105, 7-14-101, 60-1-103, 60-4-103, 60-4-104, 60-4-108, 60-4-111, 60-5-104, 70-30-103, 70-30-302, 70-30-304
  fee simple, 60-1-103, 60-4-101, 60-4-102, 60-4-209
  future needs, for, 60-4-106
  irrigation lands, 60-4-109
  public, rights acquired by, 60-4-101
  purposes for, 60-4-103
  railroads, canals, or ditches — highways crossing, 60-4-110
  service roads, for, 7-14-101, 60-4-111
  utility facilities, for relocation, 60-4-103, 60-4-401 — 60-4-403
  whole parcel, 60-4-105
Actions
  animals, collision with motor vehicle — damage actions, 60-7-203
  encroachments, removal and costs, 60-6-104, 60-6-105
Advertising adjacent to, 60-2-602; Title 60, chapter 5, part 5; Title 75, chapter 15, part 1
Aircraft landings and takeoffs, 67-1-204

HIGHWAYS (Continued)

Airports, roads to and from, 67-10-211
Animals
    abandoning, 45-8-211
    dead animals, dumping or leaving, 75-10-212, 75-10-213, 75-10-233
    impoundment, 7-1-4124
Arterial highway, 60-5-102, See **Controlled access**
Arterial street, 61-1-204, 61-8-310, See also **Controlled access**; **STREETS AND ALLEYS**
Assemblages or processions on, local regulation, 61-12-101
Barrow pits, 60-2-208, 87-2-803, 87-3-101
Beautification, Title 75, chapter 10, part 5; Title 75, chapter 15, parts 1 and 2
Bicycles and bicycle trails, See **BICYCLES**
Bids and bidding
    construction contracts and reciprocity, 18-1-102, 18-2-403, 60-2-112 — 60-2-114
    equipment, sale, 18-6-103
    motorist information sign program, to establish and operate, 60-5-505
    sale of property, 60-4-202, 60-4-205
Blackfeet highway, jurisdiction, 2-1-206
Blind persons, rights and privileges, 49-4-211, See **BLINDNESS OR LOW VISION, PERSONS WITH**
Boundaries, as, 70-20-307
Buildings, 60-4-103, See also **Encroachments**
Business district, traffic within, 61-1-408, 61-8-336, 61-8-345
Bus stops, establishment, 61-8-354
Bypasses, 60-2-211
Canals, highways crossing, 60-4-110
Cattle guards, 60-7-103, 81-4-102
Charles M. Russell trail, 60-1-205
Checking stations, See **Ports of entry and checking stations**
Cities and towns, responsibilities, See **CITIES AND TOWNS**, **Highways through**
Classification, 60-1-201
Coal impact areas, revenue and construction, 90-6-201, 90-6-202, 90-6-205, 90-6-210
Commemorative highways, marking, 60-2-242
Commission, See **Transportation Commission**
Coniferous trees and boughs, unlawful transportation on, 76-13-601
Construction, 60-1-103, 60-2-112, 60-2-201, 60-2-206
    bicycle trails and footpaths, 60-3-303, 60-3-304
    blasting, Title 37, chapter 72
    bypasses, 60-2-211
    coal impact areas and grants, 90-6-201, 90-6-202, 90-6-205, 90-6-210
    contractor registration, Title 39, chapter 9
    contracts for, See **Contracts**
    costs, 60-2-210, 60-4-403
    driving on right side of road, exception, 61-8-321
    federal contracts and agreements, 7-14-4108, 60-3-101
    funding, See **Federal-aid funds**; **State funds**
    highways not located entirely within state, 60-2-205
    parks, state — connecting roads, 23-1-104
    priorities and projects, setting and selecting, 60-2-110, 60-2-201
    reckless endangerment of highway workers, 61-8-315, 61-8-715, 61-9-402, 61-9-431
    relocation projects, 60-2-211
    revenue bonds for, Title 17, chapter 5, part 9
    scenic loop highway signs, effect, 60-2-217
    slow-moving vehicle provisions, 61-9-415, 61-9-513
    traffic regulations
        applicability, 61-8-106, 61-9-106

HIGHWAYS (Continued)
Construction (Continued)
    traffic regulations (Continued)
        violation, 61-8-314, 61-8-315, 61-8-715, 61-9-402, 61-9-431
    utilities, relocation, 60-4-103, 60-4-401 — 60-4-403
    vehicles for, exemption from motor carrier laws, 69-12-102
    wages, prevailing rate, Title 18, chapter 2, part 4
Contracts, 18-1-102, 18-2-403, 60-2-111 — 60-2-115, 60-2-201, 60-2-202, See also **PUBLIC CONTRACTS**, generally
    bypasses, for, 60-2-211
    cities and towns, with, 7-14-4108
    contractors, requirements, 60-2-113
    discrimination, 18-2-403, 49-3-207
    federal government, with, 7-14-4108, 60-3-101
    motorist information sign program, requirements, 60-5-509, 60-5-510
    wages, prevailing rate, Title 18, chapter 2, part 4
    weight analysis, for, 60-2-207
Controlled access
    arterial streets, 61-1-204, 61-8-310
    commercial enterprises or structures prohibited when, 60-5-110
    definitions, 60-1-103, 60-5-102, 61-1-211
    designation of highway, 60-5-103
    driving restrictions, 61-8-331, 61-8-332, 61-8-720
    facilities, 60-2-209, 60-4-108, 60-5-102, 60-5-104, 60-5-105
    farm entrances, 60-5-106
    frontage roads, 60-5-108
    grade crossings, 60-5-106
    haystack movers, operation on — prohibited, 61-10-123
    marking, 60-5-105, 60-5-109
    motorist information signs, "crossroad" defined, 60-5-502
    policy, 60-5-101
    private driveways or roads, restrictions, 60-5-111, 61-8-331
    property acquired for, 7-14-101, 60-4-111, 60-5-104
    school buses, meeting or passing, 61-8-351
    service roads, 60-4-111, 60-5-104, 60-5-107
    snowmobiles, operation on, See **SNOWMOBILES**, **Roads and streets, operation on**
    traffic-control devices on, 61-8-203
    use restrictions and signs, 61-8-332
Counties, responsibilities, See **COUNTIES**
County road improvement districts, Title 7, chapter 14, part 27
County water and/or sewer district projects, construction across, 7-13-2219
Crossings
    grade crossings, 60-5-106
    marked, to be, 61-8-101, 61-9-101
    railroad crossings, See **RAILROADS**, **Highway crossings**
Crosswalks, 61-1-209, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**; **PEDESTRIANS**
Custom combiners, operation of trucks and trailers — limitations, 61-10-124, 61-10-130
Deaf persons, rights and privileges, 49-4-211, See **DEAF PERSONS**, generally
Definitions, 60-1-103, 60-2-125, 60-2-220
    arterial street, 61-1-204
    construction, 60-2-112
    control of access provisions, 60-5-102, 61-1-211
    crosswalk, 61-1-209
    funds, apportionment provisions, 60-3-206, 60-3-211
    highway, 60-1-103, 61-1-201
    intersection, 61-1-212
    laned roadway, 61-1-207

HIGHWAYS (Continued)
Definitions (Continued)

  motorist information sign provisions, 60-5-502
  open range provisions, 60-7-102, 81-4-203, 81-4-501
  public highway, 60-1-103, 61-1-202, 61-8-314, 69-12-101
  roadway, 61-1-206
  through highway, 61-1-210
  utility facilities, relocation provisions, 60-4-401
Destructive device, possession on highway — offense of, 45-8-334, 45-8-337
Disorderly conduct, offense of, 45-8-101
Ditches, highways crossing, 60-4-110
Divided highways, driving on, 61-8-330
Division of, 2-15-2501
Donald J. Ruhl medal of honor highway, 60-1-206
Drainage districts
  benefits of construction, assessment for, 85-8-342
  construction costs, 60-4-109
  location of drains, 85-8-365
Drainage systems, 60-4-103, 85-8-365
Easements, 60-1-103, 60-4-103, 60-4-207, 60-5-102, 60-5-103, See also **Rights-of-way**
Eminent domain, 2-17-105, 7-14-101, 60-1-103, 60-4-103, 60-4-104, 60-4-108, 60-4-111, 60-5-104, 70-30-103, 70-30-302, 70-30-304
Encroachments
  railroad crossings, extended obstruction on — effect of provisions, 69-14-626
  removal, 60-6-101 — 60-6-105
Evidence
  animals on highway, negligence not presumed or inferred from collision with motor vehicle, 60-7-203
  proposed highways or improvements, order creating presumption of necessity, 60-4-104
  railroad crossings, hearing on prioritization of expenditures, 60-2-121
Exchange of property, 60-4-201, See also **Acquisition of property**; **Sale of property**
Exchange of roadways or responsibilities, 60-2-107
Farm entrances, 60-5-106
Federal-aid funds, 60-2-125, 60-3-101
  allocation, 60-2-126, 60-2-127, 60-2-129, 60-3-206, 60-3-211, 60-3-219
  apportionment, 60-3-205, 60-3-206, 60-3-211
  coal impact areas, for, 90-6-205, 90-6-210
  commemorative highways, markers, 60-2-242
  gross weight provisions, maximum — effect, 61-10-107, 61-10-110
  motorist information sign program, restrictions or conflicts, 60-5-526, 60-5-527
  railroad crossings, prioritization, 60-2-121
  safety construction program funds, 60-7-103
  state funds, interim apportionment, 60-3-212
Federal-aid highways
  abandonment, 60-2-107, 60-4-208
  classification, 60-1-201
  controlled access, See **Controlled access**
  custodian, 60-1-102
  custom combiner's trucks or trailers, operation on, 61-10-130
  definitions, 60-1-103
  exchange of roadways or responsibilities, 60-2-107
  funds for, See **Federal-aid funds**; **State funds**
  haystack movers, operation on — prohibited, 61-10-123
  hay, vehicles hauling — flag vehicle escort required, 61-10-102
  highways not located entirely within state, 60-2-106, 60-2-205
  implements of husbandry, flag vehicle escort required, 61-10-102
  off-highway vehicles, operation on or crossing prohibited, 23-2-821

HIGHWAYS (Continued)
Federal-aid highways (Continued)

  parking regulations, 61-8-355
  revenue bonds for projects, Title 17, chapter 5, part 9
  slow-moving vehicle provisions, 61-9-415
  speed limit, 61-8-303, 61-8-310, 61-8-312
  truck-trailer special combinations, operation on, 61-8-312, 61-10-124
  utility facilities, relocation, 60-4-103, 60-4-401 — 60-4-403
Federal law, assent to, 60-3-101
Fencing, See **Encroachments**; **Livestock**, open range
Ferries and wharves, See **FERRIES AND WHARVES**
Financial districts, 60-2-129, 60-3-205, 60-3-219
Flag persons or vehicles, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
Flood control projects affecting, Title 76, chapter 5, part 11
Footpaths and bicycle trails, Title 60, chapter 3, part 3
Frontage roads, 60-5-108
Funds, distribution and apportionment, See **Federal-aid funds**; **State funds**
Funeral processions, 61-8-380 — 61-8-384, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
Gasoline and vehicle fuels taxes, allocation of revenue, 15-70-101, 15-70-102, 17-5-507, 60-3-201, 60-3-202
Good Roads Day, 60-1-104
Grade crossings, 60-5-106
Hay, vehicles hauling — flag vehicle escort required, 61-10-102
Highway authorities, 60-1-103, 60-5-102
  controlled-access highways or facilities, 7-14-101, 60-5-104 — 60-5-107, 60-5-111
  property acquired by, 7-14-101, 60-4-111, 60-5-104
Highway patrol officers, jurisdiction, 44-1-1003
Hunting from or on, unlawful and exception, 61-8-369, 87-2-803, 87-3-101
Implements of husbandry, flag vehicle escort required, 61-10-102
Improvements, 60-2-201, 60-2-206
  highways not located entirely within state, designation for, 60-2-106, 60-2-205
Information sites, 60-4-103, See also **Motorist information signs**; **Signs**
Integrated system, 60-1-102
Intersections, 61-1-212, See **Controlled access**; **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
Interstate agreements for tax and fee collection and port operation, 60-2-311
Interstate emergency maintenance service agreements, 60-2-213
Interstate highways, See **Controlled access**; **Federal-aid highways**
Irrigation districts, construction of irrigation works, 85-7-1909
Irrigation land acquired for, 60-4-109
Irrigation works crossing, 85-1-208
Junkyards adjacent to, Title 75, chapter 15, part 2
Korean Conflict Veterans' Memorial, State — location referenced on maps, 1-1-518
Korean Veterans' Memorial, State — location referenced on maps, 1-1-516
Leases
  commercial enterprises or structures prohibited on leased land, 60-5-110
  hay crops, land in fenced area on open range, 60-2-208
  motorist information sign spaces, 60-5-505
  unused portions of land, 60-4-106
Legislative findings, policy, and intent, 60-1-101, 60-1-102, 60-5-101
Lewis and Clark highway, 60-1-202
Lighting districts, Title 7, chapter 12, part 43
Littering prohibited, 7-5-2112, 7-5-4113, 61-8-365, 61-8-370, 61-8-372, 75-10-212, 75-10-213, 75-10-233
  prison inmates, removal of litter, 53-30-132

HIGHWAYS (Continued)

Livestock
  cattle guards, 60-7-103, 81-4-102
  flagmen escorts, 60-7-204
  grazing or herding on highway, 60-7-201 — 60-7-205
  lanes or trails for, 60-4-103
  open range, 60-7-102, 81-4-203, 81-4-501
    fencing right-of-way through, 60-2-208, 60-7-101 — 60-7-103
    grazing adjacent to, 60-7-202
  running at large, Title 81, chapter 4, part 2
Loaded vehicles, securing of load required, 61-8-370
Local authorities
  contracts for construction, 60-2-111, 60-2-112
  controlled access, use restrictions, 61-8-332
  exchange of roadways or responsibilities, agreements for, 60-2-107
  regulations by, 61-12-101
  scenic-historic byways, designation — concurrence, 60-2-601
  through highways or stop intersections, designation, 61-8-344, 61-12-101
  urban highway system, duties, 60-2-110, 60-2-126
Mailboxes, placement, 60-6-101, See also **Encroachments**
Maintenance, 60-1-103, 60-2-201, 60-2-203, 60-2-206, 60-4-103
  abandonment or discontinuance, 60-2-107
  coal impact grants, 90-6-205
  costs within cities, payment, 60-2-210
  exchange of responsibilities, 60-2-107
  federal contracts and agreements, 60-3-101
  frontage roads, 60-5-108
  funds for, See **Federal-aid funds**; **State funds**
  highways not located entirely within state, 60-2-205
  interstate emergency service agreements, 60-2-213
  local governments, agreements for, 60-2-204
  mineral slag for road sanding or snow removal, use prohibited when, 60-2-241
  ownership records of land held for, 77-1-701, 77-1-706
  parks, state — connecting roads, 23-1-104
  paved secondary roads, 60-2-203
  reckless endangerment of highway workers, 61-8-315, 61-8-715
  revenue bonds for, Title 17, chapter 5, part 9
  scenic loop highway signs, effect, 60-2-217
  service districts for, Title 7, chapter 11, part 11
  state system, 60-2-125, 60-2-128, 60-2-204, 60-3-202
  timber, damages for injury to, 70-16-107, 70-16-108
  traffic violations in construction or work zones, 61-8-314, 61-8-315, 61-8-715
  vehicles for
    motor carrier laws, exemption from, 69-12-102
    slow-moving vehicle provisions, 61-9-415
Mansfield Heritage Route, Maureen and Mike, 60-1-204
Marking, 60-2-201, 60-2-206, 60-2-242, 60-5-105, See also **Encroachments**; **Signs**
Military uses, 10-1-602, 10-3-107
Mining purposes, condemnation for, 82-2-222
Montana Highway 3, 60-1-208
Motor carriers, compensation for use of, 61-4-304, 69-12-101, 69-12-402, 69-12-421, 69-12-422
Motorist information signs, See also **Signs**
  contracts, 60-5-509, 60-5-510
  costs, 60-5-510
  definitions, 60-5-502
  federal requirements, conformance with, 60-5-505, 60-5-513, 60-5-521, 60-5-526, 60-5-527

HIGHWAYS (Continued)
Motorist information signs (Continued)

  franchises, 60-5-502, 60-5-504, 60-5-505, 60-5-509, 60-5-510
  outdoor advertising provisions, applicability, 60-5-514, 60-5-522, 75-15-111
  program, operation, 60-5-504, 60-5-505
  purpose, 60-5-501
  restrictions, 60-5-512, 60-5-513, 60-5-519, 60-5-521, 60-5-522, 60-5-526
  rules, 60-5-503, 60-5-513, 60-5-514, 60-5-519, 60-5-521
  scenic-historic byways, areas along, 60-2-602
  specific information signs, 60-5-502, 60-5-511 — 60-5-514
  tourist-oriented directional signs, 60-5-502, 60-5-519 — 60-5-522
Mountain highways, driving on, 61-8-361
Multistate Highway Transportation Agreement, 5-11-210, 61-10-1101
National highway system, 60-2-110, 60-2-125 — 60-2-127, 60-3-205, 60-3-206, 60-4-401
New highways, description and plan, 60-2-209, 60-4-108
Newspaper delivery boxes, placement, 60-6-101, See also **Encroachments**
Nonresident motorists, use conditional, 25-3-601
Obstructions, See also **Encroachments**
  impoundment, 7-1-4124
  nuisance, as, 27-30-101, 45-8-111
  securing of load on vehicle required when, 61-8-370
Old Forts Trail, 60-1-207
One-way highways, designation, 61-8-327, 61-12-101, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Roadways**
Parking on, 7-14-4511, 61-8-353, 61-8-355, 61-8-356, 61-8-719, 61-9-214
Parks
  highways adjoining, 60-4-103
  rural road mileage, nonapplicability, 60-3-206
  state parks, connecting roads, 23-1-104
Pedestrians, See **PEDESTRIANS**
Pipelines or pipeline construction, 69-13-101, 69-13-103
Ports of entry and checking stations, 60-2-301, 60-2-303, 60-2-311
  airports, near, 67-11-221
  manufactured homes, imported — declaration of destination, 15-24-206
  mobile homes, imported — declaration of destination, 15-24-206
  salmonid and nonsalmonid fish and egg provisions, enforcement of provisions regarding, 87-3-224
Primary highway system, 60-2-110, 60-2-125 — 60-2-127, 60-3-205, 60-3-206, 60-3-219, 60-4-401
Prison inmate labor, removal of litter, 53-30-132
Private road, driveway, or public approach ramp — entering from, 61-8-343
Public highways, 60-1-103, 60-2-126, 60-2-128, 60-2-203, 60-2-204, 60-2-206
Rail-highway crossings and railroads, See **RAILROADS**, **Highway crossings**; **Signaling devices**
Records, sale of copies, 60-4-206
Recreational areas, access, 7-16-2105
Relocation
  projects, consent for construction, 60-2-211
  utility facilities, assistance, 60-4-103, 60-4-401 — 60-4-403
Repairs, 60-2-201, 60-2-206
  coal impact grants, 90-6-205
  driving on right side of road, exception, 61-8-321
  federal contracts and agreements, 60-3-101
  revenue bonds for, Title 17, chapter 5, part 9
  timber, damages for injury to, 70-16-107, 70-16-108
  traffic violations in construction or work zones, 61-8-314, 61-8-315, 61-8-715
Rest areas, 44-1-1003, 60-4-103

HIGHWAYS (Continued)

Revenues, 17-5-903; Const., VIII, 6, See also **Federal-aid funds**; **State funds**
  bonds, Title 17, chapter 5, parts 5 and 9
  gasoline and vehicle fuels taxes, 15-70-101, 15-70-102, 17-5-507, 60-3-201, 60-3-202
Rights-of-way, 60-1-103, 60-4-103
  abandoned vehicles upon, removal, Title 61, chapter 12, part 4
  abandonment, 60-1-103, 60-2-107
  advertising adjacent to, Title 75, chapter 15, part 1
  controlled-access highways or facilities, for, 60-2-209, 60-4-111
  easements, 60-1-103, 60-4-103, 60-4-207, 60-5-102, 60-5-103
  encroachments, See **Encroachments**
  fencing through open range, 60-2-208, 60-7-103
  fire hazard reduction along, 76-13-401, 76-13-403, 76-13-407, 76-13-410
  flood control or water conservation projects, for, Title 76, chapter 5, part 11
  hunting on, 87-2-803, 87-3-101
  irrigation districts, 85-7-1909
  irrigation works, 85-1-208
  junkyards along, Title 75, chapter 15, part 2
  livestock grazing on, 60-7-201 — 60-7-203
  loads in excess of maximum weight unloaded upon, care and removal, 61-10-141
  mailboxes, placement, 60-6-101
  military uses, 10-1-602
  motorist information signs within, 60-5-511, 60-5-519
  newspaper delivery boxes, placement, 60-6-101
  ownership records of land held for, 77-1-701, 77-1-706
  public works, installation on, 60-2-201
  real estate broker and salesperson provisions, exemption when, 37-51-103
  revegetation, 7-22-2153
  road building materials located within, 60-4-107
  scenic-historic byways program, inclusion, 60-2-601
  shooting from or across, 87-2-803, 87-3-101
  state lands, on, See **STATE LANDS, Easements**
  utility facilities, relocation, 60-4-401
  weed management, 7-14-2132, 7-22-2101, 7-22-2144, 7-22-2153
Roadblocks, 46-1-202, 46-5-502, 46-5-510
Road building materials, 60-4-103, 60-4-107
"Roadway" defined, 61-1-206, 61-1-207, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
Rules, 61-10-130
  department of transportation, 60-2-201, 60-2-602, 60-3-101, 60-5-503, 60-5-513, 60-5-514, 60-5-519, 60-5-521, 60-6-101
  transportation commission, 2-15-2502, 60-2-112, 60-2-121
Sale of property, 60-4-201 — 60-4-203
  abandoned property, reversion for sale, 60-4-209
  conveyances, execution and contents, 60-4-207
  equipment, 18-6-103
  excess, from whole parcel, 60-4-105
  owner, original — purchase by, 60-4-201
  personal property and printed matter, 60-4-206
  private sale when, 60-4-205, 60-4-206
Scenic-historic byways program and advisory council, 60-1-103, 60-2-601, 60-2-602
Scenic loop highways, 60-2-217
School safety patrols, requirements, 20-1-408, 61-8-502
Secondary highway system, 60-2-110, 60-2-125 — 60-2-127, 60-3-206, 60-3-207, 60-4-401
Seeding along, 7-22-2152, 60-2-208
Shooting from or across and exception, 61-8-369, 87-2-803, 87-3-101

HIGHWAYS (Continued)

Shoulders
    bicycles, driving on, 61-8-605
    driving on, allowed when, 61-8-311, 61-8-323
    hunting from, 87-2-803, 87-3-101
    maintenance, See **Maintenance**, generally
    parking or stopping on, 61-9-214, 61-9-412
    pedestrians walking on, 61-8-506
    seeding and hay cropping, 60-2-208
    slow-moving vehicle provisions, 61-9-415
    snowmobiles, operation on, See **SNOWMOBILES, Roads and streets, operation on**
Sidewalks, See **PEDESTRIANS**; **STREETS AND ALLEYS**
Signs, See also **Encroachments**; **Marking**
    butte-anaconda cultural heritage area, 60-2-220
    controlled-access highways or facilities, 60-5-105, 60-5-109
    footpaths and bicycle trails, 60-3-302, 60-3-304
    livestock areas, for, 60-7-202
    manufacture, prison industry, 53-30-132
    Montana highway 3, 60-1-208
    motorist information, Title 60, chapter 5, part 5
    mountain ranges, identifying, 60-2-217
    scenic loop highways, identifying, 60-2-217
    traffic-control devices, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
    visitor information centers, 60-2-243
    welcome and farewell, 60-2-218, 60-2-219
Slow-moving vehicle provisions, 61-9-415
Snowmobiles, operation on, See **SNOWMOBILES, Roads and streets, operation on**
Soil survey and mapping program, 76-11-201, 76-11-202
Speed limits, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
State funds
    allocation, 60-2-126
    butte-anaconda cultural heritage area, signs for, 60-2-220
    coal impact areas, 90-6-201, 90-6-202, 90-6-205, 90-6-210
    commemorative highways, markers, 60-2-242
    gasoline and vehicle fuels taxes, allocation of revenue, 15-70-101, 15-70-102, 17-5-507, 60-3-201, 60-3-202; Const., VIII, 6
    highway nonrestricted account, 15-70-125
        noxious weed management trust fund, transfers to, 80-7-822
        rewards paid from, 61-8-204
        size, weight, and load — excess size and weight permit fees, deposit, 61-10-126
    highway revenue account
        gasoline taxes, deposit, 15-70-101, 15-70-102, 15-70-233, 15-70-357
        gross vehicle weight fees, 61-10-225, 61-10-226
    interim apportionment, 60-3-212
    parks, state — connecting roads, construction and maintenance, 23-1-104
    railroad crossings, prioritization, 60-2-121
    scenic loop highway signs, restriction, 60-2-217
    state special revenue account
        bond debt service account, transfers from, 17-5-507
        bond proceeds accounts, interest and investment earnings, 17-5-911
        custom combiner's special permit fees, 61-10-130
        equipment sale proceeds, 18-6-103
        gasoline taxes, deposit, 15-70-312
        highway patrol expenses, 44-1-501
        motor fuel excise tax revenue, 7-14-303
        new motor vehicle sales tax proceeds, 61-3-502

HIGHWAYS (Continued)
State funds (Continued)
        state special revenue account (Continued)
                outdoor advertising permit fees, 75-15-122
                tow truck inspection fees, 61-8-907
                weed control program costs, payment, 7-22-2144
        welcome and farewell signs, for, 60-2-219
State highways, 60-1-103, 60-2-110, 60-2-125 — 60-2-127, 60-2-201
        abandonment, 60-2-107, 60-4-208
        classification, 60-1-201
        controlled access, See **Controlled access**
        county roads, located over, 7-14-2109
        custodian, 60-1-102
        exchange of roadways or responsibilities, 60-2-107
        parking regulations, 61-8-355
        parks, state — connecting roads, 23-1-104
        revenue bonds for projects, Title 17, chapter 5, part 9
        traffic-control devices, placement on, 61-8-203
        utility facilities, relocation, 60-4-103, 60-4-401 — 60-4-403
        wayside camps and public conveniences contiguous to, 23-1-102
State lands
        ownership records, 77-1-702, 77-1-706
        permits for stone, gravel, and sand use, 77-3-208
        right-of-way on, See **STATE LANDS, Easements**
Statistics, compilation, 60-2-206
Stopping or standing on, 61-8-353
Subdivision survey and plat
        exemption from requirements, 76-3-209
        filing of plat required when, 60-4-105
Survey work, traffic violations in construction or work zones, 61-8-314, 61-8-315
Through highways, 61-1-210
        designation, 61-8-344, 61-12-101
        use restrictions, 61-12-101
        vehicle approaching or entering, 61-8-339, 61-8-341, 61-12-101
Tourist information signs, Title 60, chapter 5, part 5
Traffic, 61-1-401
Traffic-control devices, See **Maintenance**; See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
Traffic regulations generally, applicability of laws, 61-8-101, 61-9-101, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
Traffic safety program, purpose, 61-2-101, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS**
Transportation Commission, 2-15-2502, 60-1-103, 61-1-303
        abandonment, vacation, or exchange of highways, 60-2-107, 60-4-208
        bond issues
                interest rate, nonapplicability, 17-5-101
                validation, Title 17, chapter 5, part 2
        coal area highway construction, approval of expenditures, 90-6-210
        contracts, requirements, 7-14-4108, 60-2-111 — 60-2-115, 60-2-202, 60-3-303
        controlled access, duties, 60-2-209, 60-5-103, 60-5-106
        designation of highways, 60-1-201, 60-2-106, 60-2-125, 60-2-126, 60-2-128, 60-5-102, 60-5-103
        districts, 2-15-2502, 60-3-219
                capital construction, 60-3-206
        federal-aid highway funds, allocation, 60-2-127, 60-2-129
        federal-aid interstate, primary, or secondary systems — selection, 60-1-103
        fee simple interest, order for abandonment, 60-4-209
        footpaths and bicycle trails, Title 60, chapter 3, part 3
        maintenance, abandonment or discontinuance, 60-2-107

HIGHWAYS (Continued)
Transportation Commission (Continued)

- motor vehicles
  - fleet vehicles, place for registration, 61-3-712
  - size, weight, and load — special permits, confiscation, 61-10-143
  - snow-removal equipment, lighting standards and specifications, 61-9-228
  - speed limits, alteration, 61-8-303, 61-8-309 — 61-8-311, 61-8-313, 61-8-314
- national highway system, duties, 60-2-110, 60-2-125 — 60-2-127
- outdoor advertising regulations, Title 75, chapter 15, part 1
- primary highway system, duties, 60-2-110, 60-2-125 — 60-2-127
- public highways, duties, 60-2-126, 60-2-128
- rail or transit intermodal transportation programs, 60-2-110, 60-2-129
- railroad crossing expenditures, prioritization, 60-2-121
- records, 60-2-202
- scenic-historic byways, designation, 60-1-103, 60-2-601, 60-2-602
- scenic loop highways, 60-2-217
- secondary highway system, duties, 60-2-110, 60-2-125 — 60-2-127
- state highways, duties, 60-2-110, 60-2-126, 60-2-127
- state maintenance system, designation of highways for, 60-2-128
- sufficiency levels for apportionment of funds, designation, 60-3-205
- urban highway system, duties, 60-2-110, 60-2-125 — 60-2-127

Trees and shrubs along, 60-4-103
Urban highway system, 60-2-110, 60-2-125 — 60-2-127, 60-3-211, 60-4-401
Urban renewal property or interest for, 7-15-4262
Utilities

- lines and facilities, See **UTILITIES, Lines and facilities**
- mains, construction by county, 7-13-2101 — 7-13-2104
- relocation of facilities, 60-4-103, 60-4-401 — 60-4-403
- rural cooperative utility facilities, location along, 35-18-106

Vacation, 60-1-103, 60-2-107, 60-4-208, 60-4-209, 60-5-107
Veterans Memorial Highway, 60-1-203
Veterans' Memorial Rose Garden, State — location referenced on maps, 1-1-517
Vietnam Veterans' Memorial, State — location referenced on maps, 1-1-512
Violations

- animals, abandoning on, 45-8-211
- controlled access
  - private driveways or roads connecting with, operation of, 60-5-111, 61-8-331
  - traffic-control devices placed on, when, 61-8-203
  - use restrictions, violation of, 60-5-111, 61-8-331, 61-8-332, 61-8-720
- destructive device, possession on highway, 45-8-334
- disorderly conduct, 45-8-101
- hunting from or on, 87-3-101
- littering on, 7-5-2112, 7-5-4113, 61-8-365, 61-8-372, 75-10-212, 75-10-213, 75-10-233
- livestock, grazing or herding on, 60-7-201, 60-7-203, 60-7-205
- railroad crossings, extended obstruction, 69-14-626

Visitor information centers, 60-2-243
Water conservation activities as protection, Title 76, chapter 5, part 11
Weed management, 7-14-2132, 7-22-2101, 7-22-2144, 7-22-2151, 7-22-2153
Weigh stations, 60-4-103, 61-10-141
Weight on, analysis agreements, 60-2-207, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Gross vehicle weight fees; Size, weight, and load**

HISTORICAL SOCIETY, 22-3-101
  See also **ANTIQUITIES**
Acquisitions trust, 22-3-107, 22-3-113, 22-3-114
Administration, 22-3-107
Administrative rules and register, copy distributed to, 2-4-313

HISTORICAL SOCIETY (Continued)

Allocation, 2-15-1511
Appropriations, nongeneral fund money expenditure priority — exception, 17-2-108
Archives
  acquisitions, 22-3-114
  archivist, 22-3-202, 22-3-203
    local government records committee and subcommittee, membership, 2-6-402, 2-6-403
  essential records, storage, 2-6-206
  establishment and operation, 2-6-302, 22-3-202
  noncurrent records of permanent value, preservation, 22-3-201 — 22-3-203
  official records of executive branch officers, 2-6-302 — 2-6-304
  transfer of records to, 2-6-211, 2-6-302 — 2-6-304
  war records, 22-3-221
Board of trustees, 2-15-1512, 22-3-102, 22-3-104
  compensation, 22-3-105
  cultural and aesthetic projects advisory committee, appointments to, 2-15-1521
  executive committee, 22-3-102, 22-3-106
  governance, management, and control of society, 2-15-1511, 22-3-108
  historic preservation officer, approval of appointment, 2-15-1512
  historic records network, duties, 22-3-211
  powers and duties, 22-3-107
  state archivist's compensation, approval, 22-3-202
  war records, duties, 22-3-221
Budget
  amendment requirements, 17-7-402
  historic records network, operation, 22-3-212
  requests, 2-15-1511
Capitol complex master plan, responsibilities, 2-17-805
Creation, 22-3-101
Cultural and aesthetic project grant proposals, rulemaking authority, 22-2-303
Definitions, 22-3-102
Director and assistants
  appointment and compensation, 22-3-107
  capitol complex advisory council, membership, 2-17-803
  capitol restoration commission, member, 5-17-202
  functions, 22-3-108
  heritage preservation and development commission, membership, 22-3-1002
  heritage property, eligibility for listing in national register — findings concerning, 22-3-429
  historic preservation officer, nominations for and supervision, 2-15-1512, 22-3-423
  lewis and clark bicentennial commission, membership, 2-15-150
  local government records committee, appointments to, 2-6-402
  state archivist, appointment, 22-3-202
Donations, 22-3-107, 22-3-114, 22-3-303, 22-3-603
Electronic or nonprint information, public access — nonapplicability when, 2-6-110
Estate and inheritance taxes, in-kind payment — receiving entity, 72-16-445 — 72-16-450
Executive committee, 22-3-102, 22-3-106
Gifts or grants, 22-3-107, 22-3-303, 22-3-603
Governance, management, and control, 2-15-1511, 22-3-108
Heritage Preservation and Development Commission, 22-3-1002, 22-3-1003
Heritage properties, state agency rules regarding, 22-3-424
Historic Preservation Office and officer, 2-15-1512, 22-3-421, See **ANTIQUITIES**
Historic records network, 22-3-102
  administration, 22-3-107
  creation and purpose, 22-3-211
  funding, 22-3-212
Historic sites and buildings, duties, 22-3-601 — 22-3-603

HISTORICAL SOCIETY (Continued)

Hours for public visitation, 2-16-117
Indian Monument and Tribal Flag Circle Advisory Committee, representation on, 22-2-602
Lewis and Clark Bicentennial Commission, 2-15-150
Librarian, 22-3-221, 22-3-302
Library, historical, 22-3-101 — 22-3-103, 22-3-107, 22-3-110, 22-3-114
  session laws, copies to, 5-11-203
Lodging facility use tax proceeds, allocation and use, 15-65-121
Magazine subscription fees, expenditure of deferred revenue from, 17-8-107
Membership, 22-3-107
Museum, historical, 22-3-101 — 22-3-103
Natural resource information system data source agency, 90-15-102
Offices, 22-3-110, 22-3-302
Pearl Harbor Memorial, design and placement — consultation, 5-17-302
Preservation Review Board, 2-15-1512, See **ANTIQUITIES**
Purpose, 22-3-101
Records management and preservation
  certified copies, 2-6-207, 2-6-307
  official records, transfer to archives, 2-6-302
    outgoing officials, 2-6-304
    public officers, 2-6-303
Revenues, 17-7-402, 17-8-107, 22-3-107, 22-3-111, 22-3-114
Roadside historical signs and historic sites, installation or maintenance, 15-65-121
Roadside history of Montana, publication, 22-3-107
Sales to public, 17-7-402, 22-3-107, 22-3-111, 22-3-114
Seal, 22-3-109
Smoking in museums prohibited, 50-40-105
State Records Committee, representation on, 2-15-1013
Veterans' and Pioneers' Memorial Building, 22-3-110, 22-3-301 — 22-3-303
War records, 22-3-221

HISTORIC PRESERVATION OFFICE AND OFFICER
  See **ANTIQUITIES**

HISTORIC SITES AND BUILDINGS ACT, LOCAL MANAGEMENT OF, Title 22, chapter 3, part 6
  See also **ANTIQUITIES**

HIV AND HIV-RELATED CONDITION
  See **DISEASES, AIDS (acquired immunodeficiency syndrome)**

HOISTING ENGINES
Classes of crane and hoist operators, 50-76-112
Coal mines, in, 50-73-102, 50-73-302, 50-73-305, 50-73-306
Crane inspector, 50-76-110
Definitions, 50-76-111
Emergency operation, 50-76-102, 50-76-103
Engineers
  boiler and steam engine licenses, nonapplicability, 50-74-303, 50-76-107
  coal mines, 50-73-302
  hours of work, 39-4-101
  licensing, See **Licensing of engineers**
  negligence, liability of mining company, 39-2-704
Exemptions from provisions, 50-76-101
Federal regulation, effect, 50-76-101

HOISTING ENGINES (Continued)

Insurance coverage — marine, inland marine, and transportation, 33-1-226, See **INSURANCE, MARINE**
Licensing of engineers
  application, 50-76-104, 50-76-108
  crane and hoist engineers, 50-76-103
  denial, 50-76-108
  discrimination in issuance prohibited, 49-3-204
  examinations, 50-76-103
  expiration, 50-76-105
  failure to have, 50-76-102, 50-76-103, 50-76-109
  fee, 50-76-104
  hoisting engineers, 50-76-102, 50-76-110
  renewal, 50-76-105
  required, 50-76-102, 50-76-103
  scope of license, 50-76-107
  uniform regulation for licensing programs without boards, Title 37, chapter 1, part 4, See also **PROFESSIONAL AND OCCUPATIONAL LICENSING AND REGULATION**
Minors, prohibited employment, 41-2-106, 41-2-107
Rules, 50-76-105, 50-76-112
Violations, 39-4-101, 50-76-102, 50-76-103, 50-76-109

HOLIDAYS
Actions in law, 1-1-306, 1-1-307; Title 25, chapter 20, M.R.Civ.P., Rule 6(a); Title 25, chapter 21, M.R.App.P., Rule 21; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 6A; Title 25, chapter 24, M.U.R.J.C.C., Rule 21
Agency liquor stores, closure, 16-2-104
Appellate procedure, time — computation, Title 25, chapter 21, M.R.App.P., Rule 21; Title 25, chapter 30, part 2, U.M.C.R.App., Rule 20
Banks and trust companies
  closure for day of mourning, rejoicing, or special observance or when federal reserve bank closed, 32-1-563
  emergency closing, effect, 32-1-563, 32-1-565
  legal holidays, 32-1-481, 32-1-565
  saturdays, 32-1-482, 32-1-483, 32-1-485
  transactions on, 32-1-482
Child custody parenting plans, criteria, 40-4-234
Cigarette sales, "business day" defined, 16-10-103
Civil procedure, time — computation, Title 25, chapter 20, M.R.Civ.P., Rule 6(a); Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 6A; Title 25, chapter 24, M.U.R.J.C.C., Rule 21
Contracts
  performance, effect on time of, 28-3-603
  teachers or specialists, requirements, 20-4-201
County offices, open when, 7-4-102, 7-4-2211, 20-3-204
Courts, transaction of business, 3-1-302, 3-1-303, 3-5-302, 3-5-401, 3-10-102
Dairies and dairy plants, inspections, 81-22-304
Detention centers
  short-term, 41-5-103
  temporary, 44-4-302
Elections, campaign contributions deposited when, 13-37-207
Firefighters' unified retirement, holiday payments not compensation, 19-13-104, 19-13-604
Irrigation districts, board of commissioners — sessions for determination of irrigable areas, 85-7-2107
Legal holidays, 1-1-216
  school code, exception, 20-1-307

HOLIDAYS (Continued)

Mental health facilities
    commitment
        jury trial, 53-21-125
        petition for, hearing, 53-21-122
        posttrial disposition hearing, 53-21-127
    rehospitalization, hearing on petition, 53-21-195
    voluntary admission, detention period, 53-21-111
Montana conservation corpsmembers, benefits, 23-1-313
Motor vehicles
    commercial hay grinders, movement, 61-10-102
    tow truck operators, storage facilities — public access availability when, 61-8-906
Police officers, days off duty does not include, 7-32-4118
Police officers retirement, holiday payments not monthly compensation, 19-9-104
Public employees
    "holiday" defined, 2-18-601
    job-sharing positions, benefits, 2-18-107
    observance when occurring on day off, 2-18-603
Public weighers, records not open to inspection, 7-21-3106
Schools, 20-1-305, 20-1-307
    commemorative days, 20-1-306
    county superintendent of schools, office open when, 20-3-204
    teachers or specialists, contract requirements, 20-4-201
Slaughterhouses, meat and poultry inspections, 81-9-229
State executive branch offices, open when, 2-16-117
State Tax Appeal Board, open for business when, 15-2-103
Taxation
    electronic funds transfer, payment by, 15-1-802, 15-70-113
    gasoline and vehicle fuels taxes, time of filing or payment, 15-70-103, 15-70-113
    income tax, individual — "wages" defined, 15-30-201
    property tax payments due on, payment when, 15-16-102
Telecommunications services for persons with disabilities, operation of telecommunications relay system, 53-19-307
Unemployment insurance
    benefit eligibility, 39-51-2108
    "wages" defined, 39-51-201
University system employees, 20-25-306
Workers' compensation, "wages" defined, 39-71-123, 39-71-2501
Youth court probable cause hearings, detention in jail or adult detention facility while awaiting — time limitation, 41-5-103, 41-5-332, 41-5-349

HOME ARREST
    See **SENTENCING AND SENTENCES**

HOME HEALTH CARE
Agencies, 50-5-101, 50-5-301
    inspections, 50-8-101, 50-8-102, 50-8-105
    licensing, 50-5-204, 50-8-101, 50-8-102
    living wills, form of reliable documentation adopted by, 50-9-102
Aging, area councils on and county councils— coordination, 52-3-101
Health maintenance organizations, coverage for, 33-31-301
Home infusion therapy services, requirements, 50-5-101, 50-5-213
Hospital services, 50-5-301
Insurance
    disability insurance
        comprehensive health association plan, covered expenses, 33-22-1521
        coverage, availability, 33-22-1001 — 33-22-1003

HOME HEALTH CARE (Continued)
Insurance (Continued)
    disability insurance (Continued)
        long-term care insurance benefits, 33-22-1113, 33-22-1115
        small employer health insurance, basic health benefit plan requirements, 33-22-1827
    information and privacy protection, Title 33, chapter 19, See **INSURERS REGULATION GENERALLY, Information and privacy protection**
    life, long-term care benefits, 33-1-208
Medicaid, 53-6-101, See **PUBLIC ASSISTANCE**
Older Montanans, services for, 52-3-504
Respiratory care practitioners, qualified medical direction, 37-28-102
Tax, individual income — credit for qualifying elderly care expenses, 15-30-128

HOME INSPECTION TRADE PRACTICES ACT, Title 30, chapter 14, part 10

HOME SCHOOLS, 20-5-102, 20-5-109, 20-5-111, 41-5-1203, 45-8-361, 53-30-607, 90-14-105
    See also **PRIVATE SCHOOLS**, generally

HORSERACING
Administration of provisions, 23-4-201, 23-4-202, 23-4-304
Amusement games, 23-6-104
Beer sales, 16-3-103, 16-4-111, 16-4-204, 16-4-301, 16-4-501
Betting, See also **Parimutuel betting**
    board of horseracing, members — prohibited, 2-15-1881
    exotic forms, authorization and regulation, 23-4-202, 23-4-204, 23-4-302, 23-4-304
    race officials, prohibited, 23-4-106
    simulcast races, 23-4-202
    taxation on, 23-4-303, 23-4-304
    unlawful when, 23-4-301
Board of Horseracing, 2-15-1881; Title 23, chapter 4
    executive secretary, 23-4-104, 23-4-106
Bonuses to owners or breeders, 23-4-202, 23-4-204
Cities and towns, regulation within, 7-14-4102
Conflict of interest, 23-4-106
County fair appropriation or tax levy not to be used for, 7-21-3411
Definitions, 23-4-101, 23-4-302, 23-4-304
Equine activities, liability — nonapplicability, 27-1-728
Fantasy sports leagues, nonapplicability, 23-5-806
Gambling enterprise, illegal — exception, 23-5-112
Jockeys, 23-4-202, 39-71-401
Justice, Department of — employees, participation, 23-5-114
New forms of racing, authorization, 23-4-105
Owners of horses, 23-4-202
Parimutuel betting, 23-4-202, 23-4-301
    calcutta pools, applicability of provisions, 23-5-224
    distribution of deposits, 23-4-302
    gross receipts, allocation, 23-4-304
    rules, 23-4-104
    unclaimed money, 23-4-305
    withholding of deposits when, 23-4-303
Purses, 23-4-105, 23-4-202, 23-4-204, 23-4-301, 23-4-302, 23-4-304
Race meets and simulcast races, 23-4-101, 23-4-104, 23-4-202, 23-4-301
    authority of board of horseracing, 23-4-105
    calcutta pools, applicability of provisions, 23-5-224
    cruelty to animals, exception, 45-8-211
    executive secretary, duties, 23-4-106
    insurance, public liability — requirements, 23-4-205
    lawful when, 23-4-203

HORSERACING (Continued)
Race meets and simulcast races (Continued)

- licenses, 23-4-105, 23-4-201
  - fees, 23-4-104, 23-4-201
  - records, 23-4-103
  - rules, 23-4-104
  - suspension, cancellation, or revocation, 23-4-104, 23-4-201, 23-4-202
- Montana-bred horses, for, 23-4-204
- rules, 23-4-104

Race officials, 23-4-101, 23-4-104, 23-4-106
Rules, 23-4-104, 23-4-106, 23-4-201, 23-4-202, 23-4-301
Simulcast races, See **Race meets and simulcast races**
Stewards, 2-18-103, 23-4-101, 23-4-104, 23-4-106, 23-4-202
- board of, 23-4-101, 23-4-202

Trainers, 23-4-104, 23-4-202
Violations, 23-4-201, 23-4-202, 23-4-301, 45-8-211
Wagering, See **Betting**; **Parimutuel betting**

HORSES
See **LIVESTOCK**; **MEAT AND MEAT PRODUCTS**; **RODEOS**; **TAXATION, PROPERTY, Livestock**

HORTICULTURE
See **PRODUCE**; See also **FOOD AND FOOD PRODUCTS**

HOSPICES, 50-5-101
See also **HEALTH CARE FACILITIES**
County facilities, 7-34-2201
Home health care services, insurance coverage, 33-22-1001 — 33-22-1003, See also **HOME HEALTH CARE**
Hospital programs, separate licensing exemption, 50-5-211
Licensing, 50-5-210, 50-5-211
Living wills, form of reliable documentation adopted by, 50-9-102
Medicaid, 53-6-101, See **PUBLIC ASSISTANCE**
Older Montanans, services for, 52-3-504
Standard of care, 50-5-210

HOSPITAL DISTRICTS
Accountants, employment, 7-34-2122
Actions, question of validity of creation, 7-34-2114
Administrative personnel, employment, 7-34-2122
Admission to facilities, 7-34-2123
Annexation of land, 7-34-2151
- effect, 7-34-2155
- order for, 7-34-2154, 7-34-2155
- petition, 7-34-2152
  - decision on, 7-34-2154
  - hearing and notice, 7-34-2153

Appeals from orders for withdrawal of land, 7-34-2158
Architects
- employment, 7-34-2122
- state services contracts, Title 18, chapter 8, part 2

Assets
- dissolution of district, disposition, 7-34-2164
- notes, security, 7-34-2131

Audits, 7-34-2122; Title 2, chapter 7, part 5
Board of trustees
- appointment when, 7-34-2117, 7-34-2121

HOSPITAL DISTRICTS (Continued)
Board of trustees (Continued)

- budget, 7-34-2132
- candidates for office, 7-34-2117
- clerk, appointment, 7-34-2119, 7-34-2121
- compensation, 7-34-2120
- dissolution of district, duties, 7-34-2164
- election, 7-34-2115
  - conduct, 7-34-2117
  - first board, 7-34-2116
- legal assistance, 7-4-2711, 7-34-2115, 7-34-2122
- notes, issuance, 7-34-2131
- number, 7-34-2115
- organization, 7-34-2119
- powers, 7-34-2122
- rates for services and facilities set by, 7-34-2123
- tax levy, certification of amount, 7-34-2132 — 7-34-2134
- term of office, 7-34-2117, 7-34-2118
- vacancies, 7-34-2121
- warrants, issuance, 7-34-2137

Bond issues, 7-34-2122, 7-34-2131
Borrowing, 7-34-2122, 7-34-2131
Boundaries
- annexation of land, alteration by, 7-34-2151
- proposed district, 7-34-2107, 7-34-2110

Budget, 7-34-2131, 7-34-2132, 90-6-323
Buildings and grounds, 7-34-2122
Bylaws, 7-34-2115, 7-34-2119
Capital replacement fund, 7-34-2138
Charges for services and facilities, 7-34-2122, 7-34-2123
Contracts, 7-34-2122; Title 18, chapter 8, part 2
County Commissioners, Board of — duties, Title 7, chapter 34, part 21
County merger, effect, 7-3-144
Creation
- election
  - ballots, 7-34-2112
  - conduct, 7-34-2112
  - resolution for, 7-34-2109, 7-34-2110
  - results, certification, 7-34-2114
  - who may vote, 7-34-2113
- petition
  - affidavit, 7-34-2104
  - details relating to, 7-34-2104
  - filing and certification, 7-34-2105
  - hearing, 7-34-2106, 7-34-2108
    - notice, 7-34-2107
  - presentation to board of county commissioners, 7-34-2106
  - required, 7-34-2103
- validity, 7-34-2114

Definition, 7-34-2102
Discrimination prohibited, 7-34-2123
Dissolution
- effect, 7-34-2164
- order for, 7-34-2163
- petition, 7-34-2161
  - decision on, 7-34-2163
  - hearing and notice, 7-34-2162

HOSPITAL DISTRICTS (Continued)
Dissolution (Continued)

    time for, 7-34-2161
Educational benefits for personnel, service agreements, 7-34-2122
Elections
    campaign practices exceptions, 13-37-206
    creation of district, See **Creation**
    tax levy, additional, 7-34-2135, 7-34-2136
    trustees, See **Board of trustees**
Engineers
    employment, 7-34-2122
    state services contracts, Title 18, chapter 8, part 2
Equipment, 7-34-2138
Federal funds, 7-34-2131
Financial reports, Title 2, chapter 7, part 5
Gifts, 7-34-2122
Hard-rock mining impact, Title 90, chapter 6, part 3
Hearings
    annexation of land, 7-34-2153
    creation of district, 7-34-2106 — 7-34-2108
    dissolution of district, 7-34-2162
    withdrawal of land, 7-34-2157
Indebtedness
    dissolution of district, settlement, 7-34-2164
    withdrawal of land, subject to existing, 7-34-2160
Indigents, services to, 7-34-2123
Insurance, liability, 7-34-2122
Land surveying services contracts, Title 18, chapter 8, part 2
Lease of facilities or equipment, 7-34-2122
Legal counsel, 7-4-2711, 7-34-2115, 7-34-2122
Liability insurance, 7-34-2122
Lower income, persons of — services to, 7-34-2123
Merger of counties, effect, 7-3-144
Mortgage to secure notes, 7-34-2131
Motor vehicles
    license plates, 61-3-332, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS, License plates**
    new vehicle sales tax, exemption, 61-3-502
    registration fees, exemption, 61-3-321
    weed control fee, exemption, 61-3-510
Notes, issuance, 7-34-2122, 7-34-2131
Notices
    hearings
        annexation of land, 7-34-2153
        creation of district, 7-34-2107
        dissolution of district, 7-34-2162
        withdrawal of land, 7-34-2157
    tax levy, additional — election, 7-34-2135
Nursing personnel, employment, 7-34-2122
Obligations, payment upon dissolution of district, 7-34-2163, 7-34-2164
Personnel
    educational benefits, 7-34-2122
    employment, 7-34-2122
Petitions
    annexation, for, 7-34-2152 — 7-34-2154
    board of trustees, nomination petitions, 7-34-2117
    creation, for, See **Creation**

HOSPITAL DISTRICTS (Continued)
Petitions (Continued)

  dissolution, for, 7-34-2161 — 7-34-2163
  withdrawal of land, for, 7-34-2156 — 7-34-2158
Pledge of taxes and revenue, 7-34-2131
Powers, 7-34-2122
Property, 7-34-2122, 7-34-2138
Protests
  annexation of land, 7-34-2153
  withdrawal of land, 7-34-2157, 7-34-2158
Purpose of provisions, 7-34-2101
Rates for services and facilities, 7-34-2122, 7-34-2123
Replacement of property, facilities, or equipment, 7-34-2138
Reports, 7-34-2122; Title 2, chapter 7, part 5
Rules, 7-34-2122
Sale of facilities or equipment, 7-34-2122
Security interest to secure notes, 7-34-2131
Tax levy
  additional, 7-34-2131, 7-34-2134
    approval, 7-34-2136
    election required, 7-34-2135
  annexation of land, effect, 7-34-2155
  authorization, 7-34-2122, 7-34-2133, 7-34-2134
  collection and disposition, 7-34-2136, 7-34-2137
  limitation, 7-34-2133
  notes, payment, 7-34-2131
Territory, 7-34-2111
Treasurer, ex officio, 7-34-2137
Trustees, See **Board of trustees**
Warrants, 7-34-2137
  investments in, 7-6-2701
Withdrawal of land
  effective date, 7-34-2159
  indebtedness, existing — subject to, 7-34-2160
  order for, review and appeal from, 7-34-2158
  petition, 7-34-2156
    decision on, 7-34-2158
    hearing, 7-34-2157

HOSPITALS AND RELATED FACILITIES
  See **HEALTH CARE FACILITIES**

HOTELS AND LODGING ESTABLISHMENTS
Actions
  injunction, for, 50-51-402
  investigation and enforcement costs and expenses, recovery, 50-51-403
  penalties, for imposition, 50-51-401
Administration of provisions, funding, 50-51-110
Alcoholic beverages
  guests, unlawful consumption or possession by — effect, 70-6-513
  restrictions, 16-3-105, 16-3-305, 16-3-306
Baggage, See **Property of guests**
Bed and breakfasts, 15-65-101, 50-51-102, 50-51-103, 50-51-108, 50-51-212
  outfitters' camps, 37-47-101
Condominium property, name of, 70-23-303
Cooperative agreements, 50-51-104
Definitions, 50-51-102, 50-51-212
Destructive device, possession — offense of, 45-8-334, 45-8-337

HOTELS AND LODGING ESTABLISHMENTS (Continued)

Discriminatory practices, 70-6-512, See **DISCRIMINATION, Public accommodations**
Employees
  abuse of elderly persons or persons with developmental disabilities, reporting, 52-3-811
  seats for, 39-2-201
  tips, gratuities, or service charges, 39-3-201, 39-3-402
    tax exemptions, 15-30-111, 15-30-201
Energy emergencies, effect, 90-4-307
Enforcement of provisions, 50-51-103, 50-51-303, 50-51-401 — 50-51-403
Eviction of guests, 70-6-511
Fire
  property loss or damage by, 70-6-503 — 70-6-505
  protection and safety regulations, 50-51-103, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
Food service establishments, nonapplicability of provisions, 50-50-102
Game animals or birds, possession and sale for commercial purposes, 87-4-701 — 87-4-705
Guest ranches, 15-65-101, 50-51-101 — 50-51-103, 50-51-201, 50-51-401
Injunction, 50-51-401, 50-51-402
Inspections, 50-8-101, 50-8-102, 50-8-105, 50-51-103, 50-51-301 — 50-51-303
Investigations, 50-51-107, 50-51-209, 50-51-301, 50-51-302, 50-51-403
Landlord-tenant provisions, applicability, 70-24-104
Licenses and licensing
  amendment, 50-51-207
  application, 50-51-103, 50-51-202, 50-51-204
  cancellation, 50-51-203, 50-51-207, 50-51-209 — 50-51-213
  denial, 50-51-203, 50-51-211, 50-51-212, 50-51-214, 50-51-215
  expiration, 50-51-103, 50-51-207
  fees, 50-51-203 — 50-51-205, 50-51-207
  hearings, 50-51-211, 50-51-215
  list of licensees to department of public health and human services, 50-51-208
  multiple-type establishments, 50-51-201, 50-51-212, 50-51-213
  nontransferability, 50-51-206
  one-step licensing required, 50-8-101, 50-8-102
  renewal, 50-51-203, 50-51-204
  required, 50-51-201
  return for alteration or destruction, 50-51-213
  validation, 50-2-118, 50-51-214, 50-51-215
Liens of
  agisters, Title 71, chapter 3, part 12
  hotel, Title 71, chapter 3, part 14
Lodging facility use tax, Title 15, chapter 65, part 1
Long-term care facility, exclusion as, 50-5-101, 50-5-301
Managers, resident — minimum wage and overtime compensation exclusions, 39-3-406
Milk retailers, as, 81-23-101, See **DAIRIES AND DAIRY PRODUCTS**, **Milk price control**, generally
Minor's damage to, liability, 70-6-514
Motorist information signs, Title 60, chapter 5, part 5
Nursing services, provision by facility prohibited, 50-51-107
Outbuildings, guests' property stored in, 70-6-505
Outfitter and guide facilities, 50-51-101 — 50-51-103, 50-51-201, 50-51-401
Outfitters' camps, 37-47-101
Personal care services by facility prohibited, 50-51-107
Property of guests
  liability of innkeeper, 70-6-501 — 70-6-505, 70-6-511
  unclaimed, sale, 70-9-501, 70-9-502
Purpose of regulation, 50-51-101

HOTELS AND LODGING ESTABLISHMENTS (Continued)

Railroads, maintained by, 69-14-559
Resort tax, 7-6-1501 — 7-6-1509, See also **CITY FINANCE**
Responsibilities of innkeeper, 70-6-512
Rules, 50-51-101, 50-51-103, 50-51-105, 50-51-110, 50-51-209, 50-51-215, 50-51-301, 50-51-303, 50-51-401 — 50-51-403
Safe for guest's property, 70-6-504
Sanitation, 50-51-103, 81-9-202, 81-21-103
Swimming pools or swimming areas operated in conjunction with, license fee, 50-53-203
Taxation of furniture and fixtures, classification, 15-6-138
Telecommunications services charges, exclusion from sales price of services, 15-53-129
Transient retail merchants, premises for, See **TRANSIENT RETAIL MERCHANTS**, generally
Violations, 50-51-106, 50-51-403
  cancellation of license when, 50-51-209, 50-51-211
  correction, plan of — effect, 50-51-210
  injunctions, 50-51-401, 50-51-402
  penalties, 50-51-106, 50-51-401
  prosecution, 50-51-105, 50-51-210
Waste disposal sites
  ground water monitoring requirements, 75-10-203, 75-10-204, 75-10-207
  hazardous or deleterious substance, release — liability, 75-10-701, 75-10-715

HOT SPRINGS, 50-53-102, 50-53-115
  See generally **GEOTHERMAL RESOURCES AND EXPLORATION**; **SWIMMING POOLS AND SWIMMING AREAS**

HOUSE MOVERS, 69-4-601 — 69-4-604, 69-12-302, 69-12-331

HOUSING
Affordable housing revolving loan fund
  coordination with other programs, 90-6-135
  definitions, 90-6-132
  legislative declaration, 90-6-131
  loan account, 90-6-132, 90-6-133
  loan program, 90-6-133, 90-6-134
  rules, 90-6-136
Authorities, Title 7, chapter 15, parts 21, 44, and 45
Blindness or low vision, persons with, rights, See **BLINDNESS OR LOW VISION, PERSONS WITH**
Board of Housing, 2-15-1814
  affordable housing revolving loan fund, duties, 90-6-132 — 90-6-136
  agricultural loan authority program, funds borrowed by, 80-12-216
  investments, board of — commitment agreements with, 17-6-211
  lower income housing development, authority, Title 90, chapter 6, part 1
  low-income housing tax credits, allocation, 15-6-221
  reverse annuity mortgage loan program, duties, 90-6-504, 90-6-507
  volume cap bond allocation, 17-5-1312
Building codes, See **BUILDINGS AND BUILDING REGULATIONS**
Cities and towns
  damaged structures, repair, 7-15-4125
  houses and lots, numbering, 7-15-4101
  unsanitary and unsafe private dwellings
    policy and findings, 7-15-4102
    rehabilitation, assistance, 7-15-4103
Condominiums, Title 70, chapter 23

HOUSING (Continued)

Deaf persons, rights, See **DEAF PERSONS**
Development
    commerce, department of — functions, 90-1-106, 90-6-103, 90-6-112, 90-6-114
    housing authorities for, Title 7, chapter 15, parts 21, 44, and 45
    industrial development project, as, 90-5-101
    lower income, Title 90, chapter 6, part 1
Discriminatory practices, See **DISCRIMINATION, Housing accommodations**
Emergencies
    disaster victims, temporary housing for, 10-3-103, 10-3-313
    postattack regulation, 10-3-505
Fire protection and safety regulations, 50-61-103
First-time home buyer savings accounts, Title 15, chapter 63
Home arrestees, responsibility, 46-18-1005
Housetrailers, See **MOBILE HOMES, HOUSETRAILERS, AND TRAILER COURTS**
"Housing accommodation" defined, 49-4-203
Landlord-tenant relationships, Title 70, chapters 24 — 26
Lodging establishments, See **HOTELS AND LODGING ESTABLISHMENTS**
Lower income, development, 90-6-104
    audits, 90-6-110, 90-6-124
    authorities for, Title 7, chapter 15, parts 21, 44, and 45
    bonds and notes, 90-6-103, 90-6-106, 90-6-111, 90-6-112
        cancellation, 90-6-115
        capital reserve account, 90-6-103, 90-6-107, 90-6-119, 90-6-120
        credit of state not pledged, 90-6-123
        liability, 90-6-114
        negotiability, 90-6-117
        pledge of state, 90-6-126
        pledge to secure, 90-6-112, 90-6-113
        proceeds, 90-6-107, 90-6-119
        public fund deposits, security for, 17-6-103
        purchase, 90-6-115
        refunding obligations, 90-6-121, 90-6-122
        reserve funds, 90-6-119
        security, 90-6-103, 90-6-104, 90-6-112, 90-6-113, 90-6-116, 90-6-119
        signatures, 90-6-118
        state limit, allocation, 90-6-127
        taxation, 90-6-111, 90-6-125
        trust, establishment, 72-33-108
        trust indenture to secure, 90-6-116
    chronic economic distress, designation of areas, 90-6-127
    citation of housing act of 1975, 90-6-101
    definitions, 90-6-103, 90-6-109, 90-6-119
    federal sums in lieu of taxes, 17-3-301 — 17-3-305
    financing of housing development, procedure, 90-6-109
    financing programs, 90-6-108, 90-6-126
    funds, 90-6-107
    housing authority enterprise fund, 90-6-104, 90-6-107
    legislative declaration, 90-6-102
    property management provisions, exemption, 37-51-602
    real estate broker and salesperson provisions, licensing exemption, 37-51-103
    resettlement projects, 17-3-301 — 17-3-305
    rules, 90-6-103 — 90-6-106, 90-6-110
    sponsors, 90-6-103 — 90-6-105, 90-6-108 — 90-6-110
Manufactured homes, See **MANUFACTURED HOMES**
Mining operations, protection from, 82-4-227, 82-4-402

HOUSING (Continued)

Mobile homes, See **MOBILE HOMES, HOUSETRAILERS, AND TRAILER COURTS**
Planning boards, growth policy, 76-1-601
Rental, See **Lower income, development**; **LANDLORD AND TENANT**
Resettlement projects, 17-3-301 — 17-3-305
Reverse annuity mortgage loan program, 90-6-504
  citation of reverse annuity mortgage loan act, 90-6-501
  definitions, 90-6-503
  mortgage requirements, 90-6-505
  purpose of provisions, 90-6-502
  repayment or termination of loans, 90-6-506
  rulemaking authority, 90-6-507
  terms and conditions of loans, 90-6-504
Smoke detectors for dwellings, notice requirement upon sale of dwelling, 70-20-113
State-Tribal Economic Development Commission, duties, 90-1-132
Surreptitious visual observation or recordation, penalty, 45-5-223
Taxes, federal sums in lieu of, 17-3-301 — 17-3-305
Timeshare sales, Title 37, chapter 53
University system, 20-25-302
Urban renewal, Title 7, chapter 15, parts 42 and 43
Weatherization programs, low-income, Title 90, chapter 4, part 2
Work camps, health regulation, 50-52-101, 50-52-102

HOUSING AUTHORITIES, COUNTY
Actions, 7-15-2110
Administration, 7-15-2112
Affordable housing revolving loan fund, loan eligibility, 90-6-134
Area of operation, 7-15-2111
Audits, Title 2, chapter 7, part 5
Borrowing, 7-15-2120, 7-15-2121
Cities and towns, inclusion, 7-15-2111
Collective bargaining for employees, 39-31-103, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
Commissioners
  appointment, 7-15-2105
  incorporation, application for, 7-15-2107
  municipal housing authority provisions, applicability to, 7-15-2112
Contracts, 7-15-2110, 7-15-2120
Conveyances, acceptance, 7-15-2122
County Commissioners, Board of — duties, Title 7, chapter 15, part 21
Creation
  decision concerning, 7-15-2105
  petition, 7-15-2102 — 7-15-2104
  regularity, presumption of, 7-15-2110
Definitions, 7-15-2112, 7-15-2124
Dwellings
  private, rehabilitation, 7-15-2120
  rent or sale, 7-15-2122
Elderly persons, eligibility for property tax relief, 15-30-171, 15-30-177
Employees, collective bargaining, 39-31-103, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
Farmers of low income, 7-15-2123, 7-15-2124, See also **Rural housing projects**
Federal
  funds, 7-15-2120
  rentals, payment from — in lieu of taxes, 7-15-2115
Financial reports, Title 2, chapter 7, part 5

HOUSING AUTHORITIES, COUNTY (Continued)

Findings, 7-15-2101
Grants, acceptance, 7-15-2120, 7-15-2121
Hearings, 7-15-2102 — 7-15-2104
Incorporation
  application, 7-15-2107 — 7-15-2109
  certificate of, 7-15-2108, 7-15-2110
Labor organizations, 39-31-103, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
Laws controlling, 7-15-2114
Leases, 7-15-2122
Municipal housing authority provisions, applicability, 7-15-2112
Nonprofit, to be, 7-15-2113
Notices, 7-15-2102, 7-15-2103
Operation, 7-15-2111, 7-15-2112, 7-15-2122
Petition for creation, See **Creation**
Policy, 7-15-2101
Private dwellings, rehabilitation, 7-15-2120
Purchase agreements, 7-15-2122
Rentals
  payments from, in lieu of taxes, 7-15-2115
  rates, 7-15-2113
Rural housing projects
  authorization, 7-15-2121
  farmers of low income, 7-15-2123, 7-15-2124
  operation, 7-15-2122
Taxation
  bond issues, exemption, 90-6-125
  property tax relief for the elderly, eligibility, 15-30-171, 15-30-177
  rentals, payments from — in lieu of, 7-15-2115
  rural dwellings, subject to — when, 7-15-2122
Unions for employees, 39-31-103, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
Unsafe or unsanitary dwelling accommodations
  criteria for determining, 7-15-2106
  farmers of low income, 7-15-2123, 7-15-2124
  private dwellings, 7-15-2120

HOUSING AUTHORITIES, MUNICIPAL
Actions
  contracts, involving validity or enforcement, 7-15-4412
  creation, presumption of regularity, 7-15-4412
  obligees, remedies, 7-15-4529, 7-15-4530
  sue and be sued, power to, 7-15-4451
Affidavits, 7-15-4458
Affordable housing revolving loan fund, loan eligibility, 90-6-134
Agents, 7-15-4439, 7-15-4452, 7-15-4529
Audits, Title 2, chapter 7, part 5
Bequests, acceptance, 7-15-4460
Bondholders, See **Obligees**
Bonds
  borrowing upon, 7-15-4502
  breach or default, 7-15-4527
  contracts, amendment or abrogation, 7-15-4523
  covenants, 7-15-4506, 7-15-4521, 7-15-4527
  defined, 7-15-4402

HOUSING AUTHORITIES, MUNICIPAL (Continued)
Bonds (Continued)

- details, 7-15-4506
- funds, creation, 7-15-4511
- indebtedness, nature of, 7-15-4503
- interim certificates
  - issuance, 7-15-4509
  - negotiability, 7-15-4504
- investments, as, 7-15-4505
- issuance, authorization, 7-15-4501, 7-15-4506
- liability, 7-15-4503
- mortgages, secured by, See **Mortgages**
- nature of indebtedness, 7-15-4503
- negotiability, 7-15-4504
- powers generally, 7-15-4521
- property, provisions for management and use, 7-15-4525
- public fund deposits, security for, 17-6-103
- purchase by housing authority, 7-15-4508
- redemption, 7-15-4522
- rents and fees, provisions for determination and use, 7-15-4524
- sale, 7-15-4507
- signatures, validity and sufficiency, 7-15-4510
- taxation, exemption, 90-6-125
- trustee, use of, 7-15-4528

Borrowing, 7-15-4466, 7-15-4502
Boundaries, 7-15-4413
- overlapping authorities, 7-15-4414

Bylaws, 7-15-4451
Collective bargaining for employees, 39-31-103, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
Commissioners, 7-15-4402
- accountability required, 7-15-4530
- appointment, 7-15-4406, 7-15-4431
- bonds, liability, 7-15-4503
- chairman, 7-15-4431, 7-15-4439
- compensation, 7-15-4433
- conduct of business, 7-15-4439
- conflict of interest, written disclosure, 7-15-4435
- contracts and covenants, performance compelled, 7-15-4529
- disabilities, tenants with — representation, 7-15-4431
- dissolution of authority, discharge upon, 7-15-4423
- elderly tenants, representation, 7-15-4431
- employees, 7-15-4439
- expenses, 7-15-4433
- incorporation, 7-15-4409, 7-15-4410
- investigations or examinations, conduct, 7-15-4458
- laws, compliance, 7-15-4453
- misconduct in office, 7-15-4435, 7-15-4436
- neglect of duty, 7-15-4436
- quorum, 7-15-4439
- removal, 7-15-4436 — 7-15-4438
- tenant commissioners, 7-15-4431, 7-15-4432
- term of office, 7-15-4432
- vacancies, 7-15-4434
- violations, 7-15-4436, 7-15-4437

"Community facilities" defined, 7-15-4402, See **Housing projects**
Conflict of interest, 7-15-4435

HOUSING AUTHORITIES, MUNICIPAL (Continued)

Contracts, 7-15-4402
  bonds
    amendment or abrogation, 7-15-4523
    default, money advanced for, 7-15-4527
  conflict of interest, 7-15-4435
  contractors, compliance with labor standards, 7-15-4466
  defaults, 7-15-4466
  execution, 7-15-4451
  federal financial assistance, for, 7-15-4457
  federal government, with, 7-15-4466
  laws regarding, compliance, 7-15-4453
  obligees, remedies, 7-15-4529 — 7-15-4531
  title to property, subject to, 7-15-4463
  validity or enforcement, actions involving, 7-15-4412
Cooperation
  governmental units and housing authorities, 7-15-4416, 7-15-4420
  housing authorities, between, 7-15-4415
  planning agencies, with, 7-15-4454
Corporate agents, 7-15-4452
Corporations, formation, 7-15-4452
Counsel, 7-15-4439, 7-15-4458
County housing authorities, applicability of municipal laws, 7-15-2112
Creation
  boundaries, effect of existence of more than one city, 7-15-4413
  decision concerning, 7-15-4406
  election required, 7-15-4408
  petition, 7-15-4403 — 7-15-4406
  presumption of regularity, 7-15-4412
Definitions, 7-15-4402, 7-15-4416
Determinations, availability, 7-15-4459
Devises, acceptance, 7-15-4460
Dissolution, 7-15-4422, 7-15-4423
Elderly families, 7-15-4402
  low-rent housing for, 7-15-4456
    federal financial assistance, 7-15-4457
  taxation, eligibility for property tax relief, 15-30-171, 15-30-177
Election, 7-15-4408
Eminent domain, 7-15-4460 — 7-15-4462
Employees, 7-15-4439
  collective bargaining, 39-31-103, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
  conflict of interest, written disclosure, 7-15-4435
  contracts and covenants, performance compelled, 7-15-4529
  investigations or examinations, conduct, 7-15-4458
Examinations, 7-15-4458
Federal financial assistance
  grants, 7-15-4466, 7-15-4501
  housing projects, 7-15-4466
  low-rent housing, 7-15-4457
Financial reports, Title 2, chapter 7, part 5
Findings
  housing authorities, availability, 7-15-4459
  legislative, 7-15-4401
Funding
  initial, 7-15-4417, 7-15-4420

HOUSING AUTHORITIES, MUNICIPAL (Continued)
Funding (Continued)

- interim, 7-15-4418, 7-15-4420
- loans, 7-15-4419, 7-15-4420

Funds
- bonds, purchase, 7-15-4508
- investment, 7-15-4502, 7-15-4505
- special, creation, 7-15-4511

Gifts, authority, 7-15-4416, 7-15-4460
Government housing projects, 7-15-4461, 7-15-4466
Grants, 7-15-4416, 7-15-4460, 7-15-4466, 7-15-4501, 7-15-4511
Hearings
- commissioners, removal, 7-15-4436, 7-15-4437
- investigations, 7-15-4458
- petition for creation, 7-15-4405

Housing projects, 7-15-4402, 7-15-4416
- additional, limitations when, 7-15-4502, 7-15-4525
- "community facilities" defined, 7-15-4402
- conflict of interest, 7-15-4435
- cooperation regarding, 7-15-4415, 7-15-4416
- covenants regarding, 7-15-4525
- disposal, limitations when, 7-15-4502, 7-15-4525
- federal assistance, 7-15-4466
- government financing involved, mortgage powers, 7-15-4526
- government projects, 7-15-4461, 7-15-4466
- income and revenues
  - bonds payable by, 7-15-4501
    - purchase, 7-15-4508
  - funds for, 7-15-4511
  - obligee, collection, 7-15-4527
  - pledge of, 7-15-4501, 7-15-4502, 7-15-4524, 7-15-4525
  - receiver, collection, 7-15-4530
  - trust indentures, See **Trust indentures**
  - use and disposition, 7-15-4524
- laws, subject to, 7-15-4455
- mortgages, See **Mortgages**
- nonprofit, to be, 7-15-4421
- obligee, to take possession when, 7-15-4527, 7-15-4529
- powers regarding, 7-15-4452, 7-15-4454, 7-15-4466
- receivers, appointment, 7-15-4530
- rentals
  - determination and use, 7-15-4524
  - establishment, 7-15-4421, 7-15-4454, 7-15-4524
  - funds for, 7-15-4511
  - low-income, tax exemption and tax credits, 15-6-221
  - obligee, collection, 7-15-4527
  - pledge of, 7-15-4524, 7-15-4525
  - receiver, collection, 7-15-4530
  - taxes, payment in lieu of, 7-15-4464

Incorporation
- application, 7-15-4409 — 7-15-4411
- certificate of, 7-15-4410, 7-15-4412, 7-15-4414

Injunction, 7-15-4529
Investigatory powers, 7-15-4458
Investments
- bonds, as, 7-15-4505
- funds, 7-15-4502

HOUSING AUTHORITIES, MUNICIPAL (Continued)

Judgment, deficiency, 7-15-4532
Labor organizations, 39-31-103, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
Laws
  compliance, 7-15-4453
  contracts, regarding — compliance, 7-15-4453
  controlling authorities, 7-15-4440
  housing projects, subject to, 7-15-4455
Leases
  contracts, See **Contracts**, generally
  housing projects, 7-15-4454, 7-15-4466
  obligations incurred under
    bonds
      breach or default, 7-15-4527
      contracts, amendment or abrogation, 7-15-4523
      redemption, 7-15-4522
      trustee, use of, 7-15-4528
    funds, creation, 7-15-4511
    powers concerning, 7-15-4506, 7-15-4521
    property, provisions for management and use, 7-15-4525
    rents, fees, and revenues — provisions for determination and use, 7-15-4524
  obligees, remedies, 7-15-4530
  property, 7-15-4416, 7-15-4460
Legal services, 7-15-4439
Liens
  judgment, deficiency — as, 7-15-4532
  mortgage foreclosures, effect, 7-15-4526
  property, not permitted, 7-15-4525
  rents, fees, and revenues — not permitted, 7-15-4525
Loans
  municipalities, reimbursement, 7-15-4419
  powers regarding, 7-15-4502
  proceeds, funds for, 7-15-4511
Low income, persons of, 7-15-4402
  dwelling accommodations, provision for, 7-15-4454
  rental housing providing affordable housing to, tax exemption and tax credits, 15-6-221
Low-rent housing, 7-15-4456, 7-15-4457, See also **Elderly families**
Money deposited by, security, 7-15-4512
Mortgages, 7-15-4402
  bonds
    default, money advanced for, 7-15-4527
    interim certificates, 7-15-4509
    redemption, terms of, 7-15-4506
    secured by, 7-15-4501, 7-15-4502, 7-15-4526
  covenants concerning, 7-15-4525
  debts secured by, insurance, 7-15-4460
  default, 7-15-4526
  federal government, required by, 7-15-4466
  foreclosure, 7-15-4463, 7-15-4526, 7-15-4532
  government financing of projects, power regarding, 7-15-4526
  obligees, remedies, 7-15-4530
  powers regarding, 7-15-4521, 7-15-4525, 7-15-4526
  projects, government financing — power regarding, 7-15-4526
  rents, fees, or revenues — pledge by, 7-15-4524, 7-15-4525

HOUSING AUTHORITIES, MUNICIPAL (Continued)

Municipality, 7-15-4402, 7-15-4416
  bonds, liability, 7-15-4503
  cooperation, 7-15-4416, 7-15-4454
  donations or advances, 7-15-4418
  loans by, reimbursement, 7-15-4419
  plans, recommendations, 7-15-4454
  property belonging to, consent for acquisition, 7-15-4462
  reports to, 7-15-4467
Nonprofit, to be, 7-15-4421
Notices
  bond sales, 7-15-4507
  hearing on petition for creation, 7-15-4403, 7-15-4404
Oaths, administering, 7-15-4458
Obligations
  bonds, See **Bonds**
  investments, 7-15-4505
  leases, incurred under, See **Leases**
  negotiability, 7-15-4504
  temporary, 7-15-4509
Obligees, 7-15-4402
  bond contracts, amendment or abrogation, 7-15-4523
  bonds and bond covenants, breach or default, 7-15-4527
  commissioners, request for removal, 7-15-4437
  government as, 7-15-4526
  housing projects, to take possession when, 7-15-4527
  mortgages
    foreclosure powers, 7-15-4526
    remedies resulting from, 7-15-4530
  remedies
    cumulative, to be, 7-15-4531
    general, 7-15-4529
    limitations, 7-15-4532
    special, 7-15-4530
Ordinances
  commissioners, authorization to appoint, 7-15-4406
    effective when, 7-15-4408
  housing projects, subject to, 7-15-4455
Overlapping authorities, 7-15-4414
Payments to local and state entities, 7-15-4465
Perpetual succession, 7-15-4451
Petitions
  creation, for, See **Creation**
  tenant commissioners, nominees, 7-15-4431
Planning agencies, cooperation with, 7-15-4454
Policy, 7-15-4401
Powers
  bonds and lease obligations, 7-15-4521
  exercise, 7-15-4452
    limitations when, 7-15-4502
  general, 7-15-4451
  housing projects, 7-15-4454, 7-15-4466
  investigatory, 7-15-4458
  loans, regarding, 7-15-4502
  property, 7-15-4460
Projects, See **Housing projects**

HOUSING AUTHORITIES, MUNICIPAL (Continued)

Property
  acquisition, 7-15-4460 — 7-15-4462
  bond provisions regarding, 7-15-4525
  conflict of interest, 7-15-4435
  covenants concerning, 7-15-4525
  disposition, 7-15-4460
  eminent domain, 7-15-4460 — 7-15-4462
  execution, exemption from, 7-15-4532
  housing projects, cooperation regarding, 7-15-4416, 7-15-4454
  insurance, 7-15-4460, 7-15-4525
  investigations, 7-15-4458
  management and use, 7-15-4525
  mortgages, See **Mortgages**
  "real property" defined, 7-15-4402
  title to, 7-15-4463
Real property, See **Property**
Remedies of obligees, See **Obligees**
Rentals, See **Housing projects**
Reports, 7-15-4467; Title 2, chapter 7, part 5
Reserves
  funds, creation, 7-15-4511
  investment, 7-15-4502
Resolutions
  bonds
    interim certificates, details, 7-15-4509
    issuance, authorization, 7-15-4506
    secured by, 7-15-4501
  boundaries, inclusion of other city, 7-15-4413
  cooperation among governmental units and authorities, regarding, 7-15-4420
  creation, petition for — denial, 7-15-4406
  dissolution, for, 7-15-4423
  federal financial assistance, approval, 7-15-4457
  funding, implementation of provisions, 7-15-4420
  implementation of certain provisions, procedure, 7-15-4420
  loans, implementation of provisions, 7-15-4420
  money deposited by, security provisions, 7-15-4512
  overlapping authorities, consent for operation, 7-15-4414
  property, necessity of acquisition, 7-15-4462
  rents, fees, or revenues — pledged by, 7-15-4524
Revenues, See **Housing projects**, income and revenues
Rules, 7-15-4451
Seal, 7-15-4451
Services, cooperation regarding, 7-15-4416, 7-15-4454
Sinking funds, investment, 7-15-4502, 7-15-4505
Subpoenas, issuance, 7-15-4458
Sue and be sued, power to, 7-15-4451
Taxation
  bond issues, exemption, 90-6-125
  payment of rentals in lieu of, 7-15-4464
  property tax relief for the elderly, eligibility, 15-30-171, 15-30-177
Tenant commissioners, 7-15-4431, 7-15-4432
Trust indentures, 7-15-4402
  bonds
    default, money advanced for, 7-15-4527
    interim certificates, 7-15-4509

HOUSING AUTHORITIES, MUNICIPAL (Continued)
Trust indentures (Continued)
  bonds (Continued)
    redemption, terms, 7-15-4506
    secured by pledge of revenues, 7-15-4501
  federal government, required by, 7-15-4466
  obligees, remedies, 7-15-4530
  rents, fees, or revenues — pledged by, 7-15-4524
Unions for employees, 39-31-103, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
Unsafe or unsanitary dwelling accommodations
  determination, 7-15-4406, 7-15-4454
    availability, 7-15-4459
    criteria, 7-15-4407
  policy, 7-15-4401
Utilities, property belonging to — acquisition, 7-15-4462
Witnesses, 7-15-4458

HOUSING, BOARD OF
  See **HOUSING**

HUCKSTERS, Title 7, chapter 21, part 25
  See **PRODUCE**

HUMAN RESOURCE DEVELOPMENT COUNCILS
Audits, 53-10-505
Block grant funding, 53-10-502 — 53-10-504
Eligibility for block grant funding, 53-10-503
Fiscal and program responsibility, 53-10-505
Funding, 53-10-502 — 53-10-504
Montana Conservation Corps programs
  contracts with, 23-1-301
  eligibility requirements, 23-1-312
Plan for use of funds, 53-10-504
Weatherization program funds, 90-4-202

HUMAN RIGHTS
  See also **RIGHTS**
Commission for, See **DISCRIMINATION**
Human Rights Act, Title 49, chapter 2, See **DISCRIMINATION**

HUMAN SERVICES, Const., XII, 3
  See specific subject area

HUMAN SKELETAL REMAINS AND BURIAL SITE PROTECTION, Title 22, chapter 3, part 8
  See **ANTIQUITIES**

HUNTING
  See **FISH AND WILDLIFE; RIVERS AND STREAMS, Recreational use**

HUSBAND AND WIFE
  See also **MARRIAGE**
Abandonment, liability for support following, 40-2-104
Abduction, action for, 27-1-515
Abuse of family or household member, See **ABUSE; ASSAULT AND BATTERY, Partner or family member assault**
Actions
  capacity as parties, 25-5-201, 25-5-202, 40-2-106, 40-2-107, 40-2-109
  judgment, 25-9-102
Acts of spouse, liability for, 40-2-106

HUSBAND AND WIFE (Continued)

Adoption of children, See **ADOPTION**
Affinity, relationship by, 1-1-219
AIDS testing and counseling, 50-16-1003, 50-16-1007
Alcoholism of spouse, rights and responsibilities, See **CHEMICAL DEPENDENCY, Family members**
Alienation of affections, 27-1-601, See also **REMEDIES, Abolished causes of action**
Anatomical gifts, 72-17-214, 72-17-215
Annulment of marriage, See **MARRIAGE, Declaration of invalidity**
Antenuptial contracts, See **MARRIAGE, Contract, antenuptial or postnuptial**
Artificial insemination, determination of paternity as result of, 40-6-106
Autopsy, authorization by spouse, 50-21-103, 50-21-104
Battered spouses and domestic violence grant program, See also **ASSAULT AND BATTERY, Partner or family member assault**
  authorized services, 52-6-105
  creation, 52-6-101
  criteria for grants, 52-6-103
  funding, 52-6-105
  public health and human services, department of — duties, 52-6-102
Boats, liability of owner for negligent operation by spouse, 23-2-505
Children, See also **Minors, married**
  education expenses, See **PARENT AND CHILD, Education of children**
  former marriage, children of — support liability, 40-6-217
  residence, rules for determining, 1-1-215
  support, See **Support**
"Cohabit" defined, 45-2-101, See **COHABITATION**
Community property, disposition at death, Title 72, chapter 9, part 1, See also **Property**
Conciliation of controversies, Title 40, chapter 3, See **CONCILIATION**
Consent of spouse, agreement to procure unenforceable by specific performance, 27-1-412
Conservator, married person as, 40-2-108
Contracts
  alteration of legal relation, limitation, 40-2-303
  liability of spouse, 40-2-302
  marriage, See **MARRIAGE, Contract** entries
  necessaries, contracts for, 28-2-202, 28-2-204
  power to make, 40-2-301
  premarital agreements, Title 40, chapter 2, part 6, See **MARRIAGE**
  prenuptial or postnuptial contracts, 40-2-303, See also **MARRIAGE, Contract, antenuptial or postnuptial**
  separation agreement, Title 40, chapter 4, See **DISSOLUTION OF MARRIAGE**
  settlement contracts, 40-2-311, 40-2-312, 40-2-314, 40-2-315
  support, for, 28-2-202, 28-2-204
  trust provisions, applicability, 40-2-301
Conveyance of property between, See **Property**
Corporation director's conflicting interest transactions, 35-1-461 — 35-1-464
Death, final disposition of body — authorizing agent, 37-19-101, See **MORTICIANS, FUNERAL DIRECTORS, AND CREMATORY FACILITIES**
Debts of spouses
  contracted before marriage, 40-2-208
  earnings and accumulations, liability when
    married persons, 40-2-205
    separated persons, 40-2-206
  general liability, 40-2-106
  medicaid payments, liability for reimbursement, 53-6-144
  property, individual — liability when, 40-2-209
  wage assignment, consent of spouse required, 31-1-306, 32-5-310

HUSBAND AND WIFE (Continued)
Debts of spouses (Continued)

  work and labor, liability when, 40-2-207
Declaration of invalidity, See **MARRIAGE**
Developmental disability of spouse, rights and responsibilities, Title 53, chapter 20, See **DEVELOPMENTAL DISABILITIES, PERSONS WITH, Parents, guardian, or next of kin**
Disabilities, persons with — employment preference, Title 39, chapter 30, See **LABOR AND EMPLOYMENT, Disabilities, persons with**
Dissolution of marriage, Title 40, chapter 4, See **DISSOLUTION OF MARRIAGE**
Duress, what constitutes, 28-2-402
Dwelling, exclusion of spouse from, 40-2-201
Earnings and accumulations
  exemption from debts, how determined, 40-2-210
  liability for debts
    married persons when, 40-2-205
    separated persons when, 40-2-206
  necessary articles, how determined, 40-2-210
  premarital agreements, Title 40, chapter 2, part 6, See **MARRIAGE**
  wage assignment, consent of spouse required, 31-1-306, 32-5-310
  work and labor of married person, 40-2-207
Education of children, Title 40, chapter 6, part 2; Title 41, chapter 3; See **PARENT AND CHILD**
Estates and probate, See **ESTATES AND PROBATE**
Family law mediation, Title 40, chapter 4, part 3, See **FAMILY LAW MEDIATION**
Family Policy Act, 41-7-101, 41-7-102
Farm implements dealership ownership, succession, Title 30, chapter 11, part 8
Fiduciary, married person as, 40-2-108
Force, right to use — when, 49-1-103
Fraudulent transfers, Title 31, chapter 2, part 3, See **FRAUDULENT TRANSFERS**
Guardianship, See **GUARDIANS AND GUARDIANSHIP**
HIV-related testing and counseling, 50-16-1003, 50-16-1007
Home, exclusion from — when, 40-2-201
Homesteads, 70-32-103, 70-32-301, See **PROPERTY, REAL, Homesteads**
Individual property, See **Property**
Insurance, effectuation, 33-15-401
Interspousal tort immunity, abolishment, 40-2-109
Interstate Family Support Act, Uniform, Title 40, chapter 5, part 1
Inventory of individual property, See **Property**, individual
Joint tenants, husband and wife as, 40-2-105
Judgment for or against married person, 25-9-102
Judicial Standards Commission, conflict of interest in proceedings, 3-1-1108
Jurors, relationship grounds for challenge, 25-7-223
Legal relation, how altered, 40-2-303
Legal separation, Title 40, chapter 4, See **DISSOLUTION OF MARRIAGE, Separation agreement**
Liability for acts or debts of spouse, 40-2-106, 40-2-205 — 40-2-210
  boats, negligent operation, 23-2-505
Liens, construction — contracting owner, 71-3-522
Mausoleum-columbarium authorities
  disposition of remains, 35-21-810
  family plots, 35-21-828
  interment, vested right in, 35-21-827
  removal of remains, 35-21-812
Mediation, Title 40, chapter 4, part 3, See **FAMILY LAW MEDIATION**
Medicaid payments, spouse's liability for reimbursement, 53-6-144
Medical care for married minors, See **Minors, married**

HUSBAND AND WIFE (Continued)

Mental illness of spouse, rights and responsibilities, Title 53, chapter 21, See **MENTAL ILLNESS OR INCAPACITY, Parents, spouse, or next of kin of respondent**
Minors, married, See also **Children**
  child abuse and neglect, petitions alleging — service and contents, 41-3-401
  contract powers, 41-1-302, See also **MINORS, Contracts**
  marriage settlement contracts, 40-2-311, 40-2-312, 40-2-314, 40-2-315
  medical care
    consent, 41-1-402, 41-1-405, 41-1-406
    financial responsibility, 41-1-404
    information released when, 41-1-403
    spouse, consent for, 41-1-402, 41-1-405, 41-1-406
  parent-child legal relationship termination, guardian ad litem appointed for, 41-3-607
  real property, power to act in relation to, 70-15-303
Necessaries
  compensation to third person for support when, 40-2-103
  contracts for, 28-2-202, 28-2-204
  determined how, 40-2-210
  earnings and accumulations liable for, 40-2-205, 40-2-206
  property, chargeable upon — when, 40-2-106
  property, individual — liability, 40-2-209
  separated persons — earnings and accumulations, liability for, 40-2-206
  work and labor of married person, 40-2-207
Obligations, 40-2-101
Organ donation of spouse, 72-17-214, 72-17-215
Parent and child relationship, Title 40, chapter 6; Title 41, chapter 3, See **PARENT AND CHILD**
Partner or family member assault, See **ASSAULT AND BATTERY**
Paternity, establishment, Title 40, chapter 6, part 1, See **PARENT AND CHILD**
Personal property, See **Property**
Personal representative, married person as, 40-2-108
Power of attorney, 40-2-202, See also **POWER OF ATTORNEY**
Power to act without consent of spouse when, 40-2-108
Pregnancy
  abortion, Title 50, chapter 20, See **ABORTION**
  artificial insemination, determination of paternity, 40-6-106
  serological test results, report to husband, 50-19-107
Premarital agreements, Title 40, chapter 2, part 6, See **MARRIAGE**
Prenuptial or postnuptial contracts, 40-2-303, See also **MARRIAGE, Contract, antenuptial or postnuptial**
Privileged communications, 26-1-802, See also **EVIDENCE, Privileges**
Probate matters, See **ESTATES AND PROBATE**
Property
  antenuptial contracts, 40-2-303, See also **MARRIAGE, Contract, antenuptial or postnuptial**
  common ownership, 40-4-202
  community property, disposition at death, Title 72, chapter 9, part 1
  conveyance, 40-2-202
    homestead, 70-32-301
    prior to 1900, presumption grantor had no wife, 70-20-316
    transfer certificate, exemption, 15-7-307
  debts, liability
    contracted before marriage, 40-2-208
    spouse's, chargeable upon property when, 40-2-106, 40-2-209
  dower, See **ESTATES AND PROBATE**
  estates and probate, See **ESTATES AND PROBATE**

HUSBAND AND WIFE (Continued)
Property (Continued)

- execution, redemption of property sold, See **EXECUTION, Redemption of real property**, spouse
- fee simple title of real property, transfer or conveyance, 40-2-202
- forcible entry and detainer and unlawful detainer, as defendants, 70-27-111
- homesteads, 70-32-103, 70-32-301, See **PROPERTY, REAL, Homesteads**
- individual
  - contract liability of spouse, 40-2-301, 40-2-302
    - legal relation, alteration of, 40-2-303
  - debts, exemption from — when, 40-2-210
  - defined, 40-2-202
  - earnings and accumulations
    - exemption from debts when, 40-2-209, 40-2-210
    - liability for debts when, 40-2-205
    - separated persons, 40-2-206
    - work and labor of married person, 40-2-207
  - good faith, 40-2-209
  - inventory
    - acknowledgment and proof, 40-2-203
    - exempted from debts and liabilities when, 40-2-209
    - index, 7-4-2619
    - recording, 7-4-2613
    - recording and effect, 40-2-203, 40-2-204
  - liability for debts, 40-2-206 — 40-2-209
  - necessaries, how determined, 40-2-210
- injunction or restraining order, 40-4-121, 40-15-201
- interest in, when husband and wife separate, 40-2-201
- joint tenancy, 40-2-105
- necessaries chargeable against, when, 40-2-106
- power of attorney, executed when, 40-2-202
- premarital agreements, Title 40, chapter 2, part 6, See **MARRIAGE**
- prenuptial or postnuptial contracts, 40-2-303, See **MARRIAGE, Contract, antenuptial or postnuptial**
- real property, power to act in relation to, 70-15-303
- rights, how governed, 40-2-311
- settlement, 40-2-311, 40-2-312, 40-2-314, 40-2-315, 40-4-202, See **DISSOLUTION OF MARRIAGE, Property settlement**
- tenancy in common, 40-2-105, 70-1-314
- title and ownership, how proved, 40-2-203
  - evidence, prima facie, 40-2-204
  - transfer, 40-2-202
- transfer, 40-2-202

Property settlement following dissolution of marriage or separation, Title 40, chapter 4, See **DISSOLUTION OF MARRIAGE**
Prostitution, promotion of, 45-5-603
- testimony against spouse admissible in evidence, 45-5-604

Protection, right to use force, 49-1-103
Putative spouse, rights and status, 40-1-404
Real property, See **Property**
Reconciliation of spouses, Title 40, chapter 3, See **CONCILIATION**
Residence, exclusion from — when, 40-2-201
Rights, property — how governed, 40-2-311
Seduction, action for, 27-1-514
Separate property, See **Property**, individual
Separation agreement, Title 40, chapter 4, part 1, See **DISSOLUTION OF MARRIAGE, Separation agreement**

HUSBAND AND WIFE (Continued)

Settlements, 40-2-311, 40-2-312, 40-2-314, 40-2-315, See also **MARRIAGE, Premarital agreements**
Sexual offenses, See **CRIMES**
Spouse's children by former marriage, support liability, 40-6-217
Sue and be sued, power to, 25-5-201, 25-5-202, 40-2-106, 40-2-107, 40-2-109
Support, See also **CHILD SUPPORT**
  administrative enforcement, Title 40, chapter 5, part 2
  compensation to third person when, 40-2-103
  contracts for, 28-2-202, 28-2-204
  dueling, death or injury inflicted by — as damages for, 27-1-223, 27-1-301
  earnings and accumulations, liability for support, 40-2-205 — 40-2-210
  good faith support by other person, 40-2-103
  interstate family support, Title 40, chapter 5, part 1
  failure to provide, exception, 40-2-103, 45-5-621
  mutual obligation, 40-2-101, 40-2-102
  prisoners, disposition of earnings for, 46-18-702, 46-18-703
  privilege against nondisclosure, nonapplicability, 40-5-175
  spouse, 40-5-103, 40-5-601
    children of former marriage, support liability, 40-6-217
    duty of support, 40-2-101, 40-2-102
    establishment, applicability, 40-5-158
    jurisdiction, continuing exclusive, 40-5-149, 40-5-150
    not liable when, 40-2-104
Tenants, joint or common — when, 40-2-105
Terminally ill persons, withholding or withdrawal of life-sustaining treatment — consent, 50-9-106
Theft — offender's spouse as victim, no defense, 45-6-303
Torts, intentional, right to sue, 40-2-109 7y y
Trustee, married person as, 40-2-108
Utilities, rural cooperatives — as
  members, 35-18-102
  trustees, 35-18-311
Veterans, spouses of
  employment preference, Title 39, chapter 29, See **LABOR AND EMPLOYMENT, Veterans**
  veterans' homes, admittance, 10-2-401, 10-2-403
Wages, See **Earnings and accumulations**
Work and labor of married person, 40-2-207

HYDROELECTRIC FACILITIES
  See **DAMS AND RESERVOIRS**; **FACILITY SITING**; **STATE LANDS, Power site leases or licenses**; **WATER**

I

IMMUNITY
Blood banks, from liability, 50-33-104
Child abuse and neglect, persons investigating or reporting — from liability, 41-3-203
Concealed weapons, permits to carry — liability arising from, 45-8-326
Developmental disabilities, abuse of persons with — persons making required reports, from liability, 52-3-814
Disabilities, children with — special education surrogate parent, from liability, 20-7-463
Do not resuscitate identification, participants in withholding or withdrawal of life-sustaining procedures — from liability, 50-10-102

IMMUNITY (Continued)

Double jeopardy, Const., II, 25, See **CRIMINAL PROCEDURE, Former prosecutions**
Drug offenses, community service as sentencing alternative — supervisory personnel, 45-9-204
Elder abuse, persons making required reports — from liability, 52-3-814
Emergency medical services personnel, from liability — when, 50-9-204, 50-10-102
Extradition from another state
  prosecution for other crimes, no immunity, 46-30-405
  service of civil process, 46-30-404
Governmental entities, Title 2, chapter 9, part 1, See **GOVERNMENTAL LIABILITY**
Health care facilities, from liability — when, 50-9-204, 50-10-102, 50-33-103
Indian tribes, coal board grants — waiver of immunity from suit prior to approval, 90-6-209
Insurance
  guaranty association officials, from liability, 33-10-110, 33-10-207
  information and privacy protection, disclosure of information when, 33-19-408
Interspousal tort immunity abolished, 40-2-109
Legislative grant of irrevocable immunity prohibited, Const., II, 31
Living wills, participants in withholding or withdrawal of life-sustaining treatment — from liability, 50-9-204
Mines and mining, landowner notification requirements — liability of landowner, 82-2-306
Physicians, See **PHYSICIANS AND SURGEONS, Immunity and responsibility**
Psychiatrists, from liability — when, 41-1-407
Psychologists, from liability — when, 41-1-407
School trustees, from liability — when, 20-3-332
Sovereign immunity abolished except as provided by law, Const., II, 18, See **SOVEREIGN IMMUNITY**; See also **CIVIL PROCEDURE, Governmental entities, actions involving; GOVERNMENTAL LIABILITY, Actions** entries; **Claims against; Immunity from liability; Liability**
Tissue banks, from liability, 50-33-104
Trusts, proceedings concerning, 72-35-301
Witnesses, See **WITNESSES**

IMMUNIZATIONS
Day-care facilities, requirement, 52-2-735
Developmental disabilities, persons with — residential facility records, 53-20-161
Livestock, 81-2-301 — 81-2-303
Schools, 20-5-402 — 20-5-410
Well-child care, insurance coverage, 33-22-303, 33-22-512, 33-30-1014, 33-31-102

IMPEACHMENT
Evidence, See **EVIDENCE**
Witnesses, See **WITNESSES**

IMPEACHMENT OF PUBLIC OFFICERS
Articles of impeachment, 5-5-411
  answer or objection to, 5-5-419, 5-5-420
  delivery to senate, 5-5-412
  service upon defendant, 5-5-414, 5-5-415, 5-5-417
Causes, Const., V, 13
Conviction
  effect, Const., V, 13
  judgment, 5-5-420
    finalized how, 5-5-423
    nature and effect, 5-5-431
    pronouncement, 5-5-422
    suspension, judgment of — effect, 5-5-432
  majority vote required, 5-5-421; Const., V, 13
Counsel for defendant appointed when, 5-5-418

IMPEACHMENT OF PUBLIC OFFICERS (Continued)

Court of, 3-1-101, 5-5-403; Const., V, 13, See also **COURTS GENERALLY**
    chief justice of supreme court to preside when, 5-5-404
    contempt, See **CONTEMPT**, generally
    judges, disqualification — nonapplicability, 3-1-803
    jurisdiction, 5-5-403
    oath required, 5-5-403, 5-5-416
    officers, 5-5-404
    record, court of, 3-1-102
    rules of court, power to make, 3-1-112
Criminal prosecution not barred, 5-5-433; Const., V, 13
Failure of defendant to appear, 5-5-417, 5-5-418
Hearing, time of, 5-5-414, 5-5-417
House of Representatives, power vested in, 5-5-402; Const., V, 13
Notice to appear and answer articles, 5-5-414, 5-5-415, 5-5-417
Officers subject to, 5-5-401, 13-37-105; Const., V, 13
Official misconduct, effect on impeachment proceedings, 45-7-401
Plea, entry and effect, 5-5-419, 5-5-420
Political practices, commissioner of — subject to, 13-37-105
Procedure, provision for, Const., V, 13
Senate as court of, 3-1-101, 5-5-403; Const., V, 13, See **Court of**
Suspension of officer pending trial, 5-5-413
Trial, 5-5-403, 5-5-413

IMPERSONATION
Communication services, obtaining with intent to defraud — proof, 45-6-306
Electors, of, 13-35-207, 13-35-209, 13-35-210
Engineers, by, 37-67-332
Hearing aid dispensers, by, 37-16-411
Landscape architects, by, 37-66-104
Land surveyors, by, 37-67-332
Offense of impersonation of a public servant, 45-7-209, See also **INTIMIDATION**
Physicians and surgeons, by, 37-3-325
Public assistance, obtaining by, 53-2-107
Theft, offense of, 45-6-301
Trade regulation — weights, measures, standards, and labeling enforcement officers, 30-12-503

IMPORTATION PERMIT AND HEALTH CERTIFICATE ACT OF 1981, ANIMAL, Title 81, chapter 2, part 7
    See **LIVESTOCK, Importation**

INALIENABLE RIGHTS, Const., II, 3
    See also **RIGHTS**, generally

INCOME TAX
Generally, Title 15, chapters 30 and 31, See **TAXATION, CORPORATIONS**; **TAXATION, INDIVIDUAL INCOME**
Local government powers, 7-1-112

INDEMNITY
    See also **GUARANTY**; **SURETYSHIP AND SURETIES**
Actions
    costs of defense, 28-11-315
    defense by person indemnifying, 28-11-316
    discovery scope and limits, Title 25, chapter 20, M.R.Civ.P., Rule 26(b)
    joinder of claims or remedies, Title 25, chapter 20, M.R.Civ.P., Rule 18(b)
    judgment not conclusive when, 28-11-317

INDEMNITY (Continued)
Actions (Continued)

  lease contracts, default — statute of limitations, 30-2A-506
  venue, 25-2-121
Agents, 28-10-703, 28-11-304
Agricultural chemical ground water protection violations, compliance orders — effect, 80-15-403
Agricultural commodities, levies for, Const., XII, 1
Bailees, of, 70-6-209, 70-6-210
Banks presenting documentary drafts, goods represented by — expenses incurred in following instructions for, 30-4-503
Bonds
  agisters' liens, required when, 71-3-1203
  building and loan associations, for transfer of shares or savings account, 32-2-212
  counties — lost bonds, warrants, or coupons, 7-7-2104
  county sheriff, 2-9-711
  fireworks displays, 50-37-108
  health facility authority bonds, to secure proceeds, 90-7-305
  motor vehicles
    liability insurance, in lieu of, 61-6-301, 61-6-302, 61-6-304
    secured interests, for, 61-3-208
  natural gas, underground storage — lease requirements, 77-3-505
  power of attorney, statutory — authority, 72-31-232
  private investigators, nonapplicability of provisions, 37-60-105
  securities, required when, 30-8-413, 30-8-415
  state agency money deposited in depositories, for, 17-2-202
  warrants and checks, duplicate — issuance requirements, 7-6-4304, 20-9-223
  water conservation revenue bonds, to secure proceeds, 85-1-307, 85-1-321
Child support, medical support orders — liability for, 40-5-822
Cities and towns
  cash deposits as, 7-6-4121
  warrants and checks, duplicate — issuance requirements, 7-6-4304
Community service volunteers, 90-14-108
Contract, as, 28-11-301
  interpretation, 28-11-313
Corporate directors, officers, employees, and agents, 35-1-451 — 35-1-459, 35-1-1111
Correctional facilities, private — requirements, 53-30-605, 53-30-606
County sheriff
  attachment, prejudgment — indemnification by third party, 27-18-602
  claim and delivery, indemnification by third party, 27-17-309
  livestock, liability for sale of, 76-16-316
Defined, 28-11-301
Detention centers, private party operation, 7-32-2232
Ditch company employees, 27-1-731
Documents of title, 30-7-301, 30-7-504, 30-7-601
Employees, by employers, 39-2-701
Estates and probate
  conservators, issues of liability between estate and, 72-5-436
  personal representative, issues of liability between estate and, 72-3-612
Evidence, judgment against person indemnifying presumptive when, 28-11-317
Execution, exempt personal property — tracing, 25-13-610
Extent, 28-11-304, 28-11-305
Fraternal benefit society officers and members, 33-7-307
Guarantor, 28-11-211, 28-11-215
Hazardous or deleterious substance, release
  claims for indemnification, 75-10-704, 75-10-718
  fiduciary's liability, 75-10-715

INDEMNITY (Continued)

Health carriers or managed care entities, contracts with health care providers, 33-37-104
Health maintenance organization contracts, 33-31-221, 33-31-301
Homestead proceeds, tracing, 70-32-216
Injunction, indemnification of parties, 27-19-306, 27-19-405
Insurance
    casualty insurance to provide, 33-1-206, See **INSURANCE, CASUALTY**
    county officers, for, 7-4-2111
    credit life and credit disability insurance to provide, 33-21-103, See **INSURANCE, LIFE, Credit life and credit disability**
    credit union officers, for — when, 32-3-610
    disability insurance to provide, 33-1-207, See **INSURANCE, DISABILITY**
    indemnification, as, 33-1-201, See **INSURANCE** headings generally
    marine protection and indemnity insurance to provide, 33-1-209, See **INSURANCE, MARINE**
    medicaid managed care program, policy, 53-6-701
    professional employer services, sale constitutes sale of insurance when, 39-8-207
    property insurance, measure of indemnity, 33-24-101
    reciprocal insurance, 33-5-102, See **INSURERS, RECIPROCAL**, generally
    surety insurance to provide, 33-1-211, See **SURETYSHIP AND SURETIES**
    title insurance, 33-25-105, See **INSURANCE, TITLE**
Insurers, political purposes — money or property used for, prohibited, 33-18-305
Insurers supervision, rehabilitation, and liquidation
    claims distribution, priority, 33-2-1371
    recovery of property or avoidance of lien, 33-2-1354
    rehabilitator, liquidator, and employees, 33-2-1392 — 33-2-1394
Interpretation of contract of, 28-11-313
Joint and several liability, 28-11-311
Law enforcement officers rendering mutual assistance, 44-11-102
Leases
    action for, statute of limitations, 30-2A-506
    damages, liquidation, 30-2A-504
    merchant lessee, rejected goods, 30-2A-511
Liability, 28-11-311, 28-11-314
Limited liability company members, managers, agents, or employees, 35-8-107
Livestock
    diseased, slaughter, 81-2-102; Title 81, chapter 2, part 2
    levies for, Const., XII, 1
    railroads, killed by — plaintiff's claim for indemnity, 69-14-709
    trespassing livestock, sale — county sheriff's liability, 76-16-316
Mining companies, injury or death of employees — no bar or defense to cause of action, 39-2-704
Negotiable instruments
    claims for, action for conversion — statute of limitations, 30-3-122
    refusal to pay, 30-3-603
Nonprofit corporation directors, officers, employees, and agents, 35-2-446 — 35-2-454, 35-2-912
Partnership partners, requirements, 35-10-307, 35-10-401, 35-10-619, 35-10-625
Pesticides, cleanup compliance orders — effect, 80-8-305, 80-15-403
Power of attorney, statutory — authority, 72-31-201, 72-31-228, 72-31-232
Property, personal — borrower, by lender, 70-7-111, 70-7-112
Public contracts, bid security, 18-1-201, 18-1-202
Public officers and employees, 2-9-305
Railroads
    employees, injury or death — actions concerning, 39-2-703, 69-14-1006
    special peace officers, 44-4-904

INDEMNITY (Continued)

Reclamation and development grants program, purpose, 90-2-1102
Recovery, 28-11-314, 28-11-316
Reimbursement of person indemnifying, 28-11-312
Religious corporations sole, officers and agents, 35-3-205
Rental agreements, prohibited provisions, 70-24-202
Resource extraction, Const., IX, 2; Title 15, chapter 38
Sales
  merchant buyers, rejected goods — expenses, 30-2-603
  overseas shipment, bill of lading incomplete — payment upon furnishing indemnity, 30-2-323
Securities, 30-8-413, 30-8-415
  commodity option, 30-10-103
Service contracts, 33-1-213
Several persons, of, 28-11-305
State
  agency moneys deposited in depositories, indemnifying bonds, 17-2-202
  alcoholic beverages, agency franchise agreement requirements, 16-2-101
  buildings, insurance money received as indemnification for damage to, 2-17-105
  emergencies or disasters, debris and wreckage removal, 10-3-315
  hazardous material incidents, persons and response team members rendering assistance — immunity, 10-3-1217
  natural gas, underground storage for — indemnification against loss or damage by lessee, 77-3-505
  warrants, duplicate — indemnity required when, 17-8-306
Surety bonds, furnishing by surety insurers prohibited when, 33-26-105
Unlawful acts, for, 28-11-302, 28-11-303
Workers' compensation, Title 39, chapter 71
Wrongful acts, for, 28-11-302, 28-11-303

INDEPENDENT LIABILITY FUND ACT, Title 33, chapter 27
  See **INSURANCE, CASUALTY**, **Small business independent liability funds**

INDIANS
Abuse, neglect, or exploitation of aged persons or persons with developmental disabilities — disclosure of records or reports, 52-3-813, 52-3-814
Adoption proceedings subject to Indian Child Welfare Act, 42-2-102, 42-2-604, 42-4-102, 42-4-103, 42-4-203, 42-4-209, 42-5-101, 42-5-107, See also **ADOPTION**
Affordable housing revolving loan fund, loan eligibility, 90-6-134
Aging, state planning and service areas — designation, 52-3-405
Agriculture Development Council, policies, 90-9-202
Air quality areas, applicability of redesignation provisions, 75-2-112
Alcoholic beverage licenses for tribal licensees, 16-4-110, 16-4-204, 16-4-209
American Indian Heritage Day, designation, 20-1-306
American Indian Monument and Tribal Flag Circle
  advisory committee, composition and duties, 22-2-602
  design, competition for, 22-2-601, 22-2-602
Appellate procedure, certification of questions of law, Title 25, chapter 21, M.R.App.P., Rule 44
Birth certificates and related records, disclosure to determine tribal enrollment, 50-15-122
Blackfeet highway, jurisdiction, 2-1-206
Buffalo or bison, wild — donation of meat, 81-2-120
Burial Preservation Board, representation on, 22-3-804
Burial site protection, Title 22, chapter 3, part 8
Certified communities program, 90-1-116
Child abuse and neglect
  child protective teams, composition, 41-3-108

INDIANS (Continued)
Child abuse and neglect (Continued)

  guardian, appointment, 41-3-421
  proceedings subject to indian child welfare act, 41-3-109
  records, disclosure exceptions, 41-3-205
Child custody proceedings and determinations, jurisdiction, 40-7-135
Child support jurisdiction
  centralized registration and payment, Title 40, chapter 5, part 9
  enforcement services, cooperative agreements, 40-5-264
  medical support obligation, show cause order — issuance required, 40-5-824
  obligation, enforcement remedies, 40-5-404; Title 40, chapter 5, part 7
  order issued by tribe, 40-5-201
  "state" defined, 40-5-103
Child welfare specialist, appointment and duties, 52-2-117
Cigarette sales tax provisions, 16-11-111, 16-11-113, 16-11-155, 16-11-158
Clinics, urban — dispensation of drugs from, 37-2-104
Coal impact grants, 90-6-205, 90-6-208, 90-6-209
Community colleges, tribally controlled
  financial assistance for students when, 20-25-428
  indian studies, instruction in — requirements, 20-1-501 — 20-1-503; Const., X, 1
  legislative intern program, Title 5, chapter 6
  research and commercialization center, 90-3-1001, See **RESEARCH AND COMMERCIALIZATION**
Community service program, Title 90, chapter 14, part 1
  advisory council, representation, 90-14-104
Confederated Salish and Kootenai tribes
  flathead basin commission, appointments to, 2-15-213
  hunting and fishing, agreement concerning, 87-1-228
  jurisdiction of state, 2-1-301 — 2-1-303, 2-1-306
Contractor registration provisions, nonapplicability, 39-9-211
Corrections facilities or programs, community, Title 53, chapter 30, part 3
Counties, new — establishment procedures when reservations involved, 7-2-2202
Culture, protection, 2-1-305, 20-1-501, 82-4-227; Const., X, 1
Day-care facilities, licensing, 52-2-722
Deaf and Blind, Montana School for the — admission of children, 20-8-107
Developmental disabilities community-based services, availability to, 53-20-210
Developmental Disabilities Planning and Advisory Council, representation on, 2-15-2204
Discrimination, See **DISCRIMINATION**, generally
Drinking water state revolving fund program, Title 75, chapter 6, part 2
Drivers' licenses of tribal members — suspension, revocation, or reinstatement provisions, 61-8-402, 61-8-403
Driving under the influence, conviction, 61-8-734
Eagle parts and plumage, possession or transportation, 87-5-201
Economic Development Commission
  assessment of conditions on reservations, 90-1-133, 90-1-135
  citation of native american economic development act of 1999, 90-1-130
  composition and compensation, 90-1-131, 90-11-102
  coordinators and administrative support, 90-11-102
  purposes, duties, and responsibilities, 90-1-132
  special revenue accounts, use, 90-1-135
  waiver of sovereignty, none, 90-1-134
Economic opportunities, promotion and enhancement, 90-1-105
Educational agencies and personnel, indian studies — requirements for instruction in, 20-1-501 — 20-1-503; Const., X, 1
Education, cultural preservation in, 20-1-501; Const., X, 1
Educational telecommunications network (METNET), use by tribal colleges, 20-32-102

INDIANS (Continued)

Electric Utility Industry Restructuring, Transition Advisory Committee on — representation on, 69-8-501
Employment preference
  state construction projects within reservation, 18-1-110, 49-2-303, 49-2-403, 49-3-103
  state jobs within reservation, 2-18-111
Extradition provisions, applicability, 46-30-101
Federal
  funds, administration, 17-3-107
  jurisdiction, 18-11-110, 90-11-101; Const., I
Fetal, infant, and child mortality review teams — representation on, 50-19-403
Firewardens, officers of bureau of indian affairs as, 77-5-104
Fishing rights and privileges, 2-1-304, 87-1-228
Flathead Indian reservation
  criminal jurisdiction, 2-1-301
  hunting and fishing, agreement concerning, 87-1-228
Foster Care Review Committee, representation on — when, 41-3-1115
Gambling information, disclosure to tribal governments, 23-5-116
Gaming Advisory Council, representation on, 2-15-2021
Ground Water Assessment Steering Committee meetings, participation, 85-2-906
Hazardous material incidents, emergency response agreements, 10-3-1204
Historical Society board of trustees, authority, 22-3-107
Human skeletal remains, protection, Title 22, chapter 3, part 8
Hunting or trapping rights and privileges, 2-1-304, 87-1-228
Immunities generally, 2-1-304
Insurance, disability — creditable coverage, 33-22-140
Jurisdiction of state, 2-1-301 — 2-1-303, 2-1-306, 2-1-307
Jurisdiction of United States, 18-11-110, 90-11-101; Const., I
Language, use, 1-1-510
Legislative Law, Justice, and Indian Affairs Interim Committee — liaison and forum for state and tribal relations, 5-5-226
Legislative Council, cooperation, 5-11-301
Lewis and Clark Bicentennial Commission, membership, 2-15-150
Little Shell Band of Chippewa Indians, 22-3-804
Marriage, form of solemnization, 40-1-301
Medicinal plants, wild
  notice of moratorium and memorandum of understanding, 77-1-139
  task force, representation on, 77-1-138
Microbusiness development corporations, services to reservations, 17-6-406 — 17-6-408
Mining operations, protection of history and culture, 82-4-227
Pardons and Parole, Board of — composition, 2-15-2302
Parent-child legal relationship termination, child's right to benefits, 41-3-611
Paternity, presumption, 40-6-105
Petroleum storage tank releases, cleanup — corrective action plans, 75-11-309, See also UNDERGROUND STORAGE TANKS
Privileges and property rights generally, 2-1-304
Procurement, state — cooperative purchasing provisions, applicability, 18-4-401, See PUBLIC CONTRACTS
Professional and occupational licensing and regulation
  nonsupport, suspension of license, Title 40, chapter 5, part 7
  unprofessional conduct, 37-1-316, 37-1-410
Public assistance
  families achieving independence in Montana (FAIM) program, 53-4-202, 53-4-210, 53-4-246
  payments not decreased due to sums received by enrolled tribal members, 53-4-245
  reimbursement to state for payments, 53-2-610
Railroads upon reservations, 69-14-538

INDIANS (Continued)

Real estate broker and salesperson provisions, exemption from — when, 37-51-103
Reclamation and development grants, Title 90, chapter 2, part 11
Research and Commercialization Technology, Board of — representation on, 2-15-1819
Rights generally, 2-1-304, See also **WATER USE, Indian waters**
River restoration program, cooperation, 87-1-257
Sale of Indian arts or crafts articles, 30-14-601 — 30-14-604
School districts
    elementary, transfer of territory, 20-6-213
    language consideration, 1-1-510
    high school, transfer of territory, 20-6-320
Schools
    commemorative exercises, 20-1-306
    compulsory attendance by children, 20-5-108
Service of process, 2-1-307
"Squaw", sites and geographic features containing word — replacement, 2-15-149
State coordinator of Indian affairs, 2-15-217
    american indian monument and tribal flag circle advisory committee, representation, 22-2-602
    duties and assistance, 90-11-102
    legislative policy, 90-11-101
    "squaw", sites and geographic features containing word — replacement, 2-15-149
    state prevention programs, interagency coordinating council for — membership, 2-15-225
    state-tribal economic development commission
        duties, 90-1-132, 90-1-133
        membership, 90-1-131, 90-11-102
    tourism activities, promotion, 90-1-104
State lands, exchange with or sale to tribal governments, 77-2-201, 77-2-306, 77-2-307
State-tribal cooperative agreements
    authorization and contents, 18-11-103, 18-11-104
    child support enforcement services, 40-5-264
    cigarettes — sales quota, refunds or credits, or allocation of seized property, 16-11-111, 16-11-155, 16-11-158
    citation of state-tribal cooperative agreements act, 18-11-101
    community colleges, tribally controlled — financial assistance for students, 20-25-428
    definitions, 18-11-102
    economic opportunities, for promotion and enhancement, 90-1-105
    existing, validity, 18-11-111
    filing, 18-11-107
    fishing and hunting regulations, 87-1-228
    funds for, appropriation, 18-11-109, 18-11-112
    limitations, specific, 18-11-110
    motor fuels taxes, 15-70-234 — 15-70-236
    purpose of provisions, 18-11-101
    revocation, 18-11-108
    state-tribal economic development commission, cooperation for, 90-1-132
    submission to attorney general, 18-11-105
    water administration agreements, 85-2-708
    youth correctional facility services, 52-5-103
Taxation, 2-1-304
    agreements for assessment, collection, or refund, 18-11-103, 18-11-104, 18-11-112
    coal severance tax, See **TAXATION, MINERALS**
    motor fuels taxes, cooperative agreements for, 15-70-234 — 15-70-236
    oil and natural gas production royalties, tax exemption, 15-36-309
    resource indemnity trust and ground water assessment tax, royalties — tax exemption, 15-38-121

INDIANS (Continued)

Telecommunications services, discounted — for schools and tribal colleges, 69-3-841, 69-3-846, 69-3-856 — 69-3-859, 69-3-861, 69-3-862
Tourism activities, promotion, 2-15-1816, 90-1-104, 90-1-105
Tourism Advisory Council, representation on, 2-15-1816
Transportation Commission, representation on, 2-15-2502
Trauma care committee, representation on, 2-15-2216
Treasure state endowment program and agreements under, 90-6-701, 90-6-709
Treasure state living cultural treasures program, participation, 2-15-238
Treaty of 1855, 87-1-228
Tribal councils
  coal development matters, assistance, 90-11-102
  hunting and fishing agreements, 87-1-228
  jurisdiction of state, request for, 2-1-302
  public agency defined as, 7-1-4121
  schools, compulsory attendance by children — authorization, 20-5-108
  state coordinator of indian affairs, list of applicants, 2-15-217
University system tuition and fees, waiver, 20-25-421, 20-25-428
Water and wastewater authorities, regional — franchises, contracts, or agreements with, 75-6-313
Water, renewable resource grant and loan program — participation by tribal governments, 85-1-102, 85-1-601, 85-1-602, 85-1-605, 85-1-611, 85-1-613
Water rights, See also **WATER USE, Indian waters**
  chippewa cree tribe-Montana compact, 85-20-601
  crow tribe-Montana compact, 85-20-901
  fish and wildlife service-Montana compact, effect, 85-20-701
  fort peck-Montana compact, 85-20-201
  national park service and state of Montana, compact, 85-20-401
  northern cheyenne indian reserved water rights settlement act of 1992, consent to, 85-20-302
  northern cheyenne-Montana compact, 85-20-301, 85-20-302
  yellowstone river compact, 85-20-101
Workers' compensation coverage, exclusions, 39-71-401
Youth Placement Committees, composition, 41-5-121

INDIGENT PERSONS
  See also **LOWER INCOME, PERSONS OF**
Cemetery associations, record of interment, 35-20-209
Chemical dependency, treatment, 41-3-1103
Child abuse and neglect proceedings, 41-3-607
Child custody, support, or visitation proceedings — attorney costs waived when, 40-4-205
Consultant services for facilities providing care for, 52-1-103, 53-2-201
Court proceedings involving, See also **CIVIL PROCEDURE, Indigent persons**; **CRIMINAL PROCEDURE, Indigent persons**
  appellate defender system, 2-15-1020, 46-8-210 — 46-8-213
  counsel, assigned, See **ATTORNEYS AT LAW, Right to counsel**; **CRIMINAL PROCEDURE, Counsel**
  court information technology user surcharge, waiver, 3-1-317
  criminal proceedings, defense — expenses, 3-5-901
  developmental disabilities, persons with — commitment to residential facility, counsel appointed, 53-20-125, 53-20-131
  fees or security, waiver, 25-10-404; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 2
  mentally ill persons, commitment, 53-21-121, 53-21-133
  municipal courts, appeals to district court, Title 25, chapter 30, part 2, U.M.C.R.App., Rules 6, 9, 10, 11; Appendix, Form 2
  public defender, 46-8-202

INDIGENT PERSONS (Continued)
Court proceedings involving (Continued)

sentencing, presentence investigation costs, 46-18-111
Deaf and Blind, Montana School for the — admission of children, 20-8-108
Death
  burial, 10-2-501, 35-20-209, 40-6-301, 53-3-116
  interment records, 35-20-209
Developmental disabilities, persons with — commitment to residential facility, counsel appointed, 53-20-125, 53-20-131
Discrimination case expenses, how payable, 49-2-505
Domestic violence account, civil legal assistance for indigent victims of, 3-2-714, 25-1-201
Elections, as candidates, 13-10-201, 13-10-203, 13-10-204, 13-15-111
Fish and wildlife violations, hunger as defense, 87-3-129
Hospital district facilities, terms and rates for admission, 7-34-2123
Hospitals, county, 7-6-2426, 7-34-2402
Indian child welfare specialist, duties, 52-2-117
Medical care, local health officer not required to give, 50-2-118, See **PUBLIC ASSISTANCE**
Mentally ill persons
  commitment proceedings, 53-21-121, 53-21-133
  support following release, 53-21-186
Parents, support of
  duty of child, 40-6-214, 40-6-301
  enforcement, 40-6-303
  penalty for nonsupport, 40-6-302
Public assistance, See also **PUBLIC ASSISTANCE**
  county programs, optional, 53-2-801, 53-2-802, 53-3-116
  eligibility data, availability requirements, 53-2-211
  legislative findings, 53-3-115
  mill levy to fund, 53-2-801, 53-2-803
  optional, 53-2-801, 53-2-802, 53-3-116
School attendance, children, 20-5-107
School food services for children, 20-3-205, 20-10-205
Tax deed quiet title actions, deposit in court not required, 15-18-411, 15-18-412
Transportation, free or reduced rates, 69-11-208
Veterans' interment, restrictions on place, 10-2-501
Youth services, 41-3-1103

INDIVIDUAL FAMILY DISABILITY INSURANCE CONTINUITY OF COVERAGE ACT, 33-22-305 — 33-22-311
  See **INSURANCE, DISABILITY, Individual family members continuity of coverage**

INDUSTRIES AND INDUSTRIAL DEVELOPMENT
  See also **TRADE REGULATION AND COMPETITION**
Accidents, See **LABOR AND EMPLOYMENT, Safety; OCCUPATIONAL DISEASE; WORKERS' COMPENSATION**
Agriculture, See **AGRICULTURE**
Air pollution control, Title 75, chapter 2
Alcoholic beverages, See **ALCOHOLIC BEVERAGES, Beer brewers, importers, and wholesalers; Distillers; Rectifiers**
Appropriation by state prohibited, Const., V, 11
Building codes, state — nonapplicability, 50-60-102
Capital companies, development through, Title 90, chapter 8
Child labor prohibited when, Title 41, chapter 2, part 1, See **MINORS, Employment**
Cities and towns
  annexation of land, restrictions, 7-2-4303, 7-2-4503, 7-2-4608
  fire-causing potential, industries with — regulation, 7-33-4207
  licensing, 7-21-4101, 49-3-204

INDUSTRIES AND INDUSTRIAL DEVELOPMENT (Continued)
Cities and towns (Continued)

  location, regulation, 7-21-4204
  pollution abatement, agreements or contracts for, 7-7-4405
Commercial feeds, Title 80, chapter 9
Commercial fertilizers, Title 80, chapter 10
Cooperative associations, 35-15-411, See also **COOPERATIVE ASSOCIATIONS**
Dairies and dairy products, Title 81, chapters 22 and 23
Dams and reservoirs, purposes, 85-15-115
Development corporations, Title 32, chapter 4
Development projects, See also **ECONOMIC DEVELOPMENT**, generally
  aeronautics, board of — powers and authority, 67-1-302
  commerce, department of — functions, 90-1-102, 90-1-105, 90-5-113
  cost, 90-5-106, 90-5-109
  definitions, 90-5-101, 90-5-114
  economic development, tax levy for, 90-5-112
  hearings, 90-5-104
  industrial park development, Title 76, chapters 3 and 4, See **SUBDIVISIONS**
  lease, 90-5-102, 90-5-105, 90-5-106, 90-5-108 — 90-5-110
  local government powers, 90-5-102, 90-5-111
  preference to Montana labor, 18-2-403, 90-5-114
  revenue bonds, 90-5-102 — 90-5-104
    aeronautics, board of — issuance by, 67-1-302
    contracts financed by, standard prevailing wage requirement, 18-2-403, 90-5-114
    cost of project, effect, 90-5-106, 90-5-109
    loan from proceeds, 90-5-102, 90-5-105, 90-5-106
    proceeds, use, 90-5-102, 90-5-108
    refunding bonds, 90-5-107
    security, 90-5-105
    trust, establishment, 72-33-108
  taxation, 90-5-110, See also **TAXATION, PROPERTY, Industries**
Economic development
  bonds, Title 17, chapter 5, part 15
  tax levy for, 90-5-112
Educational impact statements required when, 20-1-208, 20-1-209
Electric Utility Industry Restructuring, Transition Advisory Committee on — representation on, 69-8-501
Environmental control easements, prohibitions or limitations, 76-7-203
Environmental Policy Act, Title 75, chapter 1, parts 1 — 3
Facility Siting Act, Title 75, chapter 20
Fire prevention, protection, and safety in industrial plants, 50-3-102, 50-61-103
Fireworks use, applicability of laws, 50-37-102
Flathead Basin Commission, representation on, 2-15-213
Floodways, industrial uses within, Title 76, chapter 5, See **FLOOD PLAINS AND FLOODWAYS, Uses within**
Food services, See **FOOD ESTABLISHMENTS**, generally
Forest practices in streamside management zones, 77-5-301 — 77-5-305, 77-5-307
Gasoline, Title 15, chapter 70; Title 82, chapter 15
Ground Water Assessment Steering Committee, representation on, 2-15-1523
Hazardous chemical information to employees, Title 50, chapter 78
Hazardous wastes, furnaces and boilers that burn — rules and performance standards, 75-10-405
Hoisting engines, Title 50, chapter 76, See **HOISTING ENGINES**
Illnesses, See **OCCUPATIONAL DISEASE; WORKERS' COMPENSATION**
Industrial parks
  development, Title 76, chapters 3 and 4, See **SUBDIVISIONS**
  economic development, tax levy for, 90-5-112

INDUSTRIES AND INDUSTRIAL DEVELOPMENT (Continued)
Industrial parks (Continued)

  tax exemption, 15-24-1901, 15-24-1902
Infirmaries, 50-5-101
Infrastructure development, See **URBAN RENEWAL, Industrial districts**
Inspection of workplace, 39-1-103
Institutional, Title 53, chapter 1, part 3, See also specific institution
Livestock, Title 81
Megalandfill Siting Act, Title 75, chapter 10, part 9
Metropolitan sanitary and/or storm sewer districts, charges for costs, 7-13-143
Mining operations, protection from, 82-4-402, 82-4-434
Mint and mint oil production, Title 80, chapter 11, part 4
Nuclear Compact, Western Interstate, Title 90, chapter 5, part 2
Nuclear facilities, See **FACILITY SITING, Nuclear energy conversion**
Pesticide regulation, Title 80, chapter 8, parts 1 — 3
Plant closures, 75-20-304
Plumbing installations, exemption from provisions, 50-60-503
Pollution, Title 75, chapters 2 and 5
Port authorities, purpose, 7-14-1104
Postattack emergency regulation, 10-3-505
Poultry, Title 81, chapter 20
Railroad spur tracks for, 69-14-811, 69-14-813, 69-14-814
Research and commercialization, See **RESEARCH AND COMMERCIALIZATION**
Safety provisions, See **LABOR AND EMPLOYMENT, Safety**
Seats for employees, 39-2-201
Secondary, value-adding — tax increment financing, See **URBAN RENEWAL, Industrial districts**
Sewage and/or water system services furnished to, 7-13-4311, 7-13-4312
Skiing, Title 23, chapter 2, part 7
Soil survey and mapping program, 76-11-201, 76-11-202
Solid waste management, state plan — development, 75-10-807
State
  funding prohibited, Const., V, 11
  regulation when, 2-8-101
Streamside management zones, forest practices in, 77-5-301 — 77-5-305, 77-5-307
Subdivision development, Title 76, chapter 4
Sulfur dioxide, industrial sources — study of effects, 75-2-206
Taxation, See **TAXATION, PROPERTY**
Tax increment financing industrial development, 7-15-4297 — 7-15-4299
Timber, See **FORESTS AND FORESTRY**, generally
Upper Clark Fork River Basin Steering Committee, representation on, 85-2-338
Value-added manufacturing, expanding industry taxable value decrease, 15-24-2401 — 15-24-2405
Water conservancy districts, to benefit, 85-9-101, 85-9-102
Water Pollution Control Advisory Council, representation on, 2-15-2107
Water supplies
  beneficial use, 85-2-102
  chronically dewatered watercourses, identification factors, 85-2-150
  county water and/or sewer districts, 7-13-2218, 7-13-2301
  ground water assessment, Title 85, chapter 2, part 9
  ground water, order for controlled ground water area — preferences, 85-2-507
  mining, strip and underground — damage by, 82-4-253
  navigable waters as public ways, no abridgment of preexisting rights, 85-1-111
  resources, policy of state, 85-1-101
  sewage and/or water system services furnished to, 7-13-4311, 7-13-4312
  state water, sale or lease for, 85-1-210
  water works, defined as, 85-1-102, See **WATER USE, Projects and works**

INDUSTRIES AND INDUSTRIAL DEVELOPMENT (Continued)

Weather modification and control, research and development for, 85-3-103
Wind-generated electricity, commercial investment, 15-32-401 — 15-32-407
Workforce drug and alcohol testing, 39-2-205 — 39-2-211

INFECTIOUS WASTE MANAGEMENT ACT, Title 75, chapter 10, part 10
  See **HAZARDOUS WASTES**

INFORMATION ACCESS MONTANA ACT, 22-1-325 — 22-1-331
  See **LIBRARIES**, generally

INFORMATION AND PRIVACY PROTECTION ACT, INSURANCE, Title 33, chapter 19
  See **INSURERS REGULATION GENERALLY, Information and privacy protection**

INFORMATION TECHNOLOGY
  See also **TELECOMMUNICATIONS SERVICES**
Administrative rule notices, posting, 2-4-302
Agricultural lien centralized computer filing system, 30-9-403, 30-9-407, 30-9-421, 71-3-125
Assumed business names, registration, 30-13-203, 30-13-206
Bank deposits and collections, delay caused by interruption of facilities, 30-4-108
Bank records, storage, 32-1-492
Birth certificates, certification, 50-15-221
Building code interpretations, accessibility, 50-60-117
Business registration and licensing, verification of information, 16-11-120, 30-16-104, 30-16-301
Census and Economic Information Center, 90-1-109
Child custody jurisdiction, records of communications between courts, 40-7-139
Child support
  interstate proceedings, testimony, 40-5-175
  registration and payment processing, 40-5-906, 40-5-908, 40-5-921, 40-5-922, 40-5-924
Cigarette tax
  records, 16-11-102
  returns, 16-11-110
City and town indebtedness, purposes for incurring, 7-7-4101, 7-7-4104
Commerce, Department of — professional and occupational licensing standardization, 37-1-104
Consumer loan payment receipts, authorization, 32-5-304
Corporate information computer system, 2-15-403
Corporations
  information, by secretary of state, 35-1-1206, 35-1-1308
  proxy appointments, transmission, 35-1-525
County records and documents, 7-4-2221, 7-4-2613
Courts
  documents, filing and storage, 3-1-114, 3-1-115, 3-2-402, 3-5-501, 3-6-302, 3-10-501, 3-10-503, 3-10-511, 3-10-512, 3-11-206
  filings with, Title 25, chapter 20, M.R.Civ.P., Rule 5(e); Title 25, chapter 21, M.R.App.P., Rule 20
  funding and user surcharge, 3-1-317, 3-5-904
Crime related to
  definitions, 45-2-101, 45-6-310
  obtaining communication services with intent to defraud, 45-6-306
  sexual abuse of children, visual medium in which children are engaged in sexual conduct, 45-5-620, 45-5-625
  surreptitious visual observation or recordation, 45-5-223
  unlawful use of computers, 45-6-310, 45-6-311
    time limitation on prosecution, 45-1-205

INFORMATION TECHNOLOGY (Continued)

Criminal justice information systems, 40-5-162, 44-5-401 — 44-5-403, 44-5-405
Criminal procedure
  audio-video communication, use of
    appearance of defendant, 46-7-101, 46-9-201, 46-9-206
    arraignment, 46-12-201
    home arrest, monitoring device, 46-18-1004
    judgment, rendering, 46-18-102
    plea agreement, 46-12-211
    plea of guilty, 46-16-105, 46-17-203
    preliminary examination, 46-10-202
    sentencing hearing, 46-18-115
  search warrants issued by telephone, testimony — recording, 46-5-222
Elections
  absentee voter registration and voting, 13-13-276 — 13-13-278
  electors, list maintained by county election administrator, 13-2-123
  judges, vacancies — filling, 13-4-102
  primary elections, declarations for nomination — filing, 13-10-201
  write-in candidates, declaration of intent — filing, 13-10-211
Electrical generation tax returns, filing, 15-72-110
Electronic funds transfer, Title 32, chapter 6, See **ELECTRONIC FUNDS TRANSFER**
Electronic records and signatures, Title 2, chapter 20, part 1, See **ELECTRONIC RECORDS AND SIGNATURES**
Evidence
  voice identification, Title 26, chapter 10, M.R.Ev., Rule 901
  writings and recordings, original, or duplicate, Title 26, chapter 10, M.R.Ev., Rule 1001
Fish and wildlife
  fishing, hunting, and trapping licenses — social security numbers used on, deletion when, 87-2-106, 87-2-202
  future fisheries improvement program report, posting, 87-1-272
  license system, 87-2-903
Foreign capital depositories
  deposits, 32-8-314
  record of disclosures, 32-8-503
  records, 32-8-301, 32-8-309, 32-8-502
Funds transfers by, See **FUNDS TRANSFERS**, generally
Health care information, 50-16-502
Higher education services, creation of entity to facilitate, 2-15-203
Insurance
  commercial property, electronic data processing policies, 33-1-228
  health insurance claim forms, processing system for submission, 50-4-505
  property or casualty policies, nonrenewal — notice, 33-15-1105
Insurers
  annual statements, electronic filing, 33-2-701, 33-30-107
  assets, as, 33-2-501, 33-2-502
  examinations, 33-1-408
  fraud, 33-1-1202
  insurance producers' appointments, filing and termination notices, 33-17-231, 33-17-236, 33-17-237
  managing general agents, claims files, 33-2-1602
  risk retention groups, annual statements, 33-11-103
Judicial branch, security responsibilities, 3-2-605
Jury selection, 3-15-404, 3-15-503, 3-15-506, 3-15-601, 3-15-602
Legislative branch computer system planning, Title 5, chapter 11, part 4
Legislative Services Division, responsibilities, 5-11-112, 5-11-203
Legislature, reports to, 5-11-210

INFORMATION TECHNOLOGY (Continued)

Letters of credit, records, 30-5-122
Liens, construction — filings, 71-3-531, 71-3-535
Limited liability company information, by secretary of state, 35-8-211
Local government, state program computer hardware or software costs not to shift to, 1-2-116
Lottery, state
  "lottery game" defined, 23-7-103
  payment of prizes may not be made by computer, 23-7-311
  security, assistant director for — qualification for office, 23-7-212
  security, audit for, 23-7-411
Managed care plan network adequacy and quality assurance records, storage, 33-36-305
Medicaid
  claims, documents, and records, 45-2-101, 53-6-155, 53-6-160
  management information system, 18-4-313
Meetings of public agencies, 2-3-202
Montana Code Annotated, publication, 5-11-209
Motor vehicles
  auto auction records, 61-4-120
  conviction records, storage, 61-11-102
  county motor vehicle computer system and committee, 61-3-345 — 61-3-347, 61-3-511
  dealer records, 61-4-101
  driver's license records and indexes, 61-3-101
  driving records, 61-5-107, 61-11-102, 61-11-105, 61-11-204, 61-11-207
  highway traffic safety program, reports and records, 61-2-101
  registration records and indexes, 61-3-101
  reregistration by mail when, 61-3-535
  title searches, lien filing, and registration, 61-3-109
Municipal court, record on appeal to district court, 3-6-110; Title 25, chapter 30, U.M.C.R.App., Rules 2, 9, 10, 13
National Crime Information Center (NCIC), 44-2-503, 44-2-505, 61-3-106
Natural resource information system, 90-15-201, See **NATURAL RESOURCES**
Negotiable instruments
  notice of dishonor, 30-3-508
  presentment, 30-3-504
Nonprofit corporation information, by secretary of state, 35-2-1003, 35-2-1108
Partnership information, by secretary of state, 35-10-111, 35-10-113
Pesticide dealers, verification of purchaser's license or permit, 80-8-207
Privacy in communications, 45-8-213
Property appraisal, assessment, and taxation process — improvements for, 15-1-521
"Property tax record" defined, 15-8-701
Public agencies, electronic or nonprint information — public access and fees, 2-6-103, 2-6-110
Public Health and Human Services, Department of — biennial report on aging, 52-3-101
Public records, storage media and management, 2-6-202, 2-6-214, 2-6-301, 2-6-401, See also **PUBLIC RECORDS**
Putative father registration, submission, 42-2-207
Railroads, telemetry system, 69-14-116
Regents of Higher Education, Board of — data and information technology resources, security responsibilities, 20-25-301
Religious corporations sole, annual reports, 35-3-209
Sales personnel for computers, overtime compensation exclusions, 39-3-406
School records, transfer, 20-1-213
School technology acquisitions, 20-9-343, 20-9-375, 20-9-533, 20-9-534
Secretary of state, statewide electronic filing system — development and implementation, 2-15-401, 2-15-404

INFORMATION TECHNOLOGY (Continued)

Secured transactions
  electronic chattel paper or software, 30-9-122, See **SECURED TRANSACTIONS, Chattel paper; Software**
  filing office, delay by — when, 30-9-544
Securities fraud actions, documents and data, 30-10-315
Small business licensing requirements, 30-16-104
Small claims courts
  actions, recording, 25-35-703
  record on appeal to district court, 25-35-804
State employees, alternative pay and classification plan — demonstration projects for development, 2-18-303
State government
  central computer center, 2-17-501
  communication systems, 2-17-302 — 2-17-306
  data and information technology resources, 2-15-102, 2-15-114, 2-17-503
  data processing equipment, facilities, services, and network, 2-17-501, 2-17-502
  electronic access systems, 2-3-301, 2-4-302, 2-17-321 — 2-17-323, 87-1-272
  legislative branch, compatibility, 5-11-403
  procurement contracts, leases, or rental agreements for equipment and facilities, 18-4-313
  public comment pursuant to statute, rule, or policy — electronic acceptance, 2-3-301
  records management equipment or systems, compatibility standards, 2-6-214
  security responsibilities, 2-15-114, 2-17-323, 2-17-503
  source reduction and recycling program, 75-10-805
State Information Technology Advisory Council, 2-17-502
State programs, computer hardware or software costs not to shift to local governments, 1-2-116
Supreme court, data and information technology resources — security responsibilities, 3-2-605
Tax appeal board hearings, testimony, 15-2-301, 15-15-103
Tax deduction for donation of equipment to educational institution, 15-30-126, 15-31-114
Tax exemption for intangible personal property, 15-6-218
Tax returns, filing, 15-1-208, 15-1-801 — 15-1-803, 15-70-114, 15-70-115, 16-11-110, See also **ELECTRONIC FUNDS TRANSFER**
Telecommunications carriers, authorization for charges for services or products, 69-3-1303
Telecommunications charges, aiding the avoidance of — offense of, 45-6-307
Telemarketing, solicitation, 30-14-1403
Telemedicine, 37-3-341 — 37-3-349, See **PHYSICIANS AND SURGEONS**
Television districts, 7-13-2502, 7-13-2510
Trade secrets, Title 30, chapter 14, part 4, See **TRADE REGULATION AND COMPETITION, Trade secrets**
Trauma register, state, 50-6-401, 50-6-402
Tumor registry information, 50-15-704
Unclaimed property, records, 70-9-802
Unemployment insurance benefits, repayment of federal tax obligations — deduction or withholding for, 39-51-3107
Utilities, underground facilities — excavations near, Title 69, chapter 4, part 5
Video gambling machines, Title 23, chapter 5, part 6
Vital statistics records and reports, preservation or contents, 50-15-123, 50-15-124
Water quality, departmental information — compilation, 75-5-212
Workers' compensation
  database system, 39-71-225
  old fund liability tax, availability of data bases, 39-71-2503
Youth court — department, law enforcement, or court records, 41-5-103, 41-5-216

INHERITANCE TAX, Title 72, chapter 16
  See **TAXATION, ESTATES**

INITIATIVES
  See **BALLOT ISSUES**

INJUNCTION, WRIT OF
  See also generally **REMEDIES**; **WRITS**
Abortion
  interference with right of refusal, 50-20-111
  public report by department of public health and human services, for issuance, 50-20-307
Acupuncture, to enjoin unlawful practice of, 37-13-315
Adoption
  agency activities, to enjoin when, 42-8-108
  violation of provisions, to enjoin, 42-7-105
AEDs (automated external defibrillators), use violations by public or private entities, 50-6-504
Aeronautics laws, enforcement, 67-2-501
Agricultural chemical ground water protection, to restrain violations or to enforce provisions, 80-15-404, 80-15-411
Agricultural commodities
  license, failure to have, 80-4-427
  research and market development programs, first purchaser's failure to pay commodity assessments, 80-11-504, 80-11-516
  warehouse operators, from interference with department, 80-4-538
Agricultural marketing association, breach of marketing agreement, 35-17-401
Agricultural seed violations — to restrain, 80-5-136
AIDS testing and counseling violations, relief, 50-16-1013
Airport influence area violations, abatement, 67-4-402
Airport zoning violations, abatement, 67-6-211
Air quality
  rules or orders, enforcement, 75-2-412, 75-2-413
  workplace emission control violations, to restrain, 50-70-118
Alcoholic beverages
  beer brewer, importer, or wholesaler franchise cancellation — to prevent, 16-3-225
  beer tax, collection may not be enjoined, 16-1-409
  nuisance abatement, action for, 16-6-313
  table wine distribution violations, 16-3-421
Apiaries, orders and rules — actions for reversal or modification, effect, 80-6-301
Appeals from injunction orders, 3-2-205; Title 25, chapter 20, M.R.Civ.P., Rule 62(c); Title 25, chapter 21, M.R.App.P., Rules 1, 40
  calendar precedence, Title 25, chapter 21, M.R.App.P., Rule 39
Appeals generally, injunction during pendency, Title 25, chapter 20, M.R.Civ.P., Rules 62(c), 62(g); Title 25, chapter 21, M.R.App.P., Rule 40
Arbitration proceedings, effect of stay by, 27-2-405
Architects, Board of — action for, 37-65-323
Asbestos-related occupation and projects
  enforcement of provisions, 75-2-514, 75-2-516, 75-2-517
  rules, standards for, 75-2-503
Assignment for benefit of creditors, to enjoin assignee — when, 31-2-220
Associations, action brought by, 27-19-104
Banks and trust companies
  advertisement of banking business prior to certification and violation of corporate name restrictions, restraint, 32-1-402
  closure, recourse of aggrieved bank, 32-1-516

INJUNCTION, WRIT OF (Continued)
Banks and trust companies (Continued)

  transaction of banking business without certificate, restraint, 32-1-403
  unsafe or unsound practices, temporary cease and desist order — against, 32-1-904
Building codes
  plumbing installations, to restrain from connection, 50-60-514
  violations, 50-60-109, 50-60-302
Campground violations, 50-52-106, 50-52-107
Cemeteries, perpetually maintained — enforcement of provisions, 37-19-831
Chemical dependency treatment facility violations, restraint, 53-24-208
Child custody determination enforcement proceedings, 40-7-107
Child support proceedings, 27-19-201, 40-4-121
Cigarettes
  nuisance, public — place where violations committed, abatement, 16-11-145
  sales violations, to restrain, 16-10-402
  tobacco product sales without tax prepayment, to restrain, 16-11-204
Cities and towns
  legislative act, to prevent — prohibited, 27-19-103
  ordinance violations, to restrain or enjoin, 7-1-4124
  refunding revenue bondholders, to restrain violation of rights, 7-7-4633
Citizens' groups, action brought by, 27-19-104
Class actions maintainable, Title 25, chapter 20, M.R.Civ.P., Rule 23(b)
Clinical laboratory science practitioners, action to suspend practice, 37-34-307
Collective bargaining, unfair labor practices, 39-31-409
Commercial feed violations, to restrain, 80-9-303
Commercial fertilizer violations, to restrain, 80-10-303
Conservation easements, enforcement, 76-6-210
Construction blasting violations, to restrain, 37-72-102
Consumer loan business violations, restraint, 32-5-405
Contracts
  breach, prevention, 27-19-103
  construction, labor violations — persons restrained from proceeding with contract, 18-2-432
Corporations
  director's conflicting interest transaction, not allowed, 35-1-462
  dissolution, 35-1-940
    relief other than, 35-1-939
  ultra vires acts, to enjoin, 35-1-117
Cosmetics, quality violations — to restrain, 50-31-508
Costs in actions for, 25-10-101, 25-10-102, 27-19-406
Cosmetologists, to restrain violations, 37-31-334
Courts generally, issuance on nonjudicial days, 3-1-302
Credit unions, false advertising — restraint, 32-3-103
Dairies and dairy products
  enforcement of provisions and rules, 81-22-105
  milk price control violations, remedy, 81-23-406
  violations, restraint, 81-21-104
Day-care facility violations, restraint, 52-2-741
Deferred deposit lenders, to restrain violations, 31-1-713, 31-1-724
Definitions, 27-19-101, 27-19-306
Dentistry, Board of — action for, 37-29-411
Dentists, to restrain unlawful practice, 37-4-328
Denturists, to restrain violations, 37-29-411
Discrimination laws, enforcement, 49-2-503, 49-2-510
Dissolution of marriage proceedings, 27-19-201, 40-4-109, 40-4-121
Documents of title, negotiation, 30-7-602
Drugs
  dispensation violations by health care practitioners, to restrain, 37-2-105

INJUNCTION, WRIT OF (Continued)
Drugs (Continued)

quality violations, to restrain, 50-31-508
Election of injunction as provisional remedy, 27-15-101
Elections
  nominations, restraint of placing name on ballot when improper, 13-35-221
  powers of district court, 13-35-108
Electric facilities providers, violations or omissions — restraint, 69-5-111
Electricians, enjoinder of violations, 37-68-201
Emergency medical service transportation or treatment service violations or noncompliance, to restrain, 50-6-316, 50-6-326
Employment, See **Labor and employment**
Enforcement, 27-19-101
Engineers, professional — violations, to restrain practice, 37-67-332
Environmental control easements, enforcement, 76-7-211
Escrow business violations, to restrain, 32-7-122
Execution, redemption period for real property — waste of or injury to property during, 25-13-823, 25-13-824
Extent, 27-19-105
Facility siting violations, relief from, 75-20-408
Farm implements dealership agreements — against unlawful termination, cancellation, nonrenewal, or substantial alteration, 30-11-811
Final injunction granted when, 27-19-102
Firearms or ammunition manufacturers, trade associations, or dealers — state's right to sue when, 7-1-115
Fire protection equipment sales, installation, or servicing — unlicensed practice, 50-39-108
Fire safety regulation violations, occupancy of building enjoined, 50-3-102, 50-61-118
Food
  establishments, to restrain violations, 50-50-106, 50-50-109
  quality violations, to restrain, 50-31-508
Foreign capital depositories, to restrain violations or enforce provisions, 32-8-521, 32-8-601 — 32-8-603
Forest fire hazard reduction or management, enforcement, 76-13-410, 76-13-413
Forest practices in streamside management zones, for compliance with site rehabilitation order, 77-5-305
Form, 27-19-105
Fraternal benefit society violations, to restrain, 33-7-120, 33-7-122
Fraudulent transfers, to prevent, 31-2-339
Funds transfers, to prevent, 30-4A-503
Gambling violations, to restrain, 23-5-136
Grazing districts, relief for trespassing stock and fence violations, 76-16-321
Hazardous chemical trade secret disclosure, to prevent, 50-78-205
Hazardous or deleterious substances, remedial action upon release, 75-10-707
Hazardous substance violations, to restrain, 50-30-306
Hazardous waste violations, 75-10-413 — 75-10-415, 75-10-417, 75-10-418, 75-10-425
Health care facilities
  abortion, interference with right of refusal, 50-20-111
  certificate of need violations, 50-5-307
  cooperative agreements, mergers, and consolidations — certificates of public advantage, enforcement, 50-4-621
  sterilization, interference with right of refusal, 50-5-504
  violations generally, to restrain, 50-5-108
Health maintenance organization violations, to restrain, 33-31-405
Health service corporation violations, to restrain, 33-30-113
Hearing Aid Dispensers, Board of — enforcement of provisions, 37-16-202, 37-16-413
HIV-related testing and counseling violations, relief, 50-16-1013

INJUNCTION, WRIT OF (Continued)

Hotel and lodging establishment violations, 50-51-401, 50-51-402
Housing authority obligees, to enjoin violation of rights, 7-15-4529
Hunters, harassment of — to restrain, 87-3-144
Husband and wife, exclusion from dwelling, 40-2-201
Insurance
  automobile glass or repair shops, prohibited practices — to restrain violations, 33-18-1006
  liability risk retention and purchasing groups, effect of federal court order, 33-11-124
Insurance, commissioner of — action or application for, 33-1-318, 33-2-1118, 33-2-1119, 33-2-1321, 33-11-104, 33-11-121, 33-18-1006, 33-25-402, 33-30-113, 33-31-405
Insurers
  delinquency proceedings, 33-2-1305, 33-2-1309
  holding company systems, 33-2-1118, 33-2-1119
  liquidation order, inclusion, 33-2-1348
  prohibited practices, to restrain, 33-18-1003, 33-18-1005, 33-25-402
  supervision orders, enforcement, 33-2-1321
Interlocutory injunctions, See **Preliminary injunctions**
Issuance
  by whom, 27-19-101
  day for, 3-1-302, 3-5-302
  procedure for, statutes to provide, Title 25, chapter 20, M.R.Civ.P., Rule 65
Junkyards, abatement of nuisance, 75-15-205
Jurisdiction
  action determines, 27-19-101
  district court, 3-2-205, 3-5-302, 3-5-311; Const., VII, 4
  supreme court, 3-2-202, 3-2-205; Const., VII, 2; Title 25, chapter 20, M.R.Civ.P., Rule 62(g); Title 25, chapter 21, M.R.App.P., Rule 17, See also **SUPREME COURT**, **Original proceedings in**; **Writs**
Labor and employment
  aliens, unauthorized — businesses employing, 39-2-305
  safety violations, to enjoin, 50-71-326
Labor disputes, prohibited in, 27-19-103, 39-31-409
Lakes, construction projects — enforcement, 75-7-215
Landlord-tenant disputes, 70-24-406, 70-24-410, 70-24-422, 70-24-424
Land surveyors, professional — violations, to restrain practice, 37-67-332
Laws
  execution, prohibited to prevent, 27-19-103
  procedure for granting injunctions and restraining orders, to provide, Title 25, chapter 20, M.R.Civ.P., Rule 65
Lease contracts, transfer of rights — against transfer, 30-2A-303
Legal separation proceedings, 27-19-201, 40-4-109, 40-4-121
Letters of credit, to enjoin issuer from honoring presentation, 30-5-129
Licensing boards, to restrain practice of occupation or profession, 37-1-136, 37-1-302, 37-1-317, 37-1-318
Livestock
  disease control violations, to restrain, 81-2-111
  garbage feeder violations, to restrain, 81-2-511
  market and dealer activities, restraint, 81-8-236
Long-term care facilities, to enjoin violation of ombudsman's access to facility provisions, 52-3-605
Meat establishments and meat inspection violations, to restrain, 81-9-236
Medical Examiners, Board of — action for, 37-3-326, 37-20-104
Megalandfill siting
  reclamation and rehabilitation, to restrain interference with right to enter and inspect, 75-10-953
  violations, to restrain, 75-10-943

INJUNCTION, WRIT OF (Continued)

Midwives, direct-entry — to restrain violations, 37-27-212, 37-27-325
Mines and mining
  metal mine reclamation
    interference with right to enter and inspect, for restraint of, 82-4-371
    violations, to restrain, 82-4-361
  opencut mining, reclamation
    interference with right to enter and inspect, for restraint of, 82-4-445
    noncompliance, 82-4-434
    violations, to restrain, 82-4-441
  safety and health violations, 50-72-103, 50-73-104
  strip and underground mine reclamation
    interference with right to enter and inspect, for restraint of, 82-4-239
    violations, to restrain, 82-4-252, 82-4-254
  strip and underground mine siting violations, 82-4-141
  wages, failure to file bond guaranteeing, 39-3-510, 39-3-512, 39-3-516
Montana quality label violations, restraint, 81-8-705
Mortgage foreclosure, prevention of damage to property, 71-1-227
Motor carrier violations, to restrain, 69-12-209
Motor vehicles
  dealers or wholesalers, to restrain from engaging in business, 61-4-107
  glass or repair shops, prohibited practices — to restrain violations, 33-18-1006
  manufacturers, distributors, importers, or dealers — to restrain from engaging in business, 61-4-209
  wrecking facilities and graveyards, for compliance with provisions, 75-10-541
Municipal finance consolidation bond or note trustees, to restrain violation of bondholder's rights, 17-5-1647
Naturopathic physicians, to enjoin unlawful practice or violations, 37-26-401
Negotiable instruments, prohibiting payment, 30-3-603
Nonprofit corporations
  attorney general, by, 35-2-131, 35-2-132
  dissolution, 35-2-729
  ultra vires acts, to enjoin, 35-2-132
Notice of order for, effect, 27-19-105
Noxious weed seed free forage violations, relief from, 80-7-923
Nuisances, abatement by, 16-6-313, 16-11-145, 27-30-103, 45-8-112, 75-15-205
Nursing violations, to restrain, 37-8-444
Obligation, to prevent breach, 27-19-102
Oil and gas
  attorney general, against, 82-11-145
  board of oil and gas conservation, against, 82-11-144, 82-11-145
  lien, labor and materials — prevention of removal of property, 71-3-1010
  violations, 82-11-142, 82-11-147, 82-11-149
  wages, failure to file bond guaranteeing, 39-3-510, 39-3-512, 39-3-516
Optometrists, to restrain unlawful practice, 37-10-301
Parking commission obligees, to restrain violation of rights, 7-14-4664
Partner or family member assault victims, protection, 27-19-201, 40-4-121
Peace officers, injunction prohibited to prevent execution of law, 27-19-103
Personal representative, to restrain or enjoin, 72-3-304, 72-3-521, 72-3-617
Pesticide violations, to restrain, 80-8-306
Petroleum products, to restrain violations, 82-15-112, 82-15-204
Pharmacy utilization plan, enforcement, 37-7-323
Physician assistants-certified, enforcement of provisions, 37-20-104
Physicians, to enjoin from practice of medicine when, 37-3-326
Pipeline carriers, enforcement, 69-13-102
Poultry industry violations, restraint, 81-20-102

INJUNCTION, WRIT OF (Continued)

Power of attorney, statutory — authority, 72-31-232
Preliminary injunctions, general provisions, See also generally **REMEDIES**
  affidavits for, 27-19-303, 27-19-401
  answer, 27-19-303, 27-19-314
  application for, 27-15-103, 27-19-301, 27-19-314, 27-19-318, 27-19-401, 27-19-406
  costs upon dissolution, 27-19-406
  counterclaim, availability to defendant upon, 27-15-102
  dissolution, 27-15-103, 27-19-306, 27-19-401, 27-19-404 — 27-19-406
  evidence required, 27-19-303
  findings of fact and conclusions of law to accompany granting or refusal, Title 25, chapter 20, M.R.Civ.P., Rule 52(a)
  hearing, 27-19-301, 27-19-303, 27-19-307, 27-19-318, 27-19-403
  issuance when, 27-15-103, 27-19-201, 27-19-303
  modification, 27-15-103, 27-19-401, 27-19-404
  notice of
    application, 27-19-301, 27-19-314
    dissolution or modification, application for, 27-19-401
  order to show cause for injunction, 27-19-203, 27-19-301, 27-19-314, 27-19-401
  public service commission, pending action by, 27-19-203, 69-2-202
  restraint of trade, pending action for, 27-19-202, 27-19-204
  temporary restraining orders preliminary to, 27-19-314, See **Restraining orders**
  time for issuance, 27-15-103, 27-19-303
  undertaking and sureties of enjoined party upon dissolution, 27-19-405
  undertaking and surety requirements, 27-19-204, 27-19-306, 27-19-307, 27-19-403
Preventive relief, as, 27-1-403
Price discrimination violations, to restrain, 30-14-906
Produce, stop sale order — enforcement, 80-3-305
Professional employer organizations and groups, enforcement of orders or practice without license, 39-8-203, 39-8-303, 39-8-304
Professional Engineers and Professional Land Surveyors, Board of — action for, 37-67-332
Prohibited when, 27-19-103
Psychologists, to enjoin unlawful practice or violations, 37-17-202, 37-17-313
Public health law violations, to enjoin, 50-1-103, 50-1-203, 50-2-116
Public interest groups, action brought by, 27-19-104
Public officers, prohibited to prevent exercise of office, 27-19-103
Rabies control, enforcement, 50-23-106
Radioactive substance provisions, rules, or orders — to enjoin violations, 50-79-406, 50-79-407
Railroad rates, rules, or orders — enforcement, 69-14-134
Recall, election and petition certification or printing, 2-16-615
Restitution by offenders, property or assets for satisfaction of order — to preserve, 46-18-244
Restraining orders
  agricultural marketing association, breach of marketing agreement, 35-17-401
  alcoholic beverages, nuisance abatement, 16-6-313
  arrest without warrant, violation as basis for, 46-6-311
  building codes, plumbing installations, 50-60-514
  child support proceedings, 3-10-301, 40-4-121, 40-4-122
  collective bargaining, unfair labor practices, 39-31-409
  consumer counsel, application for, 27-19-203, 69-2-202
  consumer loan business violations, 32-5-405
  contents, 27-19-105
  dairies selling or giving away milk or cream for public consumption when, 81-21-102
  dissolution of marriage proceedings, 3-10-301, 40-4-121, 40-4-122
  electric facilities providers, violations or omissions, 69-5-111

INJUNCTION, WRIT OF (Continued)
Restraining orders (Continued)

- emergency medical service transportation or treatment service violations, 50-6-326
- escrow business violations, 32-7-122
- facility siting violations, 75-20-408
- forest fire hazard reduction or management, enforcement, 76-13-410
- form, 27-19-105
- funds transfers, to prevent, 30-4A-503
- gambling violations, 23-5-136
- insurance, commissioner of — action for, 33-1-318
- insurers, 33-2-1305, 33-2-1309, 33-2-1321, 33-18-1003
- legal separation proceedings, 3-10-301, 40-4-121, 40-4-122
- livestock
  - garbage feeder violations, 81-2-507
  - rendering or disposal plant violations, 81-9-303, 81-9-306
- megalandfill siting violations, 75-10-943
- mines and mining
  - metal mine reclamation violations, 82-4-361
  - strip and underground mine reclamation violations, 82-4-252, 82-4-254
  - strip and underground mine siting violations, 82-4-141
  - wages, failure to file bond guaranteeing, 39-3-510
- oil and gas
  - enforcement, for, 82-11-145
  - violations, 82-11-147
  - wages, failure to file bond guaranteeing, 39-3-510
- optometrists, unlawful practices, 37-10-301
- personal representative, 72-3-304, 72-3-617
- procedure for granting, statutes to provide, Title 25, chapter 20, M.R.Civ.P., Rule 65
- restitution by offenders, property or assets for satisfaction of order — to preserve, 46-18-244
- scope of restraint, 27-19-105
- securities
  - adverse claims, 30-8-125
  - living trusts, violations, 30-10-913
  - violations generally, 30-10-305
- snowmobile sound level limitations, sales violations, 23-2-641
- stalking victims, protection, 27-19-201, 40-4-121, 45-5-220
- state lands disposition, challenge — written undertaking required, 77-1-110
- temporary restraining orders, 27-19-301, 27-19-314
  - contents and filing, 27-19-316
  - dissolution or modification, 27-19-318, 27-19-319
  - expiration, 27-19-316, 27-19-317
  - notice, issuance without, 27-19-315, 27-19-316, 27-19-318
- timeshare violations, 37-53-505
- undertaking and surety requirements, 27-19-306
- unfair trade practices, 30-14-111, 30-14-142
- water quality violations, 75-5-614, 75-5-641
- water use violations, 85-2-114
- zoning boards of adjustment
  - county, stay of proceedings of action appealed from, 76-2-226, 76-2-227
  - municipal, stay of proceedings of action appealed from, 76-2-326, 76-2-327

Sales
- honor of complying documents, 30-2-512
- security interest, against enforcement, 30-2-210

Sanitarians, licensing provisions — enforcement, 37-40-312

Schools
- debt service levy for bonds, to prevent — effect, 20-9-466

INJUNCTION, WRIT OF (Continued)
Schools (Continued)

- high schools, conspiracy to prevent private school interscholastic competition — to enjoin, 20-1-210
- immunization requirements, enforcement, 20-5-409, 20-5-410

Scope of restraint, 27-19-105
Secured transaction, sale of collateral, 30-9-112, 30-9-507
Securities
- adverse claimant, liability of securities intermediary and others — when, 30-8-125
- creditor's legal process, 30-8-122
- living trust violations, 30-10-913
- registration of broker-dealer, salesperson, investment adviser, and investment adviser representative — effect on, 30-10-201
- registration of securities, effect on, 30-10-207
- registration of transfer, 30-8-413, 30-8-414
- violations generally, to restrain, 30-10-305

Septage collection or disposal operation, to enjoin operation or maintenance, 75-10-1220
Sexual assault victims, protection, 27-19-201, 40-4-121
Snowmobile sound level limitations, sales violations, 23-2-641
Solid waste management system violations, to enjoin, 75-10-231
Specific performance, injunction prohibited when, 27-19-103
Speech-language pathologists and audiologists, to enjoin unlawful practice or violations, 37-15-202, 37-15-323
Stalking victims, protection, 27-19-201, 40-4-121, 45-5-220
State lands disposition, challenge — written undertaking required, 77-1-110
Statutes of limitation, effect of stay by injunction, 27-2-405, 27-2-406
Stay of proceedings, 27-2-405, 27-2-406, 27-19-103
Sterilization, interference with right of refusal, 50-5-504
Streamside management zones, forest practices in — for compliance with site rehabilitation order, 77-5-305
Subdivision violations
- sales or transfers, to enjoin, 76-3-301
- sanitation rules or orders, enforcement, 76-4-109

Swimming pool or swimming area violations, 50-53-104, 50-53-216
Taxation
- compressed natural gas tax, collection may not be enjoined, 15-70-719
- electric energy producers, production enjoined upon failure to pay license tax, 15-51-113
- enforcement, to restrain when, 15-1-405
- gasoline license tax, collection may not be enjoined, 15-70-211
- remedies, alternative, 15-1-404
- special fuel license tax, collection may not be enjoined, 15-70-354

Telecommunications carriers, unauthorized change or charges for products and services — to enjoin, 69-3-1305
Telemarketers
- abusive acts and practices, to restrain, 30-14-1412, 30-14-1413
- principal or manager, effect on application for registration, 30-14-1404

Temporary injunction, See **Preliminary injunctions, general provisions**
Temporary restraining orders, See **Restraining orders**, generally
Timeshares
- brokers or salespersons enjoined from continuing business, effect, 37-53-302
- violations, to restrain, 37-53-505

Trademarks and service marks, restraint of use or manufacture, 30-13-334, 30-13-335
Trade secrets, misappropriation, 30-14-403, 30-14-405
Trailer court violations, 50-52-106, 50-52-107
Trappers, harassment of — to restrain, 87-3-144
Trusts, prevention or remedy of breach of obligation arising from, 27-19-102, 72-34-506

INJUNCTION, WRIT OF (Continued)

Underground storage tank, installer, or inspector violations — to enjoin, 75-11-218 — 75-11-220, 75-11-223, 75-11-224, 75-11-513, 75-11-514
Unemployment insurance benefit payments, to suspend — prohibited, 39-51-2405
Unfair trade practices, 30-14-111, 30-14-133, 30-14-134, 30-14-141, 30-14-142, 30-14-222, 30-14-223
  preliminary injunction, 27-19-202, 27-19-204
  proof of intent, 30-14-204
Utilities
  enforcement of laws, 69-3-110
  public service commission orders or actions, relief, 69-3-401, 69-3-403
Veterinary medicine, to restrain unlawful practice or violations, 37-18-502
Water quality violations, 75-5-614, 75-5-622, 75-5-631, 75-5-641
Water supply, public — compliance with orders, rules, or standards, 75-6-111, 75-6-114
Water use
  distribution controversies, 85-2-406
  ground water, enforcement of order for controlled ground water area, 85-2-507
  violations, to restrain, 85-2-114
  yellowstone river, moratorium of action on appropriations, 85-2-603
Water Well Contractors, Board of — action for, 37-43-314
Weights, measures, and grades violations, 30-12-505
Workers' compensation, uninsured or underinsured employer violations
  cease operation order, enforcement, 39-71-507
  relief to employee, 39-71-516

INLAND MARINE DEFINITION ACT, NATIONWIDE, 33-1-221 — 33-1-229
  See **INSURANCE, MARINE**

INSECTS AND INSECT CONTROL, Title 7, chapter 22, part 24; Title 80, chapters 7 and 8
  See **PESTS AND PESTICIDES**

INSTALLMENT SALES
  See **CREDIT TRANSACTIONS, Retail installment sales**

IN-STATE INVESTMENT ACT OF 1983, Title 17, chapter 6, part 3
  See **COAL TRUST FUNDS, In-state investment**

INSTITUTIONAL FUNDS ACT, UNIFORM MANAGEMENT OF, Title 72, chapter 30
  See **TRUSTS, Institutional funds**

INSTITUTIONS
  See also specific institution
Abandonment, moving, or discontinuance — consent of legislature required, 53-1-202, 53-1-602
Abuse and neglect, reporting
  children, 41-3-102, 41-3-202, 41-3-207
  elderly persons and persons with developmental disabilities, 52-3-803
Accounting system, 17-1-102
Alcoholic beverages, distribution to residents or patients, 16-6-309, 53-1-103
Appropriations
  expenditure in excess of, unlawful, 17-8-103
  requests, legislative review, 5-2-202
Audits, legislative, Const., V, 10; Title 5, chapter 13
Autopsies of patients or inmates upon death, 50-21-103, 50-21-104
Bonds for officers and employees, 2-9-602, 2-9-604
Budget and budget amendments, Title 17, chapter 7, See **BUDGET AND BUDGETING**
Budget director, duties, 17-1-131, 17-1-132, 17-7-113
City budget provisions, 7-6-4266

INSTITUTIONS (Continued)

Claims against, See **GOVERNMENTAL LIABILITY**
Closure of facilities, 39-2-1001 — 39-2-1004
Commitment, See also specific institution
    criminal defendants, when, 46-14-221, 46-14-222, 46-18-113, 46-19-202
    residence of individual, effect of, 13-1-112
    rights of persons committed, Const., XII, 3
    school attendance, to facilitate, 20-5-107
Community service volunteer projects, 90-14-105
Conservatorships, interested persons, 72-5-413
Construction of buildings, See **PUBLIC CONTRACTS**
Consultant service by Department of Public Health and Human Services, 53-2-201
Contracts, public, Title 18, See **PUBLIC CONTRACTS**
Correctional, See **CORRECTIONAL FACILITIES; DETENTION CENTERS; YOUTH COURT**
County budget provisions, 7-6-2311, 7-6-2313
Crime victims compensation, residents or patients ineligible for, 53-9-125
Custodial interference, 45-5-304, 53-1-102
Deaf and Blind, Montana School for the, Title 20, chapter 8, part 1
Debt collection service, Title 17, chapter 4, part 1
Dental hygienists, practice in, 37-4-405
Deposits of money, 17-6-105
Developmental disabilities, persons with — for, See generally **DEVELOPMENTAL DISABILITIES, PERSONS WITH**
Dietitians, training, 37-21-101
Discriminatory practices prohibited, Const., II, 4, See **DISCRIMINATION**
Donations to, 7-8-103; Title 17, chapter 3, part 10
Drugs
    ancillary charges, payment, 53-1-401
    unlawful distribution to residents or patients, 53-1-103
Eminent domain, grounds exempted when, 70-30-102
Employees' classification, compensation, and benefits, See **PUBLIC OFFICERS OR EMPLOYEES**
Endowments, Title 17, chapter 3, part 10, See also **TRUSTS, Institutional funds**
Environmental Quality Council
    examination of records, 75-1-311
    water policy duties, 85-2-105
Escape or release from, notification of — when, 44-2-601
Establishment by state, Const., XII, 3
Ethanol-blended fuel, use in state vehicles — requirements, 2-17-414
Expenditures
    accounting system, 17-1-102
    appropriations, in excess of — unlawful, 17-8-103
    contingent revolving accounts, establishment, 17-2-201
    quarterly allotment system, 17-8-102
Fire protection and safety inspections and regulations, 50-3-102, 50-61-103, See **FIRES AND FIRE PROTECTION**
Fiscal affairs, Title 17
Fiscal analysis, legislative, Title 5, chapter 12
Fishing permits for residents or patients, 87-2-802, 87-2-804
Food for
    land for agricultural purposes, 53-1-603
    meat from wild animals distributed to, 87-1-226, 87-1-506, 87-1-512
    school food services, extension to institutional schools, 20-10-206
Former institutions, disposition, 77-2-302
Fraternal benefit societies, operation by, 33-7-210

INSTITUTIONS (Continued)

Funds, management, See **TRUSTS, Institutional funds**
Gifts or grants, 7-8-103; Title 17, chapter 3, part 10
Governor, information to, Const., VI, 15
Guardianship for incapacitated persons, 72-5-311, 72-5-312, 72-5-319, 72-5-321
Hazardous material incidents, state emergency response commission — cooperation, 10-3-1204
Health care facilities, See **HEALTH CARE FACILITIES**
Health care information, disclosure to, 50-16-529, See also **HEALTH CARE INFORMATION**
Health care services, utilization reviews, Title 33, chapter 32, See **INSURANCE, DISABILITY, Utilization reviews**
Higher education, See **UNIVERSITY SYSTEM**
Industries, institutional, See also subject heading for specific institution
  labor of resident, arranging prohibited, 53-1-303
  permitted industries, 53-1-301
  public employees' retirement system, applicability, 19-3-403
  revenue, disposition, 53-1-302
  supervision and administration, 53-1-304
  unemployment insurance coverage exclusions, 39-51-204
Inspections, 50-1-202, 50-3-102
Insurance
  damaged property, use of insurance proceeds — restrictions, 2-17-105
  disability, coverage of services, 33-22-112, 33-30-1002
  health maintenance organizations, See **HEALTH MAINTENANCE ORGANIZATIONS**
  health service corporations, coverage of services, 33-30-1002
  information and privacy protection provisions, nonapplicability, 33-19-104
  liability, Title 2, chapter 9, parts 2 and 3, See **GOVERNMENTAL LIABILITY**
  professional liability, cancellation of policy or increase in premium rates, 33-23-301, 33-23-302
Investigation by gubernatorial committee, Const., VI, 15
Land
  granted to, revenue from, 17-3-1003
  lease or purchase for, 53-1-603
  used by, 77-1-101, 77-1-404, 77-2-302, See also **STATE LANDS**
Landlord-tenant provisions, applicability, 70-24-104
Layoffs at facilities, 39-2-1001 — 39-2-1004
Leaving without permission, assistance to residents or patients unlawful, 53-1-102
Legislative Services Division, investigative authority, 5-11-106
Liability
  generally, Title 2, chapter 9, part 1, See **GOVERNMENTAL LIABILITY**
  professional liability insurance, Title 33, chapter 9
    cancellation of policy or increase in premium rates, 33-23-301, 33-23-302
Libraries, interlibrary loan reimbursement, 22-1-328
Long-range building program, 17-7-111 — 17-7-113; Title 17, chapter 7, part 2
Long-range needs, programs proposed for, 53-1-603
Long-term care, See **LONG-TERM CARE FACILITIES**
Medicaid for residents or patients, See **PUBLIC ASSISTANCE**
Medicare for residents or patients, See **SOCIAL SECURITY**
Mentally ill persons, for, See generally **MENTAL ILLNESS OR INCAPACITY**
Mining operations, strip and underground — protection from, 82-4-227
Minors
  abuse or neglect, reporting, 41-3-102, 41-3-202, 41-3-207
  correctional facilities, See **YOUTH COURT, Correctional facilities**
  disabilities, with — special education, Title 20, chapter 7, part 4, See **SCHOOLS, Special education**

INSTITUTIONS (Continued)
Minors (Continued)

  school attendance, assistance to facilitate, 20-5-107
Moving, abandonment, or discontinuance — consent of legislature required, 53-1-202, 53-1-602
Museums, See **MUSEUMS**
Notices, legal — publication, Title 18, chapter 7, part 2
Nursing education programs, 37-8-301
Nursing homes, See **NURSING HOMES**
Oil and gas royalties, 77-3-436
Per diem charges
  ability to pay
    determination, appeal, 53-1-407
    investigation, 53-1-406
    periodic review, 53-1-408
  collections, 53-1-411, 53-1-412 — 53-1-414
  computation, 53-1-404
  definitions, 53-1-401
  deposit of payments and collections, 53-1-413
  liability for cost of care, 53-1-402
    limitations, 53-1-409
  monthly payment amount, 53-1-405
  nonpayment not grounds for discharge, 53-1-410
  rules, 53-1-403, 53-1-405, 53-1-408
  third party resources and payments, automatic assignment, 53-1-414
Physician assistant-certified utilization plans, requirements, Title 37, chapter 20
Physicians employed by, 2-18-303, 37-3-307
Postsecondary, See **UNIVERSITY SYSTEM**
Predatory animal specimens, to, 81-7-105, 81-7-120
Printing contracts, Title 18, chapter 7, parts 1 and 3
Prison inmates, repair and maintenance of property and equipment, 53-30-132
Products
  Montana-made, preference to, 18-1-112
  produced by, See **Industries, institutional**
  purchasing, Title 18, chapters 4 and 5
Property
  charge to, 2-17-202
  personal, sale of, 18-6-101, 18-6-102
  repair and maintenance, 53-1-301, 53-30-132
Public assistance for residents, See generally **PUBLIC ASSISTANCE**
Public Employees' Retirement System, applicability, 19-3-403
Purchase of goods and services, Title 18, chapters 4 and 5
Removal of residents or patients without permission, 53-1-102
Research
  facility protection, Title 81, chapter 30, part 1
  libraries, interlibrary loan reimbursement, 22-1-328
  university system programs, cooperation and participation in, 20-25-108
  water-related, 85-2-105
Research and development project program, agricultural research, 90-9-314
Residence of individual, effect of commitment, 13-1-112
Residents, repair and maintenance of property and equipment, 53-1-301
Retirement systems for employees, See subject heading for specific retirement system
Retrenchment of facilities, 39-2-1001 — 39-2-1004
School food services for institutional schools, 20-10-206
Session laws, copies to, 5-11-203
Sheltered workshops, purchases from, Title 18, chapter 5, part 1; Title 53, chapter 7, part 2
Silicosis benefits, representative payee for eligible persons, 39-73-111

INSTITUTIONS (Continued)

State lands, 77-1-101, 77-1-107, 77-1-404, 77-1-601, 77-1-604, 77-2-302, See **STATE LANDS**
Superintendents, See also main headings for specific institutions
  advisory councils, creation, 2-15-122
  discharge of resident or patient for nonpayment of costs of care, consultation, 53-1-410
  responsibility, 53-1-604
Support by state, Const., XII, 3
Teachers
  retirement, Title 19, chapter 20, See **TEACHERS' RETIREMENT SYSTEM**
  special education, Title 20, chapter 7, part 4, See **SCHOOLS, Special education**
Torts, See **GOVERNMENTAL LIABILITY**; **TORTS**
Treasurer for, 17-6-105
Unemployment insurance coverage exclusions, 39-51-204, See also **UNEMPLOYMENT INSURANCE**
University system, research programs with, 20-25-108, See also **UNIVERSITY SYSTEM**
Veterans, See also **VETERANS**
  interment, Title 10, chapter 2, part 5
  Montana veterans' homes, Title 10, chapter 2, part 4
Vital statistics information — reporting, copies, or disclosure, 50-15-108, 50-15-122
Vocational rehabilitation, cooperation
  blindness or low vision, persons with, 53-7-302
  disabilities, persons with, 53-7-102
Water use contracts, 85-1-224
Weights and measures, testing, 30-12-204
Work programs for residents or patients, See **Industries, institutional**

INSTRUMENTS
  See also **ACKNOWLEDGMENTS**; **CONTRACTS**; **DEEDS AND CONVEYANCES**; **NEGOTIABLE INSTRUMENTS**; **TRUSTS**
Abolished causes of action, agreements settling to be void, 27-1-605
"Abstract" defined, 33-25-105, 70-21-101
Agent, by — when binding, 28-10-603
Airport authorities, authority, 67-11-201
Attestation, 1-4-201
Cancellation, 27-1-433
Cemetery association permanent care and improvement fund trustees, of appointment, 35-20-308
Cemetery district permanent care and improvement fund trustees, of appointment, 7-35-2143
Cities and towns, authority, 7-7-4405, 7-7-4622, 7-15-4251, 7-15-4263 — 7-15-4265
Conservation districts, authority, 76-15-320
Construction
  circumstances surrounding execution, consideration, 1-4-102
  hydrocarbons distinguished, 1-4-110
  intention of parties, 1-4-103
  notices, terms, 1-4-108
  preference to natural right, 1-4-104
  several provisions, effect, 1-4-101
  terms, 1-4-107, 1-4-108, 1-4-110
Counties
  abandonment, records — disposition, 7-2-2724
  name change, effect, 7-2-2509
County clerk and recorder, duties, See **COUNTY CLERK AND RECORDER**
County officers
  consolidation of offices, 7-4-2311
  duties, 7-4-2221, 7-4-2222

INSTRUMENTS (Continued)

Criminal code, "property" defined, 45-2-101
Damages, estimating — presumption of value of written instrument, 27-1-304
Definitions, 1-1-203, 70-21-101
Escrow businesses, "escrow" defined, 32-7-102, See **ESCROW BUSINESSES**, generally
Estates and probate, See **ESTATES AND PROBATE, Governing instrument**; **Wills**
Execution, 1-1-203
  attestation, 1-4-201
  circumstances surrounding, consideration, 1-4-102
  limited liability company members and managers, 35-8-301
  partnership partners, 35-10-301
  place of, interpretation of language, 1-4-106
  proof, See **Proof of execution**
  trustee, power of, 72-34-342
"Folio" defined, 1-1-203
Forgery, 45-6-325
General versus particular, provisions, 1-3-225, 1-4-103
Housing authorities, municipal — execution, 7-15-4451, 7-15-4521
Housing, Board of — authority, 90-6-104
Hydrocarbons, construction of terms, 1-4-110
Interpretation
  generally, Title 1, chapter 4, part 1
  language, 1-4-106
  reasonableness, 1-3-233
  voidness not preferred, 1-3-232
Investments, Board of — authority, 17-5-1504
Judges and justices
  interpretation by judges, 1-4-101, 1-4-102
  powers, 3-1-404
  restrictions on justices of the peace, 3-1-602
Leases, goods — nonapplicability, 30-2A-103
Liability founded on, statutes of limitation, 27-2-202, 27-2-208
Minors, transfers to, See **TRUSTS**
Municipal commission-manager government, city attorney — duties, 7-3-4461
Notaries public, duties, 1-5-416 — 1-5-418; Title 1, chapter 5, part 6
Notice, construction of terms, 1-4-108
Parking commissions, authority, 7-14-4621
Particular versus general, provisions, 1-3-225, 1-4-103
Pleadings, instruments as part of — effect, 25-4-202; Title 25, chapter 20, M.R.Civ.P., Rule 10(c)
Port authorities, authority, 7-14-1111
Power of attorney, statutory — authority, 72-31-223, 72-31-231, 72-31-232
Printed words versus written words, 1-4-105
"Printing" defined, 1-1-203
Proof of execution
  certificate, contents, 1-5-305
  handwriting, by, 1-5-302, 70-21-204
    facts required, 1-5-303
  officers taking, 1-5-304, 1-5-305
  subscribing witness, 1-1-203, 1-5-301 — 1-5-303, 70-21-203
  who may prove, 1-5-301, 70-21-203
Public records, Title 2, chapter 6, See **PUBLIC RECORDS**
Railway authorities, authority, 7-14-1624
Regents of Higher Education, Board of — authority, 20-26-1103
Sealed and unsealed, distinction abolished, 1-4-204, 1-4-206
Sealed, change in, 1-4-206

INSTRUMENTS (Continued)

Seals, 1-4-201
    contract for sale, inoperative, 30-2-203
    "execution" defined, 1-1-203
    foreign seals, acceptance, 1-4-203
    lack of, effect, 1-4-205
    lease contract, inoperative, 30-2A-203
    manner of making, 1-4-202
Secretary of state, duties, See **SECRETARY OF STATE**, generally
Secured transactions, 30-9-102, 30-9-122, See **SECURED TRANSACTIONS**
"Signature" or "subscription" defined, 1-1-203
Subdivided lands, See **SUBDIVISIONS, Instruments of transfer**
Subscribing witness, 1-1-203, 1-5-301 — 1-5-303, 70-21-203
Terms, construction, 1-4-107, 1-4-108
Timeshare instruments, Title 37, chapter 53
Title insurance, "abstract" defined, 33-25-105
Trusts, See **TRUSTS, Instrument of trust**; **Instruments**
Unsealed
    change or discharge by, 1-4-206
    debt, compromise or settlement, 1-4-207
    effect, 1-4-205
    sealed and unsealed, distinction abolished, 1-4-204, 1-4-206
Writing, 1-1-203
    language, interpretation, 1-4-106
    terms of, 1-4-107
Written words versus printed words, 1-4-105

INSURANCE
    See also specific INSURANCE heading
Adjusters, See **INSURANCE PRODUCERS, ADJUSTERS, CONSULTANTS, AND ADMINISTRATORS**
Administrators, See **INSURANCE PRODUCERS, ADJUSTERS, CONSULTANTS, AND ADMINISTRATORS**
Agricultural Loan Authority, powers, 80-12-103, 80-12-215, 80-12-216
Banks subject to Title 33 provisions when, 32-1-429
Building and loan associations, insurance of accounts, 32-2-111
Casualty insurance, See **INSURANCE, CASUALTY**
Cities and towns, See **GOVERNMENTAL LIABILITY**
Claims and benefits, See **INSURERS REGULATION GENERALLY, Losses and claims**
Coal mining operations, compensation for subsidence, 82-4-243
Commissioner of, See **INSURANCE, COMMISSIONER OF**
Common trust funds, exemption from insurance law when, 32-1-708
Consultants, See **INSURANCE PRODUCERS, ADJUSTERS, CONSULTANTS, AND ADMINISTRATORS**
Consumer loan business loans, requirements, 32-5-301, 32-5-303, 32-5-305, 32-5-306
Consumer reports, purposes and user requirements, 31-3-101, 31-3-102, 31-3-111, 31-3-131
Contract of insurance, See **INSURERS REGULATION GENERALLY, Policies**, generally
Corporations, purpose of organization, 35-1-114
Correctional facilities, private — requirements, 53-30-605, 53-30-606
Cost of doing business, insurance expense as, 30-14-202
Counties, See **GOVERNMENTAL LIABILITY**
Credit unions, See **CREDIT UNIONS**
Deferred deposit lenders, fees charged for, 31-1-723
Definitions
    entities, 33-1-202
    general, 33-1-201

INSURANCE (Continued)
Definitions (Continued)

insurable interest, 33-15-201, 33-15-205
kinds of insurance, definitions not mutually exclusive, 33-1-205
"policy" and "premium", 33-15-102

Department of, See **INSURANCE, DEPARTMENT OF**
Disability insurance, See **INSURANCE, DISABILITY**
Discrimination, See **DISCRIMINATION, Insurance; Insurers**
Drinking water state revolving fund program, 75-6-212, 75-6-232
Emergency medical services, 50-6-323
Estates and probate, assets of, See **ESTATES AND PROBATE, Governing instrument; Insurance**
Factor's authority, 30-11-606
Fire Services Training Advisory Council, representation on, 2-15-1519
Fraud, See **INSURERS REGULATION GENERALLY, Insurance fraud**
Gap insurance, gap amount, and insurance producers, 33-1-217, 33-17-212
Governmental entities, Title 2, chapter 9, parts 2 and 3, See **GOVERNMENTAL LIABILITY**
Guaranty associations, See **INSURANCE GUARANTY ASSOCIATION, CASUALTY AND PROPERTY; INSURANCE GUARANTY ASSOCIATION, LIFE AND HEALTH**
Hail insurance, Title 80, chapter 2, part 2, See **HAIL INSURANCE**; See also **INSURERS, FARM MUTUAL**
Hazardous substance releases, remedial action sites — liable person's financial assurance, 75-10-719, 75-10-721
Health Facility Authority bonds, requirements, 90-7-304
Industrial accidents and illnesses, See **OCCUPATIONAL DISEASE; WORKERS' COMPENSATION**
Information and privacy protection, See **INSURERS REGULATION GENERALLY**
Insurance producers, See **INSURANCE PRODUCERS, ADJUSTERS, CONSULTANTS, AND ADMINISTRATORS**
Insurers, See **INSURERS, DOMESTIC STOCK AND MUTUAL; INSURERS, FARM MUTUAL; INSURERS REGULATION GENERALLY; INSURERS, RECIPROCAL; INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION;**
Involuntary unemployment insurance and insurance producers, 33-1-216, 33-17-212
Irrigation district undertakings, 85-7-1419
Jurisdiction of courts, Title 25, chapter 20, M.R.Civ.P., Rule 4B
Kinds of, definitions not mutually exclusive, 33-1-205
Leases
    agreement for payment or beneficiary, 30-2A-218
    default, effect on risk of loss, 30-2A-220
    insurable interest, 30-2A-218, 30-2A-531
Life insurance, See **INSURANCE, LIFE**
Limited liability companies, purpose of organization, 35-8-106
Marine insurance, See **INSURANCE, MARINE**
Mechanical breakdown insurance and insurance producers, 33-1-214, 33-17-212
Mineral and coal exploration activities, tax incentive credit — certified expenditures, 15-32-502
Montana Insurance Code
    citation, 33-1-101
    compliance, 33-1-102
    exceptions, 33-1-102, 33-6-101, 33-7-117, 33-7-126
    health maintenance organizations, applicability, 33-31-111
    health service corporations, applicability, 33-30-102
    nonresident insurance producers subject to, 33-17-406
    particular provisions prevail, 33-1-103
    violations
        actions, statute of limitations, 33-1-701

INSURANCE (Continued)
Montana Insurance Code (Continued)
  violations (Continued)
    general penalty, 33-1-104
Motor carriers, 69-12-402
Open-space lands, powers of public bodies, 76-6-109
Parking commission property or projects, 7-14-4622, 7-14-4634, 7-14-4656
Petroleum Tank Release Compensation Board, representation on, 2-15-2108
Policies, See **INSURERS REGULATION GENERALLY**
Premium finance companies, See **INSURERS REGULATION GENERALLY**
Premiums, See **INSURERS REGULATION GENERALLY**
Prepaid legal plan and insurance producers, 33-1-215, 33-17-212
Principal and income determinations, 72-34-404, 72-34-416
Private investigators and security patrol officers
  coverage required, 37-60-202
  nonapplicability of provisions, 37-60-105
Professional employer organizations and groups, 39-8-202, 39-8-207
Prohibited practices, See **INSURERS REGULATION GENERALLY**
Property insurance, See **INSURANCE, PROPERTY**
Public assistance eligibility, effect of insurance settlements on, See **PUBLIC ASSISTANCE**
Public fund deposits, on, 17-6-102
Public Health and Human Services, Department of — programs established under title 53, responsibilities, 33-1-102
Radioactive materials, licensing requirements, 50-79-202
Rates, rating plans, and rating or advisory organizations, See **INSURERS REGULATION GENERALLY**
Religious corporations sole, powers, 35-3-205
Sale of goods
  breach, effect on risk of loss, 30-2-510
  C.I.F. terms, 30-2-320
Secured transactions
  claims transfer or assignment, exclusion, 30-9-104, 30-9-129
  collateral or proceeds, 30-9-207, 30-9-217, 30-9-306
Service contracts, 33-1-213
Solid waste management systems
  local governments, powers of, 75-10-112
  waste tire disposal sites, financial assurance, 75-10-216
State, for, Title 2, chapter 9, parts 2 and 3, See **GOVERNMENTAL LIABILITY**
Surety insurance, See **SURETYSHIP AND SURETIES, Surety insurance**
Surplus lines insurance, See **INSURANCE, SURPLUS LINES**
Timeshare owners, 37-53-303
Title insurance, See **INSURANCE, TITLE**
Trademarks and service marks, classification of services, 30-13-331
Unemployment, Title 39, chapter 51, See **UNEMPLOYMENT INSURANCE**
University system employee group benefits plans and premium levels, duties of commissioner of higher education — nonapplicability, 20-25-1303
Utilities, rural cooperative — trustees, 35-18-311
Water conservation revenue bonds, requirements, 85-1-306
Water pollution control state revolving fund program, financial assistance for municipal obligations, 75-5-1107, 75-5-1111
Workers' compensation, See **INSURERS REGULATION GENERALLY; WORKERS' COMPENSATION**

INSURANCE, CASUALTY, 33-1-206
  See also generally **INSURANCE, DISABILITY; INSURANCE, MARINE**
Abuse, victims of — discrimination prohibited, 33-18-216

INSURANCE, CASUALTY (Continued)

Actions
  evidence of or lack of insurance inadmissible when, Title 26, chapter 10, M.R.Ev., Rule 411
  existence of insurance not to be made evident, 33-23-102
  professional liability, unfounded actions not to be ground for insurance cancellation or premium rate increases, 33-23-301
Agricultural commodities, pertaining to, 80-4-421, 80-4-502, 80-4-506, 80-4-534, 80-4-601
  agriculture, department of — requirements, 80-4-538, 80-4-612
Air carriers, requirements, 67-3-401 — 67-3-405
Alcoholic beverages
  agency franchise agreement requirements, 16-2-101
  resort license, tour boat endorsement requirement, 16-4-210
Apportionment among admitted insurers, agreements for, 33-16-305
Business improvement districts, requirements, 7-12-1143
Coal mining permit, liability insurance requirement, 82-4-222
Corporate indemnification of directors, officers, employees, and agents, 35-1-458
Credit unions, requirements, 32-3-201, 32-3-610
Day-care facilities, liability insurance, 33-15-1111, 52-2-723, 52-2-724
Definitions, 33-1-206, 33-9-101, 33-11-102, 33-15-335, 33-15-337, 33-15-1102, 33-23-311, 33-27-103
Detention centers, private parties operating — requirements, 7-32-2232
Discrimination, 33-1-502, 33-11-107, 33-15-1101, 33-18-207, 33-18-210, 33-18-216
Drug distributors, wholesale — license requirement, 37-7-604
Elderly drivers, reduction in premium rates, 33-16-203, 33-16-221 — 33-16-225
Elevators or escalators, inspection, 50-60-701, 50-60-702
Existence of insurance not to be made evident, 33-23-102
Fraternal benefit societies, purchase, 33-7-307
Governmental entities, Title 2, chapter 9, parts 2 and 3, See **GOVERNMENTAL LIABILITY**
Group liability insurance, See **Risk retention groups and purchasing groups**
Guaranty association, Title 33, chapter 10, part 1, See **INSURANCE GUARANTY ASSOCIATION, CASUALTY AND PROPERTY**
Home insurance
  credit history not to affect, when, 33-18-210
  notice requirements for cancellation or nonrenewal, 33-23-401
Horseracing, public liability insurance required for meet, 23-4-205
Hospital districts, requirements, 7-34-2122
Housing, Board of — authority and housing development costs, 90-6-103, 90-6-104
Hunting access enhancement program, benefits to landowners, 87-1-267
Industrial development projects, 90-5-105, 90-5-106, 90-5-109
Information and privacy protection, Title 33, chapter 19
Insurers, See also **Risk retention groups and purchasing groups**; **INSURERS REGULATION GENERALLY**
  capital or surplus fund requirements, 33-2-109
  farm mutual, Title 33, chapter 4, See **INSURERS, FARM MUTUAL**
  financial impairment, effect, 33-15-1103
  home insurance, notice requirements for cancellation or nonrenewal, 33-23-401
  investments, 33-12-301 — 33-12-312, See also **INSURERS REGULATION GENERALLY, Investments**
  managing general agents, interim profits, 33-2-1602
  parties to actions, joinder of remedies when, Title 25, chapter 20, M.R.Civ.P., Rule 18(b)
  professional liability, 33-9-101 — 33-9-105, 33-23-301, 33-23-302, 33-23-311
  reinsurance
    ceded agreements — nonrenewals, cancellations, or revisions, 33-3-704
    intermediary-managers, interim profits, 33-2-1705
    limit of risk, nonapplicability, 33-2-1201

INSURANCE, CASUALTY (Continued)
Insurers (Continued)

- reserves, 33-2-512, 33-2-518, 33-12-312
- risk-based capital, Title 33, chapter 2, part 19
- unclaimed funds held by, Title 70, chapter 9, part 8

Lenders — restrictions on solicitation, rejection, charges, and disclosure, 33-18-501
Mechanical breakdown insurance, nonapplicability, 33-1-214
Motorist information signs, franchisee — requirements, 60-5-509
Motor vehicles, See **MOTOR CLUB SERVICE COMPANIES**; **MOTOR VEHICLES AND TRAFFIC REGULATIONS**, **Liability insurance**
Nonprofit corporation directors, officers, employees, and agents — for indemnification, 35-2-453
Off-highway vehicle dealers, 23-2-818
Personal watercraft dealers, 23-2-540
Policies

- abuse, victims of — discrimination prohibited, 33-18-216
- cancellation, renewal, or nonrenewal
  - altered terms, renewal with, 33-15-1106
  - anniversary cancellation, 33-15-1104
  - definitions, 33-15-1102
  - grounds for, request for information, 33-15-1107
  - home insurance, 33-23-401
  - midterm cancellation, 33-15-1103
  - notice of nonrenewal, 33-15-1105
  - professional liability insurance, 33-23-301, 33-23-302
  - purpose and applicability of provisions, 33-15-1101
  - refusal to renew allowed when, 33-18-102
  - unfair trade practices, 33-15-1121, 33-18-210
- defense costs, 33-1-502, 33-11-102
- home owner insurance, 33-15-1111, 33-23-401
- insurance producer, issuance requirements — nonapplicability, 33-17-1111
- language simplification
  - application of provisions, 33-15-336
  - citation of property and casualty insurance policy language simplification act, 33-15-333
  - compliance with other statutorily required language, 33-15-339
  - definitions, 33-15-335, 33-15-337
  - enforcement, 33-15-338
  - liability and coverage not imputed, 33-15-340
  - powers of insurance commissioner, 33-15-338
  - purpose of provisions, 33-15-334
  - standards, minimum, 33-15-337
- risk retention groups, 33-11-104, 33-11-106
- state statutes, conformity with, 33-23-103
- vending machines, 33-17-221

Preferred rates prohibited when, 33-18-207
Premiums, 33-15-1102

- abatement, rebates, and reduction prohibited, 33-18-210
- annual premium, increase not allowed when, 33-15-1104
- discrimination, 33-18-207, 33-18-210
- failure to pay when due, 33-15-1103, 33-15-1105, 33-15-1107
- increase, notice to insured and effective date, 33-15-1106, 33-23-302
- midterm increases prohibited, 33-15-1101, 33-15-1121
- professional liability insurance, 33-23-301, 33-23-302
- renewal premium, notice, 33-15-1105

Professional employer organization and group employees, 39-8-207
Professional liability

- cancellation of policy, 33-23-301, 33-23-302

INSURANCE, CASUALTY (Continued)
Professional liability (Continued)

- charitable services provided by medical practitioner, liability limited when, 27-1-736
- claims, 33-23-301, 37-3-402
- insurers
  - cancellation of policy or increase in premiums prohibited when, 33-23-301, 33-23-302
  - definitions, 33-9-101
  - foreign or alien, 33-9-102, 33-9-105
  - incorporation and regulation, 33-9-103
  - information required of, 33-23-311
  - initial qualifications, 33-9-104
  - members, professionals as, 33-9-102
- premium rates, increase prohibited when, 33-23-301, 33-23-302
- public accountants, board of — rules for standards, 37-50-203
- telemedicine certificate, qualifications, 37-3-345

Purchasing groups, See **Risk retention groups and purchasing groups**
Reciprocal insurers, surplus fund requirements, 33-5-401
Risk retention groups and purchasing groups, 33-11-102

- annual statement, 33-11-103
- authority of commissioner of insurance, 33-11-121
- charter and license requirements, 33-11-103, 33-11-104
- compulsory associations, 33-11-105
- definitions, 33-11-102
- examinations, 33-11-104
- injunction, 33-11-104, 33-11-121, 33-11-124
- insurance producers, 33-11-104, 33-11-109, 33-11-110, 33-11-123
- investigations, 33-11-121
- out-of-state groups doing business in state, requirements, 33-11-104
- penalties, 33-11-104, 33-11-121, 33-11-122
- plan of operation or feasibility study, 33-11-102 — 33-11-104
- policies, 33-11-104
  - countersignature not required, 33-11-106
- premiums, tax and reports, 33-2-1517, 33-11-104, 33-11-110
- purchasing groups, specific provisions, 33-11-102
  - compulsory associations, 33-11-105
  - exemption from certain laws, 33-11-107
  - notice and registration requirements, 33-11-108
  - restriction on insurance purchased by, 33-11-109
  - taxation, 33-11-110
- purpose of provisions, 33-11-101
- registration requirements, 33-11-104, 33-11-108
- reports and records, 33-11-104
- rules and regulations, 33-11-125
- service of process, 33-11-104, 33-11-108
- united states district court, enforceability of orders issued by, 33-11-124

Roadside menageries, requirements, 87-4-803
School districts and trustees, requirements, 20-3-331
Secured transaction financing statements, filing — errors and omissions coverage, 30-9-403
Small business independent liability funds

- additions to, 33-27-113
- administration costs, 15-30-127, 15-31-117, 33-27-117
- citation of independent liability fund act, 33-27-101
- composition, 33-27-115
- contributions, taxation, 15-30-127, 15-31-117, 33-27-118
- definitions, 33-27-103
- establishment, 33-27-111, 33-27-112

INSURANCE, CASUALTY (Continued)
Small business independent liability funds (Continued)

  income, treatment, 15-30-107, 15-30-127, 15-31-117, 15-31-118, 33-27-117
  inviolability, 33-27-104, 33-27-116, 33-27-119
  limitations on amount, 33-27-114
  purpose of provisions, 33-27-102
  rules, 33-27-104
  taxation, 15-30-107, 15-30-127, 15-31-117, 15-31-118, 33-27-118
  termination, 15-30-107, 15-31-118, 33-27-119
Snowmobile dealers, 23-2-619
Surplus lines insurance
  applicability of provisions, 33-2-317
  insurance producer's licensing requirements, 33-2-305
Trustees, liability insurance for, 72-34-331
University system employee group benefits, nonapplicability, 20-25-1302

INSURANCE, COMMISSIONER OF, 2-15-1903, 33-1-202, 33-2-1303, 33-31-102, 33-32-102, 53-6-702
  See also specific INSURANCE or INSURER subject heading
Accountants, employment, 33-1-408, 33-1-410, 33-2-1105, 33-2-1115, 33-2-1345, 33-2-1392
Actions
  controlled insurers or policyholders, recovery of damages, 33-2-1515
  fines, recovery, 33-1-318
  fraternal benefit societies, violations, 33-7-120
  injunction, for, 33-1-318, 33-18-1006, 33-25-402, 33-30-113, 33-31-405
  insurance producers, termination of appointment — privileged information in records pertaining to, 33-17-237
  judicial review, 33-10-109, 33-10-228, 33-21-112, 33-30-106
  legal or regulatory actions, 33-1-409
    evidence, 33-1-408
  life insurers or qualified actuaries, disciplinary actions, 33-2-521
  liquidation and rehabilitation, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
  premium tax and penalty, recovery
    independently procured coverages, 33-2-706
    surplus lines, 33-2-312
  prohibited practices, to enjoin and restrain, 33-18-1003, 33-18-1006, 33-25-402
  rating or advisory organizations, collection of penalty, 33-16-114
  service of process, See **Service of process on**
  stayed, when, 33-1-702
  surplus lines insurers, list of eligible — no action may lie in issuance of, 33-2-307
Actuaries, employment, 33-1-303, 33-1-306, 33-1-408, 33-1-410, 33-2-1105, 33-2-1115, 33-2-1345
Adjusters, duties, See **INSURANCE PRODUCERS, ADJUSTERS, CONSULTANTS, AND ADMINISTRATORS**
Administrators, duties, See **INSURANCE PRODUCERS, ADJUSTERS, CONSULTANTS, AND ADMINISTRATORS**
Appeals, 33-1-711
  examination reports, orders adopting or rejecting, 33-1-409
  fines, from orders imposing, 33-1-317, 33-1-318
  guaranty association member insurers, by, 33-10-106, 33-10-228
  holding company systems, from actions pertaining to, 33-2-1123
  motor vehicles, assigned risk plans — from orders or acts pertaining to, 61-6-144
  rating or advisory organizations, from orders pertaining to, 33-16-113
  unfair practices, from intervenors in actions, 33-18-1003, 33-18-1004
  workers' compensation insurers or advisory organizations — from orders, decisions, or acts pertaining to, 33-16-1036
Appraisers, employment, 33-1-408, 33-2-607, 33-2-1345

INSURANCE, COMMISSIONER OF (Continued)

Attorneys, employment, 33-1-306, 33-1-408, 33-2-1105, 33-2-1115, 33-2-1392
Authority, delegation and responsibility, 33-1-304
Benevolent associations, duties, Title 33, chapter 6, See **BENEVOLENT ASSOCIATIONS**
Cease and desist orders, 33-1-318, 33-2-1120, 33-2-1911, 33-17-1204, 33-18-1004 — 33-18-1006, 33-30-112, 33-31-405
Certification of records, documents, or insurer's authority, 33-1-312
Chief clerk for department, appointment, 33-1-303
Compensation prohibited when, 33-1-305
Comprehensive health association, duties, Title 33, chapter 22, part 15, See **INSURANCE, DISABILITY**
Confidentiality of information and documents, 33-1-311
Conflicts of interest, 33-1-305, 33-1-306, 33-1-410
Consultants, duties, See **INSURANCE PRODUCERS, ADJUSTERS, CONSULTANTS, AND ADMINISTRATORS**
Credit life and credit disability insurance, duties, See **INSURANCE, LIFE**
Credit union share insurance, approval, 32-3-611
Defined, 33-1-202, 33-2-1303, 33-31-102, 33-32-102, 53-6-702
Departmental control and supervision by, 2-15-1902, 33-1-301
Deputies, 33-1-303 — 33-1-305, 33-2-1333, 33-2-1345
Designation, 2-15-1903
Disability insurance, duties, See **INSURANCE, DISABILITY**
Domestic stock and mutual insurers, duties, Title 33, chapter 3, See **INSURERS, DOMESTIC STOCK AND MUTUAL**
Duties generally, 33-1-311
Employees, 33-1-303 — 33-1-306, 33-2-1333, 33-2-1345
Enforcement, 33-1-311, 33-1-315, 33-1-804, 33-2-1909, 33-11-121, 33-15-338, 33-21-111, 33-36-401
Evidence
  certificate of person's authority to transact insurance, of facts therein, 33-1-312
  examinations, investigations, or hearings — for, 33-1-315, 33-1-316, 33-1-408, 33-1-409, 33-1-704, 33-1-711
  insurance fraud, 33-1-1203, 33-1-1204, 33-1-1206, 33-1-1210, 33-1-1302
  records or documents, certified copies, 33-1-312
Examinations and investigations, 33-1-311, 33-1-408, 33-18-1002
  actuary, assistance, 33-1-303
  administrators' records, 33-17-611
  benevolent associations, applicability, 33-6-101
  confidentiality, when, 33-1-409, 33-2-1116
  continuing education for insurance producers and consultants, periodic reviews, 33-17-1204
  expenses, 33-1-311, 33-1-408, 33-1-413, 33-2-321
  farm mutual insurers, applicability, 33-4-101, 33-4-315
  field investigators, appointment, 33-1-303
  fraternal benefit societies, applicability, 33-7-117
  guaranty association, life and health, 33-10-209
  health maintenance organizations, 33-31-202, 33-31-303, 33-31-401
  health service corporations, 33-30-105
  hearings, 33-1-409
  hindrance, 33-1-411, 33-2-119
  holding company system registered insurers or affiliates, 33-2-1115, 33-2-1116
  insurance fraud, 33-1-1301 — 33-1-1303; Title 33, chapter 1, part 12
  insurance producers, managers, and promoters, 33-1-402, 33-11-104
  insurers, of, 33-1-401
  lenders, insurance-related activities, 33-18-501
  managing general agents, 33-2-1604
  medical benefit claims, insurer's failure to pay promptly, 33-18-232

INSURANCE, COMMISSIONER OF (Continued)
Examinations and investigations (Continued)

- out-of-state, 33-1-315
- rates, rating systems, and rating or advisory organizations, 33-16-105, 33-16-106
- records, 33-1-312
- refusal, effect, 33-2-119, 33-2-1331
- reinsurance
  - accredited reinsurer, 33-2-1216
  - intermediaries, 33-2-1708
- reports, 33-1-409
- rulemaking authority, 33-2-1517
- viatical settlement licensees and applicants, 33-20-1310
- witnesses, 33-1-315, 33-1-316, 33-1-408

Examiners, 33-1-303 — 33-1-305, 33-1-315, 33-1-408 — 33-1-410, 33-1-413, 33-31-401
Family Education Savings Program Oversight Committee, membership, 20-25-901
Farm mutual insurers, duties, Title 33, chapter 4, See **INSURERS, FARM MUTUAL**
Fees and fines, 33-1-317, 33-1-318, 33-2-708, 33-2-1217, See also **INSURERS REGULATION GENERALLY**

- deposit, 17-2-121, 33-2-708, 33-4-505, 33-6-401, 33-7-217, 50-3-109
- genetics program, 33-2-712, 33-2-713
- retaliatory, 33-2-709
- service of process, 33-1-603, 33-1-613

Filings generally

- forms, 33-1-318, 33-1-501, 33-1-502, 33-2-127, 33-15-303
- records, 33-1-312

Foreign capital depository, as supervisory agency, 32-8-103, See **FOREIGN CAPITAL DEPOSITORIES, Supervisory agency**
Fraternal benefit societies, duties, Title 33, chapter 7, See **FRATERNAL BENEFIT SOCIETIES**
Fraud, insurance — duties, 33-1-1301 — 33-1-1303; Title 33, chapter 1, part 12
Genetics program fee, payment and disposition, 33-2-712, 33-2-713
Guaranteed arrest bond certificates, undertaking of surety — form prescribed by, 46-9-403, 46-9-412
Guaranty association, casualty and property — duties, Title 33, chapter 10, part 1, See **INSURANCE GUARANTY ASSOCIATION, CASUALTY AND PROPERTY**
Guaranty association, life and health — duties, Title 33, chapter 10, part 2, See **INSURANCE GUARANTY ASSOCIATION, LIFE AND HEALTH**
Health Care Advisory Council, information to, 50-4-206
Health care benefits, determination of jurisdiction of providers, Title 33, chapter 1, part 11
Health insurance claim forms and procedures, uniform — adoption, 50-4-505
Health maintenance organizations, duties, Title 33, chapter 31, See **HEALTH MAINTENANCE ORGANIZATIONS**
Health service corporations, duties, Title 33, chapter 30, See **HEALTH SERVICE CORPORATIONS**
Hearings, 33-1-701, 33-1-704

- alien insurers, trusteed assets trust agreements — withdrawal of approval, 33-2-208
- benevolent associations, applicability, 33-6-101
- cease and desist orders, 33-1-318
- certificate of authority, revocation or suspension, 33-1-411, 33-2-119
- continuing education for insurance producers and consultants, noncompliance, 33-17-1205
- controlling producers and controlled insurers, noncompliance, 33-2-1515
- delinquency, liquidation, or rehabilitation, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
- demand for, 33-1-701, 33-1-702
- examination reports, 33-1-409, 33-2-321
- farm mutual insurers, applicability, 33-4-101

INSURANCE, COMMISSIONER OF (Continued)
Hearings (Continued)

- fines, for imposition, 33-1-318
- fraternal benefit societies, applicability, 33-7-117, 33-7-120
- information and privacy protection
  - disclosure limitations and conditions, rules for, 33-19-306
  - violations, 33-19-402
- insurance fraud, 33-1-1211, 33-1-1302
- managing general agent violations, 33-2-1605
- medical benefit claims, insurer's failure to pay promptly, 33-18-233
- merger or acquisition of control, 33-2-1105
- notices, 33-1-313, 33-1-703, 33-1-705
- order on, 33-1-706, 33-1-711
- records, 33-1-704, 33-1-711
- refused when, 33-1-701, 33-1-711
- rehearings or rearguments, 33-1-705, 33-1-706, 33-1-711
- reinsurance
  - credit for — assuming insurer's accreditation, revocation, 33-2-1216
  - intermediaries, violations, 33-2-1709
- risk-based capital events, 33-2-1904 — 33-2-1906, 33-2-1908
- risk retention groups and purchasing groups, 33-11-121
- rules or amendments to, for, 33-1-313
- small employer health insurance carriers, benefit plans, 33-22-1811
- surplus lines advisory organizations, examination reports, 33-2-321
- unfair practices, undefined — determination, 33-18-1003
- witnesses, 33-1-315, 33-1-316, 33-1-409, 33-1-704

Information and privacy protection enforcement, duties, See **INSURERS REGULATION GENERALLY**
Inheritance tax valuations by, 72-16-417
Injunctions, 33-1-318, 33-2-1118, 33-2-1119, 33-2-1321, 33-7-120, 33-7-122, 33-11-104, 33-11-121, 33-18-1006, 33-25-402, 33-30-113, 33-31-405
Insurance producers, duties, See **INSURANCE PRODUCERS, ADJUSTERS, CONSULTANTS, AND ADMINISTRATORS**
Insurers generally, duties, Title 33, chapter 2, See **INSURERS REGULATION GENERALLY**
Insurers supervision, rehabilitation, and liquidation — duties, Title 33, chapter 2, part 13, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Investigations, See **Examinations and investigations**
Jurisdiction to determine jurisdiction of providers of health care benefits, Title 33, chapter 1, part 11
Legislative Business and Labor Interim Committee, duties, 5-5-223
Life insurance, duties, Title 33, chapter 20, See **INSURANCE, LIFE**
Long-term care insurance, duties, Title 33, chapter 22, part 11; Title 53, chapter 6, part 8, See **INSURANCE, DISABILITY**
Managed care plan network adequacy and quality assurance, duties, Title 33, chapter 36
Medicaid managed care community network, duties, 53-6-702, 53-6-703
Medicare supplement insurance policies and certificates, duties, Title 33, chapter 22, part 9, See **INSURANCE, DISABILITY**
Mental Health Oversight Advisory Council, representation on, 53-21-701
Motor club service companies, duties, Title 61, chapter 12, part 3
Motor vehicle liability insurance, duties, 61-6-144, 61-6-301; Title 33, chapter 23, part 2, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Liability insurance**
Multiple employer welfare arrangements, duties, Title 33, chapter 35, See **INSURANCE, DISABILITY**
Notices generally, 33-1-314

INSURANCE, COMMISSIONER OF (Continued)

Orders, 33-1-314
  cease and desist, 33-1-318, 33-2-1120, 33-2-1911, 33-18-1004, 33-18-1005, 33-30-112, 33-31-405
  certificate of authority, for refusal or period of suspension, 33-2-116, 33-2-121
  deposits of insurers
    release, 33-2-612
    retaliatory, for, 33-2-602, 33-2-610
  examination reports, adoption or rejection, 33-1-409
  fines, for imposition, 33-1-317, 33-1-318
  hearings on or pursuant to, 33-1-701, 33-1-702, 33-1-705, 33-1-706, 33-1-711
  holding company systems, pertaining to, 33-2-1111, 33-2-1112, 33-2-1115, 33-2-1117 — 33-2-1120, 33-2-1123
  investments or investment practices — to nonadmit, limit, dispose of, withdraw from, or discontinue, 33-12-103
  judicial review, 33-2-1605, 33-2-1709, 33-10-109, 33-10-228, 33-19-406, 33-21-112, 33-21-113, 33-21-205
  liability risk retention groups and purchasing groups, 33-11-121
  merger or acquisition of control, exemptions, 33-2-1106
  stay of action, 33-1-702
  stay of order, request for, 33-1-711
  surplus lines advisory organization violations, for discontinuance, 33-2-321
  violation of, 33-1-318, 33-2-119, 33-2-1331, 33-17-1001, 33-20-1307, 33-21-113
Penalties, imposition, 33-1-317, 33-2-1217
Powers generally, 33-1-311
Premium finance companies, duties, Title 33, chapter 14, part 2
Premium tax, See **INSURERS REGULATION GENERALLY**
Professional liability insurers, duties, 33-9-104, 33-9-105, 33-23-311
Protection analysts, employment, 33-1-303
Rates, rating plans, and rating or advisory organizations, duties, See **INSURERS REGULATION GENERALLY, Rates, rating plans, and rating or advisory organizations**
Reciprocal insurers, duties, Title 33, chapter 5, See **INSURERS, RECIPROCAL**
Records, 33-1-312, 33-1-704
  administrators, access and confidentiality, 33-17-611
  deposits of insurers, 33-2-605
  domestic stock and mutual insurers, availability or removal, 33-3-401
  farm mutual insurers, inspection, 33-4-316
  insurance producers, termination of appointment, 33-17-237
  premium finance companies, 33-14-204
  rating or advisory organizations, availability, 33-16-105
  supervision proceedings, confidentiality when, 33-2-1323
  unauthorized insurers, service of process, 33-1-613
Reports from
  development corporations, 32-4-306
  fire departments and equipment, certification by city clerk, 19-18-511
  health service corporations, 33-30-202
  multiple employer welfare arrangements, 33-35-301
  professional liability insurers, 33-23-311
  small employer health insurance, voluntary purchasing pools, 33-22-1816
Retaliatory fees, taxes, and other obligations, 33-2-709
Risk retention groups and purchasing groups, duties, Title 33, chapter 11, part 1
Rules generally, 33-1-313, 33-2-1217, 33-2-1517
  medical benefit claims, timely payment by insurers, 33-18-235
  violations, 33-1-318, 33-17-1001
  workers' compensation classification and review committee, 33-16-1012

INSURANCE, COMMISSIONER OF (Continued)

Seal, 33-1-302
Service of process on
  attorney for, appointment as, 33-1-601, 33-1-612, 33-2-115, 33-2-315, 33-2-1106, 33-2-1216
  benevolent associations, 33-6-101
  fee, 33-1-603, 33-1-613
  foreign, alien, or domestic insurers, 33-1-602
  fraternal benefit societies, 33-7-123, 33-7-531
  health maintenance organizations, 33-31-201
  insurance-support organizations doing business outside state, 33-19-403
  merger or acquisition of control, 33-2-1106
  nonresident insurance producers, 33-17-405
  reciprocal insurers, 33-1-602, 33-5-301
  reinsurance
    ceding insurers, 33-2-1216
    intermediaries, 33-2-1701
  risk retention groups and purchasing groups, 33-11-104, 33-11-108
  serving, 33-1-603
  surplus lines insurers or advisory organization, 33-2-315, 33-2-321
  unauthorized insurers, 33-1-612, 33-1-613, 33-2-104
  viatical settlement provider and broker license applicants, 33-20-1304
Small business independent liability funds, duties, 33-27-104, 33-27-117
State buildings and contents, cooperation concerning insurance plan for, 2-17-104
Subpoenas, 33-1-315, 33-1-408, 33-1-409, 33-1-704, 33-2-521, 33-2-1345, 33-2-1909, 33-3-702, 33-11-121, 33-17-1001
Surety bonds as bail, form of undertaking prescribed by, 46-9-403
Surplus lines insurance, duties, See **INSURANCE, SURPLUS LINES**
Title insurance, duties, Title 33, chapter 25, See **INSURANCE, TITLE**
Viatical settlements, duties, Title 33, chapter 20, part 13
Violations
  administrative penalties, 33-1-104, 33-1-313
  cease and desist orders, 33-1-318
  fines and penalties, 33-1-104, 33-1-313, 33-1-317, 33-1-318
  forms, disapproval when, 33-1-502
  investigation, 33-1-303, 33-1-311
  rules, of, 33-1-313
  witnesses — failure to appear and testify, produce evidence, or false information, 33-1-315
Witnesses, 33-1-315, 33-1-316, 33-1-408, 33-1-409, 33-1-704, 33-2-1345
Workers' compensation classification and review committee, 33-16-1011, 33-16-1012
Workers' compensation, duties, See **INSURERS REGULATION GENERALLY, Workers' compensation, plan no. 2 insurers**

INSURANCE CONSULTANT LICENSURE ACT, Title 33, chapter 17, part 5
  See **INSURANCE PRODUCERS, ADJUSTERS, CONSULTANTS, AND ADMINISTRATORS, License, consultants**

INSURANCE, DEPARTMENT OF, 2-15-1902, 33-1-202
Administration, 33-1-311
Appropriations, 2-15-1902, 33-1-301, 33-1-303, 33-2-1333, 33-2-1345
Cease and desist orders, enforcement, 33-18-1005
Chief clerk, 33-1-303
Commissioner of, See **INSURANCE, COMMISSIONER OF**
Continuing education for insurance producers and consultants, advisory council, 33-17-1204
Criminal justice agency, as, 33-1-311
Examination of insurers, 33-1-401, 33-1-409, See also **INSURANCE, COMMISSIONER OF, Examinations and investigations**

INSURANCE, DEPARTMENT OF (Continued)

Foreign capital depository, as supervisory agency, 32-8-103, See **FOREIGN CAPITAL DEPOSITORIES, Supervisory agency**
Health care benefits, providers of — jurisdiction and authority, 33-1-1102
Montana Insurance Code violations, actions — statute of limitations, 33-1-701
NAIC information, confidentiality, 33-2-1504
Retail installment sales, rates filed with, 31-1-233
Service of process, See **INSURANCE, COMMISSIONER OF; INSURERS REGULATION GENERALLY**
Supervision, 2-15-1902, 33-1-301

INSURANCE, DISABILITY, 33-1-207
  See also **INSURANCE, CASUALTY; INSURANCE, LIFE**
Abuse, victims of — discrimination prohibited, 33-18-216, 33-22-526
Accident and health insurance, nonapplicability of investment provisions, 33-12-102
Accident-only policies
  excepted benefits, 33-22-140
  long-term care insurance, applicability, 33-22-1107
  provisions not applicable to, 33-22-131, 33-22-132, 33-22-241, 33-22-243, 33-22-704, 33-22-706, 33-22-1003
  renewal, 33-22-232
Actions
  applications as evidence, 33-15-402
  comprehensive health association, power to sue or be sued, 33-22-1503
  policies
    lapsed or forfeited, recovery on, 33-22-122
    recovery on, 33-22-214, 33-22-602
  small employer health reinsurance program, 33-22-1819
  subrogation and third-party actions for damages, 33-22-1601, 33-22-1602
Adoption of child with special needs, medical benefits, 42-10-127
Applications for, 33-15-401, See also **INSURERS REGULATION GENERALLY, Applications for insurance**
  alterations, 33-15-402
  blanket disability insurance, not required, 33-22-603
  comprehensive health association portability plan, 33-22-1513
  developmental delay or disability or genetic condition, discrimination prohibited, 33-18-206
  evidence, as — when, 33-15-402
  genetic traits, discrimination on basis of — prohibited, 33-18-903
  health history, 33-22-110, 33-22-1108
  long-term care insurance, 33-22-1108
  material misrepresentations, 33-18-215, 33-22-121
  reinstatement, for, 33-22-207
  third-parties, 33-22-102
Assignment
  insurer, payment of claim discharges, 33-15-501
  payment of claims, delays — reporting by assignee, 33-18-232
  policies, 33-15-414, 33-22-215
Bankruptcy, proceeds exempt from, 31-2-106
Beneficiaries, 33-22-140, See also specific type of insurance in this subject heading
  application, request for copy, 33-15-402
Benevolent associations, applicability, 33-6-101, 33-6-102
Binders for temporary insurance, nonapplicability, 33-15-411
Blanket disability insurance, 33-15-401, 33-22-601
  applications and certificates not required, 33-22-603
  exceptions to provisions, 33-22-101
  firefighters, 19-18-203

INSURANCE, DISABILITY (Continued)
Blanket disability insurance (Continued)

- insurance producer provisions, exemptions, 33-17-103
- mental illness, alcoholism, and drug addiction coverage — nonapplicability, 33-22-704, 33-22-706
- physical examination or autopsy required when, 33-22-602
- policies, 33-2-713, 33-22-602
  - beneficiaries, 33-22-604
  - claims, 33-22-602, 33-22-604
  - home health care coverage, nonapplicability, 33-22-1003
  - mammography examinations, coverage for, 33-22-132
  - practitioners, freedom of choice in selection, 33-22-111

Casualty insurance provisions, nonapplicability when, 33-1-206
Child abuse or neglect
- adequate health care, 41-3-102
- permanency plan, orders, 41-3-412
- protective services, 41-3-403, 41-3-406

Children's health insurance program, Title 53, chapter 4, part 10, See **PUBLIC ASSISTANCE**
Child support
- case registry information, 40-5-907, 40-5-922
- income-withholding orders, 40-5-157, 40-5-415
- information, filing or disclosure, 40-4-204, 40-5-226, 40-5-273, 40-5-443
- late enrollees, 33-22-140
- medical support orders, 40-4-208, 40-5-208; Title 40, chapter 5, part 8
- nonsupport, effect, 40-5-601, 40-5-701, 40-5-822
- paternity proceedings, judgments or orders, 40-6-116
- review of orders, 40-5-272, 40-5-273
- temporary injunction, when, 40-4-121

Claims, See also **INSURERS REGULATION GENERALLY, Losses and claims**
- blanket disability insurance, 33-22-602, 33-22-604
- comprehensive health association, 33-22-1513, 33-22-1514, 33-22-1523
- individual policies, 33-22-205, 33-22-208 — 33-22-212, 33-22-214, 33-22-228
- long-term care insurance, 33-22-1124
- medicare supplement insurance, 33-22-905, 33-22-924
- payment
  - insurer, discharge and notice to contrary, 33-15-501, 33-22-212, 33-22-604
  - timely payment, administrative process for, 33-18-231 — 33-18-235
- proofs of loss, 33-18-231
- small employer health insurance, 33-22-1819
- standards and procedures, uniform, 50-4-505

Comprehensive health association and plan
- administration of plan, 33-22-1514
- administrative procedures, 33-22-1503
- assessment of members, 33-22-1513, 33-22-1524
- audits, 33-22-1502
- benefits, minimum, 33-22-1511, 33-22-1521
- borrowing, authority, 33-22-1503, 33-22-1524
- claims, 33-22-1513, 33-22-1514, 33-22-1523
- creation, 33-22-1502, 33-22-1503
- creditable coverage, 33-22-140, 33-22-142
- definitions, 33-22-1501, 33-22-1513
- directors, board of, 33-22-1504, 33-22-1514, 33-22-1515
- eligibility, limitations, 33-22-1517
- eligible persons, 33-22-140, 33-22-1501, 33-22-1513 — 33-22-1516
- expenses, 33-22-1513, 33-22-1514, 33-22-1523, 33-22-1524
- informational projects, 33-22-1502, 33-22-1515

INSURANCE, DISABILITY (Continued)
Comprehensive health association and plan (Continued)

- lead carrier, 33-22-1501, 33-22-1502, 33-22-1505, 33-22-1513 — 33-22-1516
- liability, 27-1-732, 33-22-1505, 33-22-1514
- loans, 33-22-1524
- losses due to claims expenses, 33-22-1513
- mandatory membership, 33-22-1503
- medicare supplement health insurance coverage, 33-22-1503
- meetings, 33-22-1504
- operation of plans, 33-22-1513, 33-22-1514
- policies, 33-22-1514, 33-22-1516, 33-22-1517, 33-22-1523
- portability plan, 33-22-1501, 33-22-1523
  - application, 33-22-1513
  - creditable coverage, 33-22-140, 33-22-142
  - preexisting condition exclusion not applicable when, 33-22-1516
  - premiums, 33-22-1501, 33-22-1512, 33-22-1523
- powers generally, 33-22-1503
- preexisting conditions, 33-22-1501, 33-22-1513, 33-22-1516, 33-22-1517
- premiums, 33-22-1501, 33-22-1502, 33-22-1512 — 33-22-1515, 33-22-1524
  - failure to pay, 33-22-1517
- premium tax payable by members, offset of assessments, 33-22-1513
- public awareness programs, 33-22-1502, 33-22-1515
- referral fees, 33-22-1515
- reinsurance of risks, 33-22-1503, 33-22-1513
- rules, 33-22-143, 33-22-1502, 33-22-1503, 33-22-1523
- sue or be sued, power to, 33-22-1503
- taxation, exemption, 33-22-1503
- termination of membership, 33-22-1513
- unfair referral to, 33-18-214, 33-22-1518

Consumer report cards for health care services and costs, 50-4-312
Contract of, See **Policies generally**
Coverages

- adopted children, 33-22-101, 33-22-130, 33-22-523
- age limits, effect on, 33-22-302
- alcoholism and drug addiction, 33-22-231, 33-22-521, 33-22-701 — 33-22-705, 33-22-1827
- breast cancer, postmastectomy care and reconstructive breast surgery following mastectomy, 33-22-101, 33-22-134, 33-22-135, 33-35-306
- childbirth, minimum hospital stay following, 33-22-133
- comprehensive health association plans, 33-22-1501 — 33-22-1503, 33-22-1512 — 33-22-1514, 33-22-1516, 33-22-1521
- denturist services, 37-29-104
- disabilities, dependents with, 33-22-101, 33-22-304, 33-22-506
- elimination riders, 33-22-109, 33-22-140
- employee's use of lawful product during nonworking hours, employer's discrimination prohibited when, 39-2-313
- family members, continuity of coverage, 33-22-305 — 33-22-311
- genetic traits, discrimination on basis of — prohibited, 33-18-903
- group disability insurance, 33-22-504, 33-22-506, 33-22-507, 33-22-509, 33-22-512, 33-22-514
  - statement of features, 33-22-502
- home health care, 33-22-1001 — 33-22-1003, 33-22-1521, 33-22-1827
- long-term care insurance, 33-22-1107, 33-22-1108, 33-22-1111, 33-22-1113, 33-22-1114
- mammography examinations, 33-22-132, 33-22-1827
- medicare supplement policies and certificates, 33-22-904, 33-22-907, 33-22-921, 33-22-923
- mental illness, 33-22-521, 33-22-701 — 33-22-706, 33-22-1803, 33-22-1827
- metabolism, inborn errors of — treatment, 2-18-704, 33-22-131, 33-35-306
- newborn infants, 33-22-301, 33-22-504, 33-22-523, 33-22-1521, 33-22-1827
- obstetricians or gynecologists as primary care physicians, 33-22-1901 — 33-22-1908

INSURANCE, DISABILITY (Continued)
Coverages (Continued)

- "other valid coverage" provisions, 33-22-225, 33-22-226
- physician assistants-certified, services provided by, 33-22-110, 33-22-114
- preexisting condition exclusion, 33-22-101, 33-22-110, 33-22-140
  - adopted children, 33-22-130
  - comprehensive health association and plan, 33-22-1501, 33-22-1513, 33-22-1516, 33-22-1517
  - conversion policies, 33-22-509
  - group market, relating to, 33-22-514
  - individual family members continuity of coverage, 33-22-308
  - long-term care insurance, 33-22-1107, 33-22-1108, 33-22-1113
  - medicare supplement insurance, 33-22-904, 33-22-921, 33-22-923
  - newborn infants, 33-22-504
  - small employer health insurance, 33-22-1802, 33-22-1809, 33-22-1811
  - waiver and prohibition, 33-22-242
- pregnancy, 33-22-509, 33-22-514, 33-22-1521, 33-22-1827
- public medical assistance, persons eligible for, 33-22-113
- small employer health insurance, See **Small employer health insurance**, generally
- state institutions, services of, 33-22-112, 53-1-401, 53-1-405
- uniform health benefit plans, coverages and exclusions, 33-22-245, 33-22-522
- well-child care, 33-22-303, 33-22-512, 33-22-1521

Credit Life Insurance and Credit Disability Insurance, The Model Act for the Regulation of, Title 33, chapter 21, See **INSURANCE, LIFE**
Credit union officials, 32-3-406
Crime victims compensation benefits, effect on, 53-9-103, 53-9-104, 53-9-125
Damages, payments as collateral source reduction, 27-1-307, 27-1-308
Definitions, 33-1-207, 33-18-901, 33-22-140, 33-22-241, 33-22-243

- attending health care provider, 33-22-133
- blanket disability insurance, 33-22-601
- comprehensive health association provisions, 33-22-1501, 33-22-1513
- "franchise disability insurance" and "employees", 33-22-401
- "group disability insurance" and "employees", 33-22-501
- health care insurer, 33-22-125
- insured, 33-22-102
- "insurer" and "proof of loss", 33-18-231
- long-term care insurance provisions, 33-22-1107
- "mastectomy" and "reconstructive breast surgery", 33-22-135
- medical foods and treatment, 33-22-131
- medicare supplement insurance provisions, 33-22-903, 33-22-907
- mental illness, alcoholism, and drug addiction coverage provisions, 33-22-702, 33-22-705, 33-22-706
- minimum mammography examination, 33-22-132
- multiple employer welfare arrangement provisions, 33-35-103
- obstetricians and gynecologists as primary care physicians, 33-22-1902
- placement, 33-22-130
- policyowner, 33-22-122
- preferred provider agreement provisions, 33-22-1703
- small employer health insurance provisions, 33-22-1803
- utilization reviews of health care providers, 33-32-102
- "well-child care", "developmental assessment", and "anticipatory guidance", 33-22-303, 33-22-512

Dental policies

- excepted benefits, 33-22-140
- language simplification, 33-15-323, See **Policies generally**
- preferred provider agreements, freedom of choice in selection of dentist, 33-22-1706
- provisions not applicable to, 33-22-131, 33-22-132, 33-22-241, 33-22-243

INSURANCE, DISABILITY (Continued)

Disability income insurance
  excepted benefits, 33-22-140
  genetic testing, information, and traits — nonapplicability of provisions, 33-18-902 — 33-18-904
  long-term care insurance, applicability, 33-22-1107
  preexisting conditions, coverage, 33-22-110
  premiums, comprehensive health association total disability insurance premiums — exclusion, 33-22-1513
  provisions not applicable to, 33-22-131, 33-22-132, 33-22-241, 33-22-243, 33-22-303, 33-22-512, 33-22-907
Discrimination prohibited, 33-18-206, 33-18-209, 33-18-216, 33-18-903, 33-22-526, 33-22-904, 33-22-1704, 49-2-303, 49-2-309
Dissolution of marriage, change in coverage or beneficiaries — temporary order or injunction, 40-4-121
Do not resuscitate identification, possession — effect, 50-10-104
Evidence
  cancellation notice, affidavit as prima facie evidence of notice, 33-22-122
  insurability, of, 33-22-308, 33-22-508, 33-22-526
  long-term care, association maintained for — organizational requirements, 33-22-1107
Exceptions to provisions, 33-22-101
Execution, proceeds exempt from, 33-15-513
Family support orders, requirements, 40-4-121
Firefighters, 19-17-102, 19-17-103, 19-18-203
Franchise disability insurance, 33-22-401
Fraternal benefit societies, applicability, 33-7-117
Genetics program fee, 33-2-712, 33-2-713
Genetic testing, information, and traits— requirements and prohibitions, 33-18-901 — 33-18-904, 33-31-111
Group disability insurance, 33-22-501
  credit disability insurance, Title 33, chapter 21, See **INSURANCE, LIFE, Credit life and credit disability**
  deceased peace officer, game warden, or firefighter — coverage for spouse and dependents when, 33-22-136
  eligible groups, 33-22-501
  genetic testing, information, and traits — requirements and prohibitions, 33-18-901 — 33-18-904
  insurance producer provisions, exemptions, 33-17-103
  marital status discrimination prohibition, effect, 49-2-303, 49-2-309
  other valid coverage, exclusion when, 33-22-225, 33-22-226
  policies
    adopted children, coverage, 33-22-130, 33-22-523
    alcoholism, coverage for, 33-22-701 — 33-22-705
    application for, 33-22-502
    beneficiaries, 33-22-141, 33-22-502, 33-22-514
    breast cancer, postmastectomy care and reconstructive breast surgery following mastectomy, 33-22-101, 33-22-134, 33-22-135
    cancellation or refusal to renew, 33-18-903, 33-22-122
    childbirth, minimum hospital stay following, 33-22-133
    conversion on termination of eligibility, 2-18-704, 33-22-508 — 33-22-510, 33-22-513
    death of insured, continuation of benefits to dependents, 33-22-503
    disabilities, dependents with — coverage, 33-22-506
    disclosure of coverage, standards, 33-22-521
    discrimination prohibited, 33-18-903, 49-2-309
    drug addiction, coverage for, 33-22-701 — 33-22-705
    exceptions to provisions, 33-22-101

INSURANCE, DISABILITY (Continued)
Group disability insurance (Continued)
  policies (Continued)
    genetic information, 33-18-901 — 33-18-904, 33-22-514
    home health care, coverage for, 33-22-1002
    hospital and medical services, direct payment, 33-22-505
    individual family members, continuity of coverage — eligibility, 33-22-311
    insured lives, report requirement, 33-2-704
    long-term care, See **Long-term care insurance**
    mammography examinations, coverage for, 33-22-132
    medicare supplement, See **Medicare supplement insurance policies and certificates**
    mental illness, coverage for, 33-22-701 — 33-22-706
    metabolism, inborn errors of — coverage for treatment, 2-18-704, 33-22-131
    newborn infant coverage, 33-22-504, 33-22-523
    physical examination required when, 33-22-512
    physician assistants-certified, coverage for services provided by, 33-22-114
    practitioners, freedom of choice in selection, 33-22-111
    preexisting condition exclusion, 33-22-130, 33-22-143, 33-22-504, 33-22-509, 33-22-514
    pregnancy, coverage, 33-22-509, 33-22-514
    premiums
      conversion of policy, 33-22-508, 33-22-513
      disclosure standards, 33-22-521
      increase restriction and exception, 33-22-107
      newborn infants, for coverage, 33-22-504
      nonpayment, 33-22-513
      reduction of work schedule, 33-22-506
    public officers and employees, See **PUBLIC OFFICERS OR EMPLOYEES, Group insurance**
    reduction of work schedule, continuing coverage after, 33-22-507
    required provisions, 33-22-502
    school districts and trustees, requirements, 20-3-331
    state statutes, conformity with, 33-22-502
    teachers' retirement, 19-20-1101
    terms favorable to benefit of insured, 33-22-511
    uniform health benefit plan, 33-22-522
    well-child care, coverage for, 33-22-512
Group health plans, 33-22-140
  beneficiaries, 33-22-524
  comprehensive health association plans, creditable coverage, 33-22-1501
  contract of, 33-15-401
  creditable coverage, 33-22-101, 33-22-140 — 33-22-143
  discontinuation, 33-22-524, 33-22-525
  discrimination prohibited, 33-22-143, 33-22-526
  enrollment periods, special, 33-22-140, 33-22-143, 33-22-523
  genetic information, 33-22-526
  mental illness, alcoholism, and drug addiction — coverage for, 33-22-703
  multiple employer welfare arrangements, 33-22-143, 33-22-525, 33-35-306
  nonrenewal, 33-22-524
    misrepresentations in applications, effect of, 33-15-403
  obstetricians and gynecologists as primary care physicians, 33-22-1901 — 33-22-1908
  preexisting condition exclusion, 33-22-241, 33-22-514
  premiums, 33-22-524 — 33-22-526
  renewability, guaranteed, 33-22-143, 33-22-524
Guaranty association, casualty and property — nonapplicability, 33-10-101
Guaranty association, life and health, Title 33, chapter 10, part 2, See **INSURANCE GUARANTY ASSOCIATION, LIFE AND HEALTH**
Health Care Advisory Council, duties, 50-4-103

INSURANCE, DISABILITY (Continued)

Health care database for resources and services, 50-4-502, 50-4-504
Health care practitioners
  childbirth, minimum hospital stay following — decisions concerning, 33-22-133
  comprehensive health association plan, covered expenses, 33-22-1521
  freedom of choice in selection, 33-22-101, 33-22-111, 33-22-1706, 33-22-1903
  long-term care insurance, 33-22-1107, 33-22-1121, 33-22-1125
  obstetricians and gynecologists as primary care physicians, 33-22-1901 — 33-22-1908
  small employer health insurance
    basic health benefit plan, requirements, 33-22-1827
    waiver of certain laws, 33-22-1821
  uniform health benefit plans, exclusion, 33-22-245, 33-22-522
Health care providers
  crime control, division of — requests for information, 53-9-104
  insurance fraud, 33-1-1202, See also **INSURERS REGULATION GENERALLY, Insurance fraud**
  medical communications, interference — prohibitions against, 33-1-801 — 33-1-804
  preferred provider agreements, 33-22-1701 — 33-22-1707
Health service corporations, applicability, 33-30-102
Home health care, 33-22-1001, See also **HOME HEALTH CARE**
  applicability of provisions, 33-22-1003
  comprehensive health association plan, covered expenses, 33-22-1521
  coverage, availability, 33-22-1002
  excepted benefits, 33-22-140
  information and privacy protection, Title 33, chapter 19
  long-term care insurance benefits, 33-22-1113, 33-22-1115
Hospital indemnity policies
  excepted benefits, 33-22-140
  long-term care insurance, applicability, 33-22-1107
  provisions not applicable to, 33-22-131, 33-22-132, 33-22-241, 33-22-303, 33-22-512
Individual family members continuity of coverage, 33-22-307
  citation of individual family disability insurance continuity of coverage act, 33-22-305
  conversion or continuation, 33-22-307, 33-22-308, 33-22-310, 33-22-311
  form of coverage, 33-22-308
  insurability, evidence of, 33-22-308
  nonduplication of benefits, 33-22-310
  notice to carrier, 33-22-309
  overinsurance, 33-22-308, 33-22-311
  preexisting condition limitation, 33-22-308
  premiums, payment, 33-22-309
  purpose of provisions, 33-22-306
Individual policies
  actions for recovery on, 33-22-214
  adopted children, coverage, 33-22-130
  age
    limits, effect on coverage, 33-22-302
    misstatement, 33-22-205, 33-22-223, 33-22-302
  applications, 33-22-207
  assignment, 33-15-414, 33-22-215
  autopsy required when, 33-22-213
  beneficiaries
    change of, 33-22-215
    claims, notice and payment, 33-22-208, 33-22-212
    policy provisions, 33-22-202, 33-22-203, 33-22-221, 33-22-224
    preexisting condition exclusion, 33-22-246

INSURANCE, DISABILITY (Continued)
Individual policies (Continued)

- breast cancer, postmastectomy care and reconstructive breast surgery following mastectomy, 33-22-101, 33-22-134, 33-22-135
- cancellation, 33-18-903, 33-22-302
- captions to precede provisions, 33-22-202, 33-22-221, 33-22-225, 33-22-226
- changes, 33-22-204
- childbirth, minimum hospital stay following, 33-22-133
- claims
  - denial or reduction, 33-22-205
  - forms, 33-22-209
  - notice of, 33-22-208
  - payment, 33-22-211, 33-22-212
  - proofs of loss, 33-22-208 — 33-22-211, 33-22-214
  - unpaid premiums, deduction, 33-22-228
- conflict of provisions, 33-22-203
- content, 33-22-201
- defenses, certain — time limit on, 33-22-205
- disabilities, dependents with — coverage, 33-22-304
- disability, continuance — notice regarding, 33-22-208
- disclosure of coverage, standards, 33-22-244
- discontinuance of coverage, 33-22-247
- earnings, relation to insurance, 33-22-227
- endorsements, 33-22-204, 33-22-232
- entire contract, 33-22-204
- family members, 33-22-201, See also **Individual family members continuity of coverage**
- format, 33-22-201
- franchise disability insurance, 33-22-401
- genetic testing, information, and traits — requirements and prohibitions, 33-18-901 — 33-18-904
- grace period, 33-22-206
- group policies, termination of eligibility — conversion, 33-22-508
- hospital and medical services, direct payment, 33-22-212
- incontestability, 33-22-205
- indemnity exceptions and reductions, 33-22-201
- insured lives, report requirement, 33-2-704
- intoxicants, insured's use of — insurer's liability, 33-22-231
- lapse, 33-22-232
- long-term care, See **Long-term care insurance**
- loss-of-time provisions, 33-22-208, 33-22-227
- mammography examinations, coverage for, 33-22-132
- medicare supplement, See **Medicare supplement insurance policies and certificates**
- mental illness, alcoholism, and drug addiction coverage — applicability, 33-22-704, 33-22-706
- metabolism, inborn errors of — coverage for treatment, 2-18-704, 33-22-131
- narcotics, insured's use of — insurer's liability, 33-22-231
- newborn infants, coverage, 33-22-301
- obstetricians and gynecologists as primary care physicians, 33-22-1901 — 33-22-1908
- occupation of insured
  - change, 33-22-222
  - illegal, 33-22-230
  - misstatement, 33-22-205
- omission of provisions, 33-22-202
- optional provisions, 33-22-221
- order of provisions, 33-22-202
- other insurance
  - in this insurer, 33-22-224

INSURANCE, DISABILITY (Continued)
Individual policies (Continued)
    other insurance (Continued)
        misstatement, 33-22-205
    other insurers, insurance with, 33-22-225, 33-22-226
    other jurisdictions, requirements, 33-22-203
    "other valid coverage" provisions, 33-22-225, 33-22-226
    physical examination required when, 33-22-213, 33-22-303
    physician assistants-certified, coverage for services provided by, 33-22-114
    practitioners, freedom of choice in selection, 33-22-111
    preexisting condition exclusion, 33-22-130, 33-22-143, 33-22-241, 33-22-246, 33-22-308
        waiver and prohibition, 33-22-242
    premiums
        age
            limits, effect, 33-22-302
            misstatement — effect, 33-22-223, 33-22-302
        conversion or continuation of coverage, 33-22-309
        disclosure standards, 33-22-244
        increase, proportionate distribution, 33-22-101, 33-22-243
        newborn infants, for coverage, 33-22-301
        nonpayment, 33-22-232, 33-22-247, 33-22-307
        occupation, change — effect, 33-22-222
        renewal or reinstatement, 33-22-207
        return, when, 33-22-224, 33-22-225, 33-22-227, 33-22-302
        unpaid, deduction from claim payments, 33-22-228
    reinstatement, 33-15-402, 33-22-207, 33-22-232
    renewal, 33-15-402, 33-22-232, 33-22-308
        guaranteed renewability, 33-22-143, 33-22-247
        refusal, 33-18-903, 33-22-206, 33-22-232, 33-22-307, 33-22-308
    required provisions, 33-22-202
    return, notice of right to, 33-15-415
    riders, 33-22-232
    state statutes, conformity with, 33-22-229
    substitute provisions, 33-22-202, 33-22-221
    surrender, 33-22-215
    termination, 33-22-232, 33-22-247, 33-22-307
    text, 33-22-201
    uniform health benefit plan, 33-22-245
    violation, issued in — validity, 33-22-203
    well-child care, coverage for, 33-22-303
Individuals, insurance for, 33-22-140
    creditable coverage, 33-22-101, 33-22-140 — 33-22-143
Industrial disability policies, 33-20-142, 33-22-122
Information and privacy protection, Title 33, chapter 19
Insurers, See also **INSURERS REGULATION GENERALLY**
    accident and health insurers, investment provisions, 33-12-102, 33-12-205, 33-12-207
    benevolent association provisions, nonapplicability, 33-6-102
    cancellation or refusal to renew policies
        deceased peace officer, game warden, or firefighter — spouse and dependents, 33-22-136
        notice requirements, 33-22-121, 33-22-122, 33-22-206
    capital or surplus fund requirements, 33-2-109
    claims, payment discharges, 33-15-501, 33-15-502
    comprehensive health association, See **Comprehensive health association**
    consumer report card, preparation by health care advisory council task force, 50-4-312
    coverage, outline of — furnishing, 33-22-244, 33-22-521
    crime control, division of — requests for information, 53-9-104
    discrimination, See **DISCRIMINATION**, **Insurance**; **Insurers**
    franchise disability insurance, 33-22-401

INSURANCE, DISABILITY (Continued)
Insurers (Continued)

- genetics program fee, 33-2-712, 33-2-713
- health care data base, cooperation, 50-4-502, 50-4-504
- health facility authority, 90-7-102, See also **HEALTH FACILITY AUTHORITY**
- insured lives, report requirement, 33-2-704
- investments, 33-12-201 — 33-12-212, See also **INSURERS REGULATION GENERALLY, Investments**
- long-term care insurance, See **Long-term care insurance**
- medical care savings account administrators, as, Title 15, chapter 61
- medicare supplement insurance, See **Medicare supplement insurance policies and certificates**
- obstetricians and gynecologists as primary care physicians, 33-22-1901 — 33-22-1908
- physician assistants-certified, coverage for services provided by, 33-22-114
- policy provisions, See specific insurance entry in this subject heading
- preferred providers, See **Preferred provider agreements**
- reserves, 33-2-511, 33-2-514
- risk-based capital, Title 33, chapter 2, part 19
- small employer health insurance, See **Small employer health insurance**
- state institutions, services of — policies excluding coverage unlawful, 33-22-112
- subrogation provisions, 33-22-1601, 33-22-1602
- third-party actions, notice and costs, 33-22-1602
- unclaimed funds held by, Title 70, chapter 9, part 8
- utilization reviews, applicability, 33-22-125, 33-32-105

Jurisdiction of providers of health care benefits, determination

- citation of jurisdiction to determine jurisdiction of providers of health care benefits act, 33-1-1101
- disclosure, 33-1-1114
- examination, 33-1-1113
- how to show jurisdiction, 33-1-1111
- insurance department, authority and jurisdiction, 33-1-1102
- state laws, subject to, 33-1-1112

Legislators, employer contribution for coverage when and limitation, 5-2-303
Liens of physicians, nurses, physical therapists, occupational therapists, chiropractors, dentists, psychologists, licensed social workers, licensed professional counselors, and hospitals, 71-3-1118
Life insurer, transaction by, 33-2-108
Long-term care insurance

- accident and health insurance, nonapplicability of investment provisions, 33-12-102
- citation of long-term care insurance act, 33-22-1101
- definitions, 33-22-1107
- excepted benefits, 33-22-140
- genetic testing, information, and traits — nonapplicability of provisions, 33-18-902 — 33-18-904
- life insurance, inclusion, 33-1-208, 33-20-127, 33-20-128, 33-22-1107
- medicaid benefits, qualification — policies and certificates for, Title 53, chapter 6, part 8
- medical care savings accounts, Title 15, chapter 61
- policies or certificates, 33-22-1107
  - advertising, 33-22-1103, 33-22-1107, 33-22-1115
  - applications, 33-22-1108
  - benefits, 33-22-1107, 33-22-1108, 33-22-1111 — 33-22-1115
    - triggers, 33-22-1121, 33-22-1125
  - cancellation or nonrenewal, 33-22-1114
  - claims, denial, 33-22-1124
  - compliance with provisions required, 33-22-1103
  - content required for certificate, 33-22-1112
  - content, standards, 33-22-1113

INSURANCE, DISABILITY (Continued)
Long-term care insurance (Continued)
  policies or certificates (Continued)
    continuation or conversion, 33-22-1111, 33-22-1113, 33-22-1114
    delivery of policy or certificate, 33-22-1123, 33-22-1125
    disclosure standards, 33-22-1113
    eligibility, 33-22-1113
      prior hospitalization or institutionalization, 33-22-1115
    exclusions, limitations, or reductions, 33-22-1108, 33-22-1111 — 33-22-1113, 33-22-1115
    extraterritorial jurisdiction, group policies, 33-22-1120
    free look at policy, 33-22-1119
    health history of applicant, 33-22-1108
    home health care benefits, 33-22-1113, 33-22-1115
    income tax, credit or deduction for premiums, 15-30-121, 15-30-128
    lapse, unintentional, 33-22-1113
    loss ratio standards, 33-22-1121
    marketing, 33-22-1103, 33-22-1107, 33-22-1115
    medicaid benefits, qualification for, Title 53, chapter 6, part 8
    nonforfeiture benefits, 33-22-1116, 33-22-1121
    outline of coverage, 33-22-1111
    out-of-state policies, 33-22-1120
    preexisting condition, 33-22-241, 33-22-1107, 33-22-1108, 33-22-1113
    premiums, 15-30-121, 15-30-128, 33-22-1107, 33-22-1115
      changes, 33-22-1111
      increase, proportionate distribution — nonapplicability, 33-22-243
      nonpayment, 33-22-1114
      refund, 33-22-1107, 33-22-1111, 33-22-1114, 33-22-1119
    prohibited practices, 33-22-1113, 33-22-1114
    renewal, 33-22-1107, 33-22-1113, 33-22-1114
    replacement, 33-22-1108, 33-22-1113, 33-22-1114
    return of policy, 33-22-1111, 33-22-1119
    rules, 33-22-1107, 33-22-1113, 33-22-1121, 33-22-1125
    sale criteria, appropriate, 33-22-1107, 33-22-1117, 33-22-1121
    waiting or elimination period, 33-22-1108, 33-22-1113, 33-22-1114, 33-22-1122
  purpose of provisions, 33-22-1102
Managed care plan network adequacy and quality assurance, Title 33, chapter 36, See MANAGED CARE
Medicaid
  managed care community network, requirements, Title 53, chapter 6, part 7
  medical assistance, insurance coverage and expenses for eligible persons, 53-6-131, 53-6-134
    recoverable medical assistance, 53-6-165, 53-6-175, 53-6-186
  medical savings accounts, Title 53, chapter 6, part 9
Medical care savings accounts, Title 15, chapter 61
Medical communications, interference — prohibitions against
  civil penalty, 33-1-804
  definitions, 33-1-801
  gag clauses and other actions and exceptions, 33-1-802
  health maintenance organizations, applicability, 33-31-111
  sanction because of medical communication, 33-1-803
Medicare supplement insurance policies and certificates
  advertising, 33-22-903, 33-22-906
    filing requirements, 33-22-910
  alternate policies or certificates, 33-22-921, 33-22-922
  benefits, 33-22-904, 33-22-905, 33-22-921, 33-22-923
  bulk reinsurance, 33-22-922
  captions or notice requirements, 33-22-907
  changes, notification requirements, 33-22-907
  citation of medicare supplement insurance minimum standards act, 33-22-901

INSURANCE, DISABILITY (Continued)
Medicare supplement insurance policies and certificates (Continued)

- claims
  - nonrenewal of policy or certificate, effect, 33-22-924
  - payment, 33-22-905
- comprehensive health association, coverage by, 33-22-1503
- definitions, 33-22-903, 33-22-907
- disclosure standards, 33-22-907
- discontinuance or nonrenewal, 33-22-921, 33-22-922, 33-22-924
- discrimination prohibited, 33-22-904
- examination, free — notice of, 33-22-908
- excepted benefits, 33-22-140
- forms, 33-22-903, 33-22-904
- grace period, 33-22-924
- informational brochure, 33-22-907
- insurance producers, compensation, 33-22-906
- long-term care insurance, applicability of provisions, 33-22-1107
- loss ratios, 33-22-904
  - standards, 33-22-906
- mammography examinations, coverage for — nonapplicability, 33-22-132
- marketing practices, 33-22-905, 33-22-911
- mental illness, severe — coverage for, nonapplicability, 33-22-706
- metabolism, inborn errors of — coverage for, nonapplicability, 33-22-131
- newborn infant coverage, nonapplicability, 33-22-504
- penalties for violations by issuers, 33-22-911
- preexisting conditions, 33-22-241, 33-22-904, 33-22-921, 33-22-923
- premiums
  - adjustments, 33-22-906
  - alternate or replacement policies and certificates, 33-22-921 — 33-22-923
  - disclosure standards, 33-22-907
  - increase, proportionate distribution — nonapplicability, 33-22-243
  - policy provisions, 33-22-904
  - refunds, 33-22-908
  - renewal premiums, 33-22-924
- public access, 33-22-904
- purpose of provisions, 33-22-902
- rates, rating schedules, and rating organizations, 33-16-103, 33-22-906, 33-22-911, 33-22-921, 33-22-923, 33-22-924
- renewal, 33-22-907, 33-22-924
- replacement policies or certificates, 33-22-921 — 33-22-924
- reporting practices, 33-22-905
- return, right to, 33-22-908
- rules, 33-22-904 — 33-22-907, 33-22-911
  - administrative procedures, subject to, 33-22-909
- standards, 33-22-904, 33-22-905
- well-child care coverage, nonapplicability, 33-22-303, 33-22-512

Mental illness, alcoholism, and drug addiction — coverage for, 33-22-521, 33-22-703
- applicability of provisions, 33-22-704
- definitions, 33-22-702, 33-22-705, 33-22-706
- health maintenance organizations, applicability of provisions, 33-31-301
- inpatient and outpatient benefits, 33-22-702, 33-22-703, 33-22-705, 33-22-706
- narcotics or intoxicants, use by insured — insurer's liability, 33-22-231
- scope of part and purpose, 33-22-701
- severe mental illness, 33-22-706
- small employer health insurance, 33-22-1803, 33-22-1827

Minors
- applications, 33-15-401

INSURANCE, DISABILITY (Continued)
Minors (Continued)

- beneficiaries, as, 33-22-212
- contract, power to, 33-15-103
- disabilities, with, 33-22-304, 33-22-506
- insured, as, 33-22-604, 41-1-404
- newborn infants, 33-22-301, 33-22-504
- payments, acquittance and discharge of insurer, 33-15-502
- well-child care, 33-22-303, 33-22-512

Multiple employer welfare arrangements
- breast cancer, postmastectomy care and reconstructive breast surgery following mastectomy, 33-22-101, 33-22-134, 33-22-135, 33-35-306
- certificate of authority, 33-35-201, 33-35-203
  - application, 33-35-205
  - eligibility, 33-35-202
  - failure to obtain or maintain, 33-35-303
  - issuance, 33-35-211
  - revocation, 33-35-211, 33-35-302
- citation of self-funded multiple employer welfare arrangement regulation act, 33-35-101
- deceased peace officer, game warden, or firefighter — coverage for spouse and dependents when, 33-22-136
- definitions, 33-35-103
- disclosure notice, 33-35-307
- failure to comply with provisions, 33-35-302
- funding levels, minimum, 33-35-210
- genetic testing, information, and traits — requirements and prohibitions, 33-18-901 — 33-18-904
- guaranty association provisions, nonapplicability, 33-10-201
- insurance code, applicability, 33-35-306
- metabolism, inborn errors of — coverage for treatment, 33-22-131, 33-35-306
- obstetricians and gynecologists as primary care physicians, 33-22-1901 — 33-22-1908
- organization after october 1, 1995, requirements, 33-35-203
- professional employer organization and group plans, nonapplicability when, 39-8-207
- purpose of provisions, 33-35-102
- renewability, guaranteed, 33-22-143, 33-22-525, 33-35-306
- reporting requirements, 33-35-301
- reserve requirements, minimum, 33-35-209, 33-35-210, 33-35-302

Obstetricians and gynecologists as primary care physicians, 33-22-1903
- certified advanced practice registered nurses, services provided by, 33-22-1906
- definitions, 33-22-1902
- disclosure, 33-22-1907
- enforcement of provisions, 33-22-1908
- scope and purpose of provisions, 33-22-1901
- self-referral permitted, 33-22-1904
- surcharges or additional copayments or deductibles not allowed, 33-22-1905

Payments
- blanket disability claims, 33-22-602, 33-22-604
- hospital and medical services, direct payment, 33-22-212, 33-22-505, 33-22-604
- individual claims, 33-22-211, 33-22-212
- insurer, discharge and notice to contrary, 33-15-501, 33-22-604
- mammography examinations, minimum, 33-22-132
- mental illness, alcoholism, and drug addiction services — for, 33-22-702 — 33-22-706
- preferred providers, See **Preferred provider agreements**
- state institutions, services of, 33-22-112

Pharmacies, out-of-state mail service — consumer protection, Title 37, chapter 7, part 7

INSURANCE, DISABILITY (Continued)

Policies generally, See also **Individual policies**; specific type of insurance in this subject heading
  abuse, victims of — discrimination prohibited, 33-18-216
  agreements, to contain, 33-18-208
  application required, 33-15-401, See **Applications for**
  cancellation or refusal to renew, notice requirements, 33-22-121, 33-22-122
  charges, explanation, 33-15-308
  coverages, See **Coverages**
  elimination riders, 33-22-109, 33-22-140
  forfeited policies, actions to recover under, 33-22-122
  forms, filing not required when, 33-1-501
  grace period, 33-22-121
  industrial disability, 33-20-142, 33-22-122
  insurance producer, issuance requirements — nonapplicability, 33-17-1111
  language simplification
    applicability schedule, 33-15-329
    application of provisions, 33-15-324
    citation of life and disability insurance policy language simplification act, 33-15-321
    construction of provisions, 33-15-326
    definitions, 33-15-323, 33-15-325
    exceptions, 33-15-324
    forms, approval, 33-15-328
    powers of insurance commissioner, 33-15-327
    purpose of provisions, 33-15-322
    standards, minimum, 33-15-325
  lapse, 33-22-122
  long-term care facilities, prohibited relations, 33-17-1107
  multiple employer welfare arrangements, disclosure notice, 33-35-307
  premiums, See **Premiums**
  renewal, 33-22-121
  riders, 33-22-109, 33-22-140
  subrogation provisions, 33-22-1601, 33-22-1602
  third-party ownership, 33-22-102
  underwriting after issue date prohibited, 33-18-215, 33-22-1113
Preferred provider agreements
  authorization, 33-22-1704
  citation of preferred provider agreements act, 33-22-1701
  definitions, 33-22-1703
  emergency services, 33-22-1703, 33-22-1705
  incentive in health benefit plans, 33-22-1704 — 33-22-1706
  managed care plans, nonapplicability, 33-36-103
  mandatory provisions, 33-22-1706
  nonpreferred providers, payment difference, 33-22-1705, 33-22-1706
  obstetricians and gynecologists as primary care physicians, 33-22-1901 — 33-22-1908
  permissible provisions, 33-22-1706
  purpose, 33-22-1702
  rules, 33-22-1707
  small employer health insurance
    reinsuring carriers, 33-22-1819
    restricted network provision, 33-22-1803
  utilization review of provider, 33-32-105
Preferred rate provisions, nonapplicability, 33-18-207
Premiums
  abatement, 33-18-209
  bonuses, 33-18-209

INSURANCE, DISABILITY (Continued)
Premiums (Continued)

- comprehensive health association plans, 33-22-1501, 33-22-1502, 33-22-1512 — 33-22-1515, 33-22-1517, 33-22-1523
- discrimination prohibited, 33-18-206, 33-18-209, 49-2-309
- franchise disability insurance, 33-22-401
- genetic traits, discrimination on basis of — prohibited, 33-18-903
- group disability policies, 33-22-107, 33-22-136, 33-22-504, 33-22-506 — 33-22-508, 33-22-513, 33-22-521
- group health plans, 33-22-524 — 33-22-526
- income tax, adjusted gross income or deduction, 15-30-111, 15-30-121
- increase, restriction and exception, 33-22-101, 33-22-107
- individual family members continuity of coverage, 33-22-309
- individual policies, See **Individual policies**
- long-term care insurance, See **Long-term care insurance**, policies or certificates
- medicare supplement insurance, See **Medicare supplement insurance policies and certificates**
- nonpayment, 33-18-215, 33-22-121, 33-22-122, 33-22-136, 33-22-140, 33-22-207, 33-22-232, 33-22-247, 33-22-307, 33-22-513, 33-22-524, 33-22-525, 33-22-1114, 33-22-1501, 33-22-1810
- rebates prohibited, 33-18-208, 33-18-209
- reduction, 33-18-209
- small employer health insurance, 33-22-1803, 33-22-1809 — 33-22-1811, 33-22-1815, 33-22-1817, 33-22-1819

Professional employer organizations and groups, 39-8-207
Public contracts, worker or employee benefits, 18-2-412
Rates and rating organizations, nonapplicability of provisions, 33-16-103
Reinsurance

- ceded agreements — nonrenewals, cancellations, or revisions, 33-3-704
- comprehensive health association, 33-22-1503, 33-22-1513
- exceptions to provisions, 33-22-101
- limit of risk, nonapplicability, 33-2-1201
- medicare supplement insurance, 33-22-922
- small employer health insurance program, 33-22-1802, 33-22-1803, 33-22-1818, 33-22-1819

Secured transactions, health-care-insurance receivables, 30-9-122, See **SECURED TRANSACTIONS**
Small employer health insurance

- administration of provisions, 33-22-1822
- applicability of provisions, 33-22-1804
- availability of coverage, 33-22-1811
- benefit plans required
  - basic health benefit plan, 33-22-1802, 33-22-1803, 33-22-1811, 33-22-1827
  - marketing standards, 33-22-1813, 33-22-1819, 33-22-1820
  - standard health benefit plan, 33-22-1802, 33-22-1803, 33-22-1811, 33-22-1828
  - waiver of certain laws, 33-22-1821
- citation of small employer health insurance availability act, 33-22-1801
- claims, 33-22-1819
- classes of business, 33-22-1803, 33-22-1808, 33-22-1809, 33-22-1811
- definitions, 33-22-1803
- disclosures, 33-22-1809
- filings by carriers, 33-22-1809, 33-22-1811, 33-22-1818
- group policies, termination of eligibility — conversion, 33-22-508
- implementation of provisions, 33-22-1822
- market evaluation report, 33-22-1819, 33-22-1820
- nonrenewal, 33-22-1810, 33-22-1814
- preexisting conditions, 33-22-1802, 33-22-1809, 33-22-1811

INSURANCE, DISABILITY (Continued)
Small employer health insurance (Continued)

- premiums and premium rates, 33-22-1803, 33-22-1809 — 33-22-1811, 33-22-1815, 33-22-1817, 33-22-1819
- prohibited activities of carriers, 33-22-1813
- purpose of provisions, 33-22-1802
- rating practices, 33-22-1802, 33-22-1809, 33-22-1819
- reinsurance program, 33-22-1802, 33-22-1803, 33-22-1818, 33-22-1819
  - board of directors, 33-22-1803, 33-22-1818, 33-22-1819
  - plan of operation, 33-22-1803, 33-22-1819
  - termination of and transition plan, 33-22-1819
- renewability of coverage, 33-22-247, 33-22-1802, 33-22-1809, 33-22-1810
- rules, 33-22-1802, 33-22-1808, 33-22-1810, 33-22-1813, 33-22-1814, 33-22-1822
- scope of provisions, 33-22-1804
- terminated coverage, restoration, 33-22-1814
- violations, 33-22-1809, 33-22-1813
- voluntary purchasing pools, 33-22-501
  - charges and premiums, collection, 33-22-1817
  - fiscal year, establishment, 33-22-1816
  - qualifications, 33-22-1815
  - registration, 33-22-1816
  - state employee group insurance, 2-18-711
- waiver of certain laws, 33-22-1821

State institutions, services of, 33-22-112, 53-1-401, 53-1-405
Subrogation rights, 33-22-1601, 33-22-1602
Tax credits for providing, 15-30-129, 15-31-132
Teachers, reinstatement following termination — fringe benefits, 20-4-204
Teachers' retirement
- earned compensation does not include, 19-20-101
- group insurance, 19-20-1101

Third-party
- actions — subrogation, notice, and costs, 33-22-1601, 33-22-1602
- other valid coverage, exclusion when, 33-22-225, 33-22-226
- ownership, 33-22-102

Unemployment insurance, wage exclusions, 39-51-201
University system employee group benefits plans and premium levels, 20-25-1301 — 20-25-1304, 20-25-1310
Utilization reviews
- adverse decisions, appeal, or reconsideration, 33-22-125, 33-32-103, 33-32-201, 33-32-203
- applicability of provisions, 33-32-105
- chiropractors, specific provisions, 33-22-101, 33-22-125
- conduct, 33-22-125, 33-32-201
- confidentiality of medical records, 33-32-103, 33-32-201, 33-32-204
- criteria, standards, and procedures, 33-32-103, 33-32-204
- definitions, 33-22-125, 33-32-102
- exemptions, 33-32-105
- federal law, preemption, 33-32-104
- plan for, 33-32-103, 33-32-202, 33-32-204
- purpose of provisions, 33-32-101
- rules, 33-32-204
- small employer health insurance reinsuring carriers, 33-22-1819
- valuation, minimum standards — rules for, 33-2-537

Violations, 33-22-103
- claims, failure to pay promptly, 33-18-233
- comprehensive health association plan, unfair referrals to, 33-18-214
- individual policies issued in, validity, 33-22-203
- medical communications, interference — prohibitions against, 33-1-804

INSURANCE, DISABILITY (Continued)
Violations (Continued)

- medicare supplement insurance issuers, 33-22-911
- multiple employer welfare arrangements, 33-35-303
- small employer health insurance, 33-22-1809, 33-22-1813
- state institutions, services of — exclusion from coverage, 33-22-112

Vision policies
- excepted benefits, 33-22-140
- language simplification, 33-15-323, See **Policies generally**
- provisions not applicable to, 33-22-131, 33-22-132, 33-22-241, 33-22-243

Workers' compensation, wage exclusions, 39-71-123, 39-71-2501
Wrongful discharge actions, awarding of wages and fringe benefits, 39-2-903, 39-2-905

INSURANCE GUARANTY ASSOCIATION, CASUALTY AND PROPERTY
Actions
- immunity from liability, 33-10-110
- insured, against — when, 33-10-114
- judicial review, subject to, 33-10-109
- stay of proceedings when, 33-10-111
- sue and be sued, power to, 33-10-105

Assessments, 33-10-106, 33-10-109, 33-10-114, 33-10-116, 33-10-117
Assets, 33-10-104 — 33-10-106, 33-10-116
Borrowing, 33-10-105
Citation of Montana Insurance Guaranty Association Act, 33-10-101
Claims, 33-10-102
- assessments, set offs against, 33-10-116
- filing and forms of proof, 33-10-106
- insured and receiver, effect as to, 33-10-114
- judgments, arising from, 33-10-111
- notice, 33-10-113
- powers and duties of association, 33-10-105
- recovery, 33-10-114, 33-10-115

Construction of provisions, 33-10-101
Contracts, party to, 33-10-105
Creation, 33-10-103
Definitions, 33-2-1303, 33-10-102
Delegation of power, 33-10-106
Directors, board of, 33-10-103, 33-10-104
- financial reports, submission, 33-10-112
- immunity from liability, 33-10-110
- insolvent insurers, duties, 33-10-108
- plan of operation, contents, 33-10-106
- premiums, net direct written — request for statement, 33-10-109
- refunds to member insurers, 33-10-105
- reimbursements, 33-10-104, 33-10-106

Employees, 33-10-105, 33-10-110
Examinations, 33-10-108, 33-10-112, 33-10-116
Financial reports, 33-10-112
Hearings, 33-10-106, 33-10-109
Insolvent insurers, 33-10-102, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
- claims, 33-10-102
- default judgments, reopening, 33-10-111
- duties of board of directors and insurance commissioner, 33-10-108
- notice, 33-10-105, 33-10-109
- receiver or liquidator, claims provisions, 33-10-113, 33-10-114
- stay of proceedings when, 33-10-111

INSURANCE GUARANTY ASSOCIATION, CASUALTY AND... (Continued)

Insurance producers, 33-10-106, 33-10-110, 33-10-113
Insurers Supervision, Rehabilitation, and Liquidation Act, Title 33, chapter 2, part 13
Liability, immunity, 33-10-110
Member insurers, 33-10-102, 33-10-103
  appeals by, 33-10-106
  assessments, 33-10-106, 33-10-109, 33-10-114, 33-10-116, 33-10-117
  certificate of authority, revocation or suspension, 33-10-109
  directors, board of — selection of members, 33-10-104
  examination, 33-10-108
  immunity from liability, 33-10-110
  liquidation, rehabilitation, or supervision, 33-10-108
  plan of operation, compliance, 33-10-106
  premiums, net direct written, 33-10-102, 33-10-109, 33-10-116
  rates, assessments recognized in, 33-10-117
  refunds, 33-10-105
Notices
  assessments, 33-10-116
  certificate of authority, revocation or suspension, 33-10-109
  claims, 33-10-113
  insolvencies, 33-10-105, 33-10-109
  rules, adoption and promulgation, 33-10-106
Plan of operation, 33-10-103 — 33-10-106, 33-10-109
Powers and duties, 33-10-103, 33-10-105, 33-10-106
Purpose of provisions, 33-10-101
Records, procedures for, 33-10-106
Reports, 33-10-108, 33-10-112
Risk retention groups and purchasing groups, applicability, 33-11-104, 33-11-105, 33-11-109
Scope of provisions, 33-10-101
Servicing facilities, 33-10-105, 33-10-106, 33-10-109
Surplus lines insurance contracts not covered by, 33-2-303, 33-2-310
Tax exemption when, 33-10-107
Workers' compensation claims, 33-10-105, 33-10-115

INSURANCE GUARANTY ASSOCIATION, LIFE AND HEALTH
Accounts, 33-10-202, 33-10-203, 33-10-227
Actions
  appeals by member insurers, 33-10-228
  assessments, unpaid — recovery, 33-10-205
  immunity from liability, 33-10-207
  standing to appear, 33-10-205
  stay of proceedings, 33-10-222
  sue and be sued, power to, 33-10-205
Ancillary receiver, contracts with, 33-10-205
Assessments, 33-10-227
  certificate of contribution, 33-10-227, 33-10-230
  collection, 33-10-216, 33-10-227
  distribution to stockholders, recovery prior to, 33-10-226
  failure to pay, 33-10-228
  insufficiency, 33-10-220
  member insurers subject to, 33-10-201
  unpaid, recovery, 33-10-205
Assets, 33-10-216
  certificate of contribution as, 33-10-227, 33-10-230
  directors, board of — reimbursement of expenses from, 33-10-204

INSURANCE GUARANTY ASSOCIATION, LIFE AND HEALTH (Continued)
Assets (Continued)

  impaired insurers, 33-10-223, 33-10-225
Borrowing, power of, 33-10-205
Citation of Montana Life and Health Insurance Guaranty Association Act, 33-10-201
Claims, payment provisions, 33-10-205
Construction of provisions, 33-10-201
Contracts, party to, 33-10-205
Creation, 33-10-203
Creditor, as, 33-10-225
Default judgments, reopening, 33-10-222
Definitions, 33-2-1303, 33-10-202
Delegation of powers, 33-10-216
Directors, board of, 33-10-203, 33-10-204
  appeals from actions by, 33-10-228
  assessments, duties, 33-10-227
  financial reports, 33-10-209
  immunity from liability, 33-10-207
  impaired insurers, duties, 33-10-215
  impairments or insolvencies, duties, 33-10-217, 33-10-218
  meetings or records opened to public, 33-10-203
  plan of operation, contents, 33-10-216
Employees, 33-10-205, 33-10-207
Examination, 33-10-209
Hearings, 33-10-216, 33-10-228
Impaired insurers, 33-10-202, 33-10-205, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
  assets, subrogation rights — priority, 33-10-223, 33-10-225
  creditor of, association as, 33-10-225
  foreign or alien insurers, 33-10-215, 33-10-220
  liquidation, rehabilitation, or supervision
    assessments, See **Assessments**
    liquidator, nomination — notice, 33-10-221
    power of association
      during liquidation, 33-10-220
      prior to liquidation, 33-10-219
    records of negotiations, 33-10-206
  notices pertaining to, 33-10-215
  ownership rights, distribution, 33-10-226
  stay of proceedings, 33-10-222
  termination of impairment, 33-10-206
Insolvency of insurer, 33-10-217, 33-10-220
Insurance producers, 33-10-207, 33-10-210, 33-10-216
Insurers Supervision, Rehabilitation, and Liquidation Act, Title 33, chapter 2, part 13
Liability, 33-10-220, 33-10-224
  immunity from, 33-10-207
Liquidators, 33-10-205, 33-10-215, 33-10-221
Meetings, 33-10-203, 33-10-206, 33-10-216
Member insurers, 33-10-202, 33-10-203
  appeals, 33-10-228
  assessments, See **Assessments**
  certificate of authority, suspension or revocation when, 33-10-228
  directors, board of — selection, 33-10-204
  examination, 33-10-217, 33-10-218
  immunity from liability, 33-10-207
  impairments or insolvencies, notices concerning, 33-10-217
  liquidation, rehabilitation, or supervision, 33-10-215, 33-10-217, 33-10-221

INSURANCE GUARANTY ASSOCIATION, LIFE AND HEALTH (Continued)
Member insurers (Continued)
    plan of operation, compliance, 33-10-216, 33-10-228
    premiums, 33-10-202, 33-10-215
    refunds, 33-10-227, 33-10-230
Negotiations, 33-10-206
Notices
    certificate of authority, suspension or revocation, 33-10-228
    impaired insurers, pertaining to, 33-10-215
    impairments and insolvencies, of, 33-10-217
    liquidator, nomination, 33-10-221
    policies, termination of benefits, 33-10-220
    policyholders, to, 33-10-210
    rules, adoption and promulgation, 33-10-216
Plan of operation, 33-10-203, 33-10-204, 33-10-216, 33-10-227, 33-10-228
Policies or contracts
    assignment by beneficiaries, 33-10-223
    description document and disclaimer, 33-10-210
    guaranteeing or reinsuring, 33-10-219, 33-10-220
    impaired or insolvent insurers, obligation of association, 33-10-220
    liability, extent, 33-10-224
    liens or moratoriums, 33-10-220
    payment of obligations, 33-10-219
    premiums, 33-10-202, 33-10-215, 33-10-220, 33-10-227
Powers, 33-10-203, 33-10-205, 33-10-216
Prohibited practices, 33-10-210
Purpose of provisions, 33-10-201
Records, 33-10-203, 33-10-206, 33-10-216
Rehabilitators, 33-10-205, 33-10-215, 33-10-221
Reinsurance, 33-10-219, 33-10-220
Reports, 33-10-206, 33-10-209, 33-10-217, 33-10-218
Scope of provisions, 33-10-201
Supervision, 33-10-203
Tax exemptions or writeoffs, 33-10-208, 33-10-230
Unfair trade practices, 33-10-210
University System Optional Retirement Program contracts, benefits, and contributions not covered or assessable by, 19-21-212

INSURANCE, LIFE, 33-1-208
Actions
    applications as evidence, 33-15-402
    credit life and credit disability insurers, violations — recovery of penalties, 33-21-113
    policies
        lapsed or forfeited, recovery under, 33-20-142
        prohibited provisions, 33-20-121
    reserve liabilities, standard valuation — for damages by reason of actions required by, 33-2-521
Annuity contracts
    age, misstatement — effect, 33-20-305
    applications, See **Applications for**
    arbitration laws, nonapplicability, 27-5-114
    assets of insurers, 33-2-501
    assignability of rights, 33-15-514
    bankruptcy, proceeds exempt from, 31-2-106
    banks, authorization to sell, 32-1-429
    cancellation, notice requirements, 33-20-141, 33-20-142
    consideration not included in premium income, 33-2-705

INSURANCE, LIFE (Continued)
Annuity contracts (Continued)

- damages, future — periodic payments through purchase of, 25-9-403, 25-9-406, 25-9-412
- deferred annuities, 33-20-301, See also **Standard nonforfeiture law, individual deferred annuities**
- deferred compensation used to purchase, 19-50-102
- disability insurance provisions, nonapplicability when, 33-22-101
- disclosure, 33-20-150
- discrimination, 33-18-206, 33-18-209
- dividends, 33-20-306
- entire contract, 33-20-304
- exceptions, 33-20-303
- execution, proceeds exempt from, 33-15-514
- forms, 33-1-501, 33-1-502, 33-15-303
- grace period, 33-20-302, 33-20-606
- group annuities
  - claims, payment, 33-20-101, 33-20-114
  - loans on policies, 33-20-101, 33-20-131
  - provisions not applicable when, 33-20-101, 33-20-301 — 33-20-307, 33-20-401, 33-20-502
- incontestability, 33-20-303
- information to prospective annuitants, rules for, 33-20-308
- investment company security does not include, 30-8-113
- loans, 33-20-101, 33-20-131, 33-20-135
- minors, transfers to, 72-26-603, See **TRUSTS, Minors, transfers to**
- payments
  - insurer, discharge, 33-15-501
  - minor, acquittance and discharge, 33-15-502
- preferred rate provisions, nonapplicability, 33-18-207
- principal and income determination, 72-34-405
- prohibited plans, 33-20-123
- prohibited policy provisions, 33-20-121
- reinstatement, 33-20-119, 33-20-307, 33-20-401, 33-20-606
- reserve liabilities, standard valuation, See **Reserve liabilities, standard valuation**
- reversionary annuities and annuity contracts, 33-20-211, 33-20-212, 33-20-301 — 33-20-307, 33-20-401, 33-20-502, 33-20-512
- securities, exclusion as, 30-10-103
- standard nonforfeiture law, life insurance — exception to, 33-20-212
- standard provisions, 33-20-103, 33-20-301, 33-20-401
- survivorship annuities, 33-20-301 — 33-20-307
- trust or trustee as beneficiary, 72-33-203, 72-33-207
- unauthorized insurers, representing or aiding, 33-2-104
- unclaimed funds, Title 70, chapter 9, part 8
- variable contract law, 33-20-601 — 33-20-606
- viatical settlement providers, 33-20-1314

Applications for, 33-15-401, See also **INSURERS REGULATION GENERALLY, Applications for insurance**

- alterations, 33-15-402
- contract, part of, 33-20-106, 33-20-304, 33-20-1204
- credit life and credit disability, 33-21-204, 33-21-205
- developmental delay or disability or genetic condition, discrimination prohibited, 33-18-206
- evidence, as — when, 33-15-402
- group life policies, conversion to individual policies, 33-20-1111, 33-20-1209, 33-20-1211, 33-20-1212
- medical examination of applicants, charge for and collection, 33-18-212
- reinstatement, 33-20-112
- representations, statements as, 33-20-106, 33-20-1204

INSURANCE, LIFE (Continued)

Assignment
  annuity contracts, 33-15-514
  creditors, for benefit of — exempt, 31-2-227
  execution, proceeds exempt from, 33-15-511
  insurer, payment discharges, 33-15-501
  loan, secured by, 33-20-1302
  policy, of, 33-15-414, 33-20-131
  viatical settlement contracts, death benefits or ownership of, 33-20-1302, 33-20-1308, 33-20-1315
Beneficiaries or assignees
  annual distribution to, 33-20-123
  application, request for copy, 33-15-402
  credit life and credit disability, 33-21-204
  deferred annuities, 33-20-301
  execution, proceeds exempt from, 33-15-511, 33-15-512, 33-15-514
  group life policies, 33-20-1204, 33-20-1207
  industrial life policies, 33-20-115
  proceeds, holding — agreements for, 33-20-120
  viatical settlement contracts, 33-20-1302
Benefits
  age, misstatement — effect, 33-20-107, 33-20-305, 33-20-1206
  group life, 33-20-1204, 33-20-1206 — 33-20-1208
  nonforfeiture, See **Nonforfeiture benefits**
  variable contract accounts, 33-20-603, 33-20-604
Binders for temporary insurance, nonapplicability, 33-15-411
Building and loan association stockholders, death — to fund purchase of capital stock upon, 32-2-245
Cash surrender values
  domestic mutual insurers, lien when, 33-3-412
  liquidation of insurer, claims, 33-2-1346, 33-2-1364, 33-2-1372
  loan value equal to, 33-12-211, 33-20-131
  nonforfeiture law, life insurance, See **Standard nonforfeiture law, life insurance**
  rehabilitation of insurer, effect, 33-2-1333
  reinstatement of policy, 33-20-112, 33-20-307
  reserve liabilities, standard valuation, 33-2-525, 33-2-526
  table of values, 33-20-110, 33-20-202
Casualty insurance provisions, nonapplicability when, 33-1-206
Child support orders, requirements, 40-4-121
Claims, See also **INSURERS REGULATION GENERALLY, Losses and claims**
  beneficiary, failure to make — effect, 33-20-115
  credit life and credit disability, 33-21-105
  grace period, during, 33-20-104, 33-20-302
  group life, 33-20-101, 33-20-114, 33-20-1111, 33-20-1207, 33-20-1211
  payment and proofs required, 33-20-114, 33-20-115
Contract of, See **Policies**, generally; See also **INSURERS REGULATION GENERALLY, Policies**, generally
Credit life and credit disability
  accident and health insurance, nonapplicability of investment provisions, 33-12-102
  amount, 33-21-202, 33-21-204
  application for, 33-21-204, 33-21-205
  banks, authorization to sell, 32-1-106, 32-1-429
  binders, 33-21-102, 33-21-205
  citation of the model act for the regulation of credit life insurance and credit disability insurance, 33-21-101
  claims, 33-21-105

INSURANCE, LIFE (Continued)

- **Credit life and credit disability** (Continued)
  - consumer loan business loans, 32-5-306, 32-5-504
  - definitions, 33-1-207, 33-1-208, 33-21-103
  - enforcement of provisions, 33-21-111
  - excepted benefits, 33-22-140
  - existing insurance, 33-21-104
  - forms, 33-21-205
  - insurability, evidence of, 33-21-203
  - insurers
    - capital or surplus fund requirements, 33-2-109
    - choice of, 33-21-104
    - claims, 33-21-105
    - forms and rates, filing, 33-21-205, 33-21-206
    - hearings, 33-21-111
    - orders for compliance, 33-21-111, 33-21-113
      - judicial review, 33-21-112, 33-21-205
    - policy or certificate, delivery, 33-21-204
  - lenders — restrictions on solicitation, rejection, charges, and disclosure, 33-18-501
  - policies, certificates of insurance, or notice of proposed insurance, 33-21-102
    - delivery and contents, 33-21-204, 33-21-207
    - disapproval, 33-21-205
    - issuance, form, 33-21-201
    - riders or endorsements, 33-21-102, 33-21-205
  - preexisting condition exclusion, waiver provision — nonapplicability, 33-22-241
  - premiums, 33-21-202 — 33-21-206
    - comprehensive health association members, total disability insurance premiums — exclusion, 33-22-1513
    - increase, proportionate distribution — nonapplicability, 33-22-243
  - purpose of provisions, 33-21-102
  - refunds, 33-21-203, 33-21-204, 33-21-206
  - retail installment sales, 31-1-233
  - rules, 33-21-111
  - scope of provisions, 33-21-102
  - term, 33-21-203, 33-21-204
  - violation of provisions, 33-21-111, 33-21-113, 33-21-205
- **Credit union officials**, 32-3-406
- **Definitions**, 33-1-208, 33-2-521, 33-20-102, 33-20-134, 33-20-135, 33-20-142, 33-20-1002, 33-20-1302, 33-20-1312, 33-21-103
- **Disability insurance provisions**, nonapplicability when, 33-22-101
- **Discrimination prohibited**, 33-18-206, 33-18-209, 33-20-123, 33-20-1313
- **Dividends**, 33-20-108
  - annuity contracts, 33-20-306
  - death, exclusions or restrictions pertaining to — adjustment of amount payable, 33-20-121
  - discrimination prohibited, 33-18-206
  - distribution, 33-20-123
  - domestic mutual insurers, lien when, 33-3-412
  - increase when, 33-20-131
  - nonforfeiture rights, policies issued before operative date, 33-20-117
  - variable contract accounts, allocations, 33-20-603
- **Do not resuscitate identification**, possession — effect, 50-10-104
- **Employee's use of lawful product during nonworking hours**, employer's discrimination prohibited when, 39-2-313
- **Endowment contracts**, See **Annuity contracts**
- **Estates and probate**, See **ESTATES AND PROBATE**, **Governing instrument**; **Insurance**

INSURANCE, LIFE (Continued)

Evidence
  cancellation notice, affidavit as prima facie evidence of notice, 33-20-142
  credit life and credit disability
    insurability, of, 33-21-203
    insurance, of, 33-21-204
  group life, of insurability, 33-20-1203, 33-20-1205, 33-20-1209, 33-20-1212
    credit union groups, 33-20-1106
    debtor groups, 33-20-1105
    employee groups, 33-20-1101, 33-20-1111
    employer and labor union combination groups, 33-20-1103
    labor union groups, 33-20-1102, 33-20-1103, 33-20-1111
    public employee groups, 33-20-1104
  insurability, of, 33-20-112, 33-20-307, 33-20-401
Execution, proceeds exempt from, 25-13-609, 33-15-511, 33-15-512, 33-15-514
Family support orders, requirements, 40-4-121
Forms, filing not required when, 33-1-501
Fraternal benefit societies, applicability, 33-7-117
Funeral insurance, 33-18-301
Genetic testing, information and traits — nonapplicability of provisions, 33-18-902 — 33-18-904
Group life, See also **Groups and group requirements**
  applications, 33-15-401, 33-20-1204
    conversion to individual policies, 33-20-1111, 33-20-1209, 33-20-1211, 33-20-1212
  bankruptcy, proceeds exempt from, 31-2-106
  benefits, 33-20-1204, 33-20-1206 — 33-20-1208
  certificate, 33-20-1111, 33-20-1208
  claims, payment, 33-20-101, 33-20-114, 33-20-1111, 33-20-1207, 33-20-1211
  conversion to individual policies
    death pending conversion, 33-20-1211
    rights, notice, 33-20-1208, 33-20-1212
    termination of eligibility, on, 33-20-1209
    termination of policy, on, 33-20-1111, 33-20-1210
  credit life and credit disability, See **Credit life and credit disability**
  death benefits, 33-20-1202, 33-20-1207
  discrimination prohibited, 49-2-309
  "employee life insurance" defined, 33-20-1002
  execution, proceeds exempt from, 33-15-512
  firefighters, 19-13-601
  insurability, evidence of, 33-20-1203, 33-20-1205, 33-20-1209, 33-20-1212
  insurance producer provisions, exemptions, 33-17-103
  police officers, 7-32-4122, 7-32-4123
  policies
    age, misstatement — effect, 33-20-1206
    applications, attachment, 33-20-1204
    benefits, payment provisions, 33-20-1207, 33-20-1208
    cancellation, notice requirements — nonapplicability, 33-20-142
    certificate provision, 33-20-1208
    conversion to individual policies, 33-20-1111, 33-20-1208 — 33-20-1212
    grace period, 33-20-1202
    group requirements, to meet, 33-20-1001
    illustrations, 33-20-150
    incontestability, 33-20-1203, 33-20-1204
    insurability, evidence of — provision for, 33-20-1205
    loans on, 33-20-101, 33-20-131
    nonforfeiture provisions required when, 33-20-1201

INSURANCE, LIFE (Continued)
Group life (Continued)
 policies (Continued)
  prohibited provisions, 33-20-121
  reinstatement, 33-20-1210
  required provisions, 33-20-1201
  settlement period and interest, 33-20-114, 33-20-1207
  state statutes, conformity — provision for, 33-20-1213
 premiums
  age, misstatement — effect, 33-20-1206
  nonpayment, 33-20-1203
 school districts and trustees, requirements, 20-3-331
 standard nonforfeiture law, life insurance — exception to, 33-20-212
 variable contracts, statement of essential features, 33-20-604
 viatical settlement contracts, 33-20-1302, See **Viatical settlements**
 violations, 33-20-1003
Groups and group requirements, See also **Group life**
 credit union, 33-20-1106
 debtor groups, 33-20-1105, 33-20-1201
 employee, 33-20-1101, 33-20-1209
  dependents of, 33-20-1111
 employer and labor union combinations, 33-20-1103
 labor union, 33-20-1102, 33-20-1103
  dependents of, 33-20-1111
 public employees, 33-20-1104, See also **PUBLIC OFFICERS OR EMPLOYEES, Group insurance**
 trustee, 33-20-1103
 violations, 33-20-1003
Guaranty association, Title 33, chapter 10, part 2, See **INSURANCE GUARANTY ASSOCIATION, LIFE AND HEALTH**
Guaranty association, casualty and property — nonapplicability, 33-10-101
Indebtedness
 annuity contracts, on, 33-20-503, 33-20-505, 33-20-507
 cash surrender values, deduction from, 33-20-203, 33-20-210
 death, exclusions or restrictions pertaining to — adjustment of amount payable, 33-20-121
 interest, 33-20-112, 33-20-131, 33-20-135
 loan value or proceeds, deduction from, 33-20-131
 nonforfeiture provisions, 33-20-202
 nonforfeiture rights, policies issued before operative date — deduction from, 33-20-117
 reinstatement of policy, 33-20-112, 33-20-307, 33-20-401
 settlements, deduction from, 33-20-120
Industrial life insurance, 33-20-102
 applications as evidence when, 33-15-402
 beneficiaries, 33-20-115
 dividends, 33-20-108
 nonforfeiture benefits, See **Nonforfeiture benefits**
 nonforfeiture law, life insurance, See **Standard nonforfeiture law, life insurance**
 policies, 33-20-102
  cancellation, notice requirements — nonapplicability, 33-20-142, 33-22-122
  dividends, 33-20-108
  grace period, 33-20-104
  loan provisions, nonapplicability, 33-20-131, 33-20-133
  prohibited provisions, 33-20-121, 33-20-122
  reinstatement, 33-20-112
  settlement period and interest, 33-20-115
 premiums, 33-2-705, 33-20-102, 33-20-104
 valuation, 33-2-523

INSURANCE, LIFE (Continued)

Information and privacy protection, 33-20-1310, 33-20-1311, 33-20-1313; Title 33, chapter 19
Inheritance tax
  future, contingent, or limited estates — valuation method, 72-16-417
  transfers subject to, nonapplicability, 72-16-301
Insurability, evidence of
  credit life and credit disability, 33-21-203
  group life, 33-20-1203, 33-20-1205, 33-20-1209, 33-20-1212
    group requirements, 33-20-1101 — 33-20-1106, 33-20-1111
  reinstatement, for, 33-20-112, 33-20-307, 33-20-401
Insurers, See also **INSURERS REGULATION GENERALLY**
  accident and health insurers, investment provisions, 33-12-102, 33-12-205, 33-12-207
  annuities, granting, 33-2-108, 33-2-109
  assets, 33-2-501, 33-2-531, 33-20-120, 33-20-603
  benevolent associations, nonapplicability of provisions, 33-6-102
  cancellation of policies, notice requirements, 33-20-141, 33-20-142
  capital or surplus fund requirements, 33-2-109
  claims, payment discharges, 33-15-501, 33-15-502
  credit life and credit disability, See **Credit life and credit disability**
  deposit requirements, 33-2-111, 33-2-531; Title 33, chapter 2, part 6
  disability insurance, transaction, 33-2-108
  domestic mutual insurers, lien on cash surrender values and dividends when, 33-3-412
  fraternal benefit societies
    applicable provisions, 33-7-408, 33-7-409, 33-7-411, 33-7-520
    mutual life insurer, conversion into, 33-7-216
  health care benefits, providers of — determination of jurisdiction, Title 33, chapter 1, part 11
  insuring powers, combinations, 33-2-108
  investments, 33-12-201 — 33-12-212, 33-20-603, See also **INSURERS REGULATION GENERALLY, Investments**
  loans, authorization, 33-12-106, 33-12-211
  loans on policies and interest rates, See **Policies**
  medical examination of applicants, charge for and collection, 33-18-212
  mortuaries, prohibited relationships with, 33-18-301
  name, conflicts, 33-2-107
  nonforfeiture law, life insurance, See **Standard nonforfeiture law, life insurance**
  nonforfeiture values, filing of changes in interest rates or mortality tables, 33-20-208
  proceeds, holding, 33-20-120
  reserve liabilities, standard valuation, See **Reserve liabilities, standard valuation**
  reserves
    deposit requirements, 33-2-111, 33-2-531; Title 33, chapter 2, part 6
    indeterminate premium plans, 33-2-537
    liability, as, 33-2-511
    loans on policies, 33-12-211
    variable contracts, 33-20-603
  reserve system, misrepresentations, 33-18-202
  risk-based capital, Title 33, chapter 2, part 19
  securities, 33-2-531
  surplus, apportionment, 33-20-108, 33-20-306
  unclaimed funds held by, Title 70, chapter 9, part 8
  variable contracts, 33-20-603 — 33-20-606
Liens
  physicians, nurses, physical therapists, occupational therapists, chiropractors, dentists, psychologists, licensed social workers, licensed professional counselors, and hospitals — personal injury claims, when exempt from, 71-3-1118

INSURANCE, LIFE (Continued)
Liens (Continued)

  rehabilitation of insurer, 33-2-1333
Living wills, effect, 50-9-205
Loans, policy, See **Policies**
Long-term care facilities, prohibited relations, 33-17-1107
Long-term care provisions, 33-1-208, 33-20-127, 33-20-128, 33-22-1107
Marine and transportation insurance, nonapplicability of provisions, 33-1-209
Minors
  applications, 33-15-401
  contract, power to, 33-15-103
  industrial life policies, beneficiary, 33-20-115
  payments, acquittance and discharge, 33-15-502
  premiums, 33-20-204
  transfers to, 72-26-603, 72-26-702, See **TRUSTS, Minors, transfers to**
Mortality tables
  nonforfeiture benefits, 33-20-121
  nonforfeiture law, individual deferred annuities, 33-20-503, 33-20-504, 33-20-506, 33-20-508
  nonforfeiture law, life insurance, 33-20-205 — 33-20-208
Multiple employer welfare arrangements, provided by, 33-35-202
Nonforfeiture benefits
  calculation, 33-20-121
  table of, 33-20-110, 33-20-202
Nonforfeiture provisions
  cancellation of policy, effect, 33-20-142
  group life policies to contain when, 33-20-1201
  individual deferred annuities, See **Standard nonforfeiture law, individual deferred annuities**
  life insurance, See **Standard nonforfeiture law, life insurance**
  surplus, payment, 33-20-108
  variable contracts, 33-20-606
Payments
  insurer, discharge and notice to contrary, 33-15-501
  minors, acquittance, 33-15-502
  viatical settlements, 33-20-1308, 33-20-1311, 33-20-1314
Policies, See also **INSURERS REGULATION GENERALLY, Policies**
  accelerated benefits, 33-20-127, 33-20-128, 33-20-1302, 33-20-1311
  age, misstatement — effect, 33-20-107, 33-20-1206
  agreements, to contain, 33-18-208
  annuity contracts, See **Annuity contracts**
  application required, 33-15-401
  assignment, 33-15-414, 33-20-131
  beneficiaries, See **Beneficiaries or assignees**
  cancellation, notice requirements, 33-20-141, 33-20-142
  claims, payment, 33-20-114, See **Claims**
  contestability, 33-20-118, 33-20-119
  cultural and aesthetic projects, paid-up policies as matches for challenge grants, 22-2-309
  deferred compensation used to purchase, 19-50-102
  dependent rider, 33-20-121
  dividends, 33-20-108, See **Dividends**
  endorsement, 33-20-114, 33-20-115
  entire contract, policy as, 33-20-106
  exclusions from coverage, 33-20-118, 33-20-119, 33-20-121, 33-20-127
  forfeiture, actions to recover under, 33-20-142
  grace period, 33-20-104, 33-20-131, 33-20-141, 33-20-606, 33-20-1202
  group life, See **Group life**
  illustrations, 33-20-150

INSURANCE, LIFE (Continued)
Policies (Continued)

- incontestability, 33-20-105, 33-20-118, 33-20-1203
- industrial life, See **Industrial life insurance**
- language simplification
  - applicability schedule, 33-15-329
  - application of provisions, 33-15-324
  - citation of life and disability insurance policy language simplification act, 33-15-321
  - construction of provisions, 33-15-326
  - definitions, 33-15-323, 33-15-325
  - exceptions, 33-15-324
  - forms, approval, 33-15-328
  - powers of insurance commissioner, 33-15-327
  - purpose of provisions, 33-15-322
  - standards, minimum, 33-15-325
- lapse, 33-20-123
  - actions to recover under, 33-20-142
- liability, 33-20-119, 33-20-121, 33-20-122
- loans on, 33-20-131
  - interest rates, 33-20-131 — 33-20-136
  - investments, as, 33-12-106, 33-12-211
  - rehabilitation of insurer, effect, 33-2-1333
  - settlements, amount withheld from, 33-20-120
  - table of values, 33-20-110
  - variable interest rates, 33-20-112, 33-20-132 — 33-20-136
- long-term care provisions, 33-20-127, 33-20-128, 33-22-1107
- minors, power to contract, 33-15-103
- nonforfeiture law, life insurance, See **Standard nonforfeiture law, life insurance**
- nonforfeiture rights, policies issued before operative date, 33-20-117
- pledge of, 33-20-131
- premiums, payment, 33-20-113, See **Premiums**
- prohibited plans, 33-20-123
- prohibited provisions, 33-20-121, 33-20-122
- reinstatement, 33-15-402, 33-18-212, 33-20-112, 33-20-119, 33-20-606
- renewal, 33-15-402
- reserve liabilities, standard valuation, See **Reserve liabilities, standard valuation**
- restrictions on coverage, 33-20-118, 33-20-119, 33-20-121
- return, notice of right to, 33-15-415
- riders, 33-20-121, 33-20-127, 33-20-131, 33-20-133, 33-20-203, 33-20-204, 33-20-211
- scope of provisions, 33-20-101
- settlement, 33-20-114, 33-20-115, 33-20-120, 33-20-603, See also **Viatical settlements**
  - cash settlements, 33-2-527 — 33-2-529
- standard provisions and exceptions, 33-20-103
  - group life, nonapplicability, 33-20-1201
- state statutes, conformity — provision for, 33-20-124, 33-20-1213
- supplemental provisions, 33-20-131, 33-20-133, 33-20-203, 33-20-204
- surrender, 33-20-114, 33-20-115, 33-20-117, 33-20-123, 33-20-202
- tables of, 33-20-202, See also **Mortality tables**
  - installments, 33-20-111
  - values, 30-20-110, 33-20-202
- termination when, 33-20-131, 33-20-135, 33-20-1210
- term policies, 33-2-522, 33-20-103, 33-20-131, 33-20-133, 33-20-212
- title on, 33-20-116
- transfer, 33-20-1302
- variable contracts, 33-20-601 — 33-20-606
- viatical settlement, See **Viatical settlements**
- void when, 33-20-122, 33-20-131

INSURANCE, LIFE (Continued)

Preferred rate provisions, nonapplicability, 33-18-207
Premarital agreements for ownership rights and disposition of death benefits, 40-2-605
Premiums
  abatement, 33-18-209
  age, misstatement — effect, 33-20-107
  assets of insurer, 33-2-501
  bonuses, 33-18-209
  credit life and credit disability, 33-21-202 — 33-21-206
  default, 33-20-112, 33-20-117, 33-20-131, 33-20-202, 33-20-203, 33-20-210, 33-20-211
  dependent rider, 33-20-121
  discrimination, 33-18-206, 33-18-209
  group life, 33-20-1203, 33-20-1206
    conversion to individual policies, 33-20-1209, 33-20-1211, 33-20-1212
    credit union groups, 33-20-1106
    debtor groups, 33-20-1105
    employee groups, 33-20-1101, 33-20-1111
    employee life insurance, 33-20-1002
    employer and labor union combination groups, 33-20-1103
    labor union groups, 33-20-1102, 33-20-1103, 33-20-1111
    police officers, 7-32-4122, 7-32-4123
    public employee groups, 33-20-1104
  industrial life, 33-2-705, 33-20-102, 33-20-104
  interest on, 33-20-112
  loans on policies, See **Policies**
  nonforfeiture law, life insurance, See **Standard nonforfeiture law, life insurance**
  nonpayment, 33-20-105, 33-20-141, 33-20-142, 33-20-1203
  payment generally, 33-20-113
  rebates prohibited, 33-18-208, 33-18-209
  reduction, 33-18-209, 33-20-131
  reports, 33-2-705
  unpaid, deduction when, 33-20-120, 33-20-131
Proceeds
  bankruptcy, exemption, 31-2-106
  execution, exemption, 25-13-609, 33-15-511, 33-15-512, 33-15-514
  holding, 33-20-120
  installments, table of, 33-20-111
  insurer, discharge and notice to contrary, 33-15-501
  viatical settlements, 33-20-1308, 33-20-1311, 33-20-1314
Public contracts, worker or employee benefits, 18-2-412
Rates and rating organizations, nonapplicability of provisions, 33-16-103
Reciprocal insurers, transaction prohibited, 33-2-108, 33-5-501
Reinsurance, 33-20-101
  ceded agreements — nonrenewals, cancellations, or revisions, 33-3-704
  limit of risk, nonapplicability, 33-2-1201
  policies, prohibited provisions — nonapplicability, 33-20-121
  standard nonforfeiture law, individual deferred annuities — nonapplicability, 33-20-502
  standard nonforfeiture law, life insurance — nonapplicability, 33-20-212
Reserve liabilities, standard valuation, 33-2-521
  contracts, operative date of july 1, 1979, 33-2-524
  contracts, 33-20-213 operative date
    on or after, 33-2-523
    prior to, 33-2-522
  deposit requirements, 33-2-531
  interest rates, 33-2-527 — 33-2-529

INSURANCE, LIFE (Continued)
Reserve liabilities, standard valuation (Continued)

- limits, options, and minimum reserves, 33-2-526
- methods of valuation, 33-2-524 — 33-2-526

Reserve liabilities, variable contracts, 33-20-606
Sales illustrations, 33-20-150
Standard nonforfeiture law, individual deferred annuities

- adjusted benefits, 33-20-511
- application of provisions, 33-20-502
- calculation of benefits, 33-20-512
- cash surrender benefits, 33-20-503, 33-20-505, 33-20-507, 33-20-511, 33-20-512
- citation of standard nonforfeiture law for individual deferred annuities, 33-20-501
- death benefits, 33-20-503, 33-20-505, 33-20-507, 33-20-511, 33-20-512
  - statement of noninclusion of certain benefits, 33-20-510
- exception, 33-20-504
- maturity date, 33-20-509
- minimum nonforfeiture amounts, 33-20-505 — 33-20-508, 33-20-512
- mortality tables, 33-20-503, 33-20-504, 33-20-506, 33-20-508
- nonforfeiture provisions, 33-20-503
- operative date, 33-20-513
- paid-up annuity benefits, 33-20-503 — 33-20-506, 33-20-508, 33-20-511, 33-20-512
- special benefits excluded, 33-20-512
- termination of contract when, 33-20-504

Standard nonforfeiture law, life insurance

- adjusted premiums, 33-20-203 — 33-20-208, 33-20-210
- cash surrender values and paid-up nonforfeiture values, 33-20-202 — 33-20-209, 33-20-211
  - additional rules for calculation, 33-20-210, 33-20-512
- citation of standard nonforfeiture law for life insurance, 33-20-201
- exceptions, 33-20-212
- industrial life insurance, 33-20-202, 33-20-205, 33-20-207, 33-20-208
- mortality tables, 33-20-205 — 33-20-208
- nonforfeiture provisions, 33-20-202
- nonforfeiture values for special plans, determination, 33-20-209
- operative date, 33-20-204, 33-20-206, 33-20-213

Standard valuation of reserve liabilities law, See **Reserve liabilities, standard valuation**
Teachers, reinstatement following termination — fringe benefits, 20-4-204
Term insurance

- group life policies, conversion to individual policies, 33-20-1209
- loans on policies, nonapplicability, 33-20-131
- nonforfeiture law, life insurance
  - adjusted premiums, 33-20-204, 33-20-208
  - cash surrender values, 33-20-203, 33-20-211
  - mortality tables, 33-20-205 — 33-20-208
- reinstatement of policy, 33-20-112
- reserve liabilities, standard valuation, 33-2-522
- variable interest rates, nonapplicability, 33-20-133

Transfer of property in contemplation of death, nonapplicability, 72-16-301
Unemployment insurance, wage exclusions, 39-51-201
University system employee group benefits plans and premium levels, 20-25-1301 — 20-25-1304, 20-25-1310
Variable contracts

- citation of variable contract law, 33-20-601
- doing business requirements of insurer, 33-20-605
- insurance contract requirements, to meet, 33-20-606
- issuance and sale, regulation, 33-20-602
- rules, 33-20-602

INSURANCE, LIFE (Continued)
Variable contracts (Continued)

- separate accounts, requirements, 33-20-603, 33-20-606
- statement of essential features, 33-20-604

Viatical settlements
- annual report by providers, 33-20-1309
- bond and errors and omissions insurance policy required of licensees, 33-20-1315
- citation of viatical settlement act, 33-20-1301
- confidentiality and disclosure of information, 33-20-1310, 33-20-1311, 33-20-1313
- contracts, 33-20-1302
  - conditions precedent to entering, 33-20-1312
  - license applications, inclusion, 33-20-1303
  - terms, form, or rescission, 33-20-1308, 33-20-1311
  - void when, 33-20-1311, 33-20-1314
- definitions, 33-20-1302, 33-20-1312
- discrimination prohibited, 33-20-1313
- examination of licensees or applicants, 33-20-1307, 33-20-1310
- false or misleading advertising, solicitation, or practice, 33-20-1313
- finder's fee, prohibitions, 33-20-1313
- licensing and licenses for providers and brokers
  - application, 33-20-1303, 33-20-1307
  - expiration, 33-20-1305
  - issuance, 33-20-1304
  - material changes affecting qualification for, notification by licensee, 33-20-1306
  - suspension, revocation, or refusal to issue or renew, 33-20-1307
- proceeds, 33-20-1308, 33-20-1311, 33-20-1314
- records, 33-20-1310
- rules, 33-20-1315
- service of process, 33-20-1304
- standards, 33-20-1315

Workers' compensation, wage exclusions, 39-71-123, 39-71-2501
Wrongful discharge actions, awarding of wages and fringe benefits, 39-2-903, 39-2-905

INSURANCE, MARINE, 33-1-209
Citation of Nationwide Inland Marine Definition Act, 33-1-221
Contract of insurance provisions, nonapplicability, 33-15-101
Coverages and risks
- commercial property, 33-1-228
- domestic shipments, 33-1-225
- exceptions, 33-1-229
- exports, 33-1-224
- imports, 33-1-223
- instrumentalities of transportation and commerce, 33-1-226
- personal property, 33-1-227

Forms, filing and approval, 33-1-501
Guaranty association, casualty and property — nonapplicability, 33-10-101
Insurance producer, policy issuance requirements — nonapplicability, 33-17-1111
Insurers, See also **INSURERS REGULATION GENERALLY**
- capital or surplus fund requirements, 33-2-109
- investments, 33-12-301 — 33-12-312, See also **INSURERS REGULATION GENERALLY, Investments**
- reinsurance, limit of risk — nonapplicability, 33-2-1201
- reserves, 33-2-513, 33-12-312
- risk-based capital, Title 33, chapter 2, part 19
- unclaimed funds held by, Title 70, chapter 9, part 8

Policies, language simplification — nonapplicability, 33-15-336
Purpose of provisions, 33-1-222

INSURANCE, MARINE (Continued)

Rates and rating organizations, nonapplicability of provisions, 33-16-103
Surplus lines insurance provisions, nonapplicability, 33-2-317
Unauthorized insurers, service of process — exemption, 33-1-614
University system employee group benefits, nonapplicability, 20-25-1302

INSURANCE PRODUCERS, ADJUSTERS, CONSULTANTS, AND ADMINISTRATORS
Adjusters, 33-17-102, 37-60-101, See also **Administrators**
    crime control, division of — requests for information, 53-9-104
    examinations, 33-1-402
    farm mutual insurers, 33-4-411
    home inspection and inspector provisions, exclusion, 30-14-1003
    license, 33-17-102, 33-17-301, 33-17-1003, 33-17-1004, See also **License suspension, revocation, or refusal**
    motor vehicles
        repair and glass repair shops, prohibited practices, 30-14-225, 33-18-221 — 33-18-224, 33-18-1006
        transfer of ownership when, 61-3-205
    private investigators, nonapplicability of provisions, 37-60-105
    procurement provisions, state — nonapplicability, 18-4-132
    public adjusters, 33-17-102, 33-17-301
    school district professional services contracts, exemption from bidding requirements, 20-9-204
Administrators, 33-17-102, See also **Adjusters**
    advertising, approval, 33-17-612
    agreements, written — required, 33-17-602
    availability of, notice to insureds, 33-17-618
    certificate of registration, 33-17-603, 33-17-604
    claims, 33-17-615
        adjustment and settlement, 33-17-617
    documents, delivery, 33-17-616
    fees, 33-17-603
    hearings, 33-17-603
    license, 33-17-102
    premiums and charges, collection, 33-17-613, 33-17-614, 33-17-618
    records, 33-17-602, 33-17-611, 33-17-613
    small employer health insurance carriers, arrangements with, 33-22-1813
    utilization reviews of chiropractors, applicability, 33-22-125
    violations, 33-17-603
Banks, authorization as, 32-1-429
Cease and desist orders, 33-1-318, 33-17-1204, 33-18-1006
Consultants, 33-17-102, See also **Continuing education for insurance producers and consultants; License, consultants; License suspension, revocation, or refusal**
    consideration for services, 33-17-502, 33-17-511, 33-17-512
    insurers recommended by, restrictions, 33-17-513
    violations, 33-17-502, 33-17-507
Continuing education for insurance producers and consultants
    advisory council, 33-17-1204
    basic requirements and exceptions, 33-17-1203
    citation of insurance producer and consultant continuing education act, 33-17-1201
    compliance, 33-17-1205
    courses, review and approval, 33-2-708, 33-17-1204, 33-17-1205
    fees, 33-17-1204, 33-17-1205, 33-17-1207
    funding for program, 33-17-1207
    mailing list provision, nonapplicability, 2-6-109
    noncompliance, 33-17-1001, 33-17-1205

INSURANCE PRODUCERS, ADJUSTERS, CONSULTANTS,... (Continued)
Continuing education for insurance producers... (Continued)

    purpose, 33-17-1202
    rules, 33-17-1204, 33-17-1206
Controlled business, 33-17-102, 33-25-105, 33-25-401
    insurance producer license prohibited, 33-17-201
Definitions, 33-7-525, 33-17-102, 33-17-103, 33-19-104, 33-25-105, 33-30-311, 33-31-102
Delinquency proceedings of insurers, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Fees, See also specific **License** entry
    administrators, certificate of registration, 33-17-603
    continuing education, 33-17-1204, 33-17-1205, 33-17-1207
    retaliatory, 33-2-709
Fines, 33-1-317, 33-1-318, 33-1-411, 33-17-411, 33-17-502, 33-17-603, 33-17-1004, 33-17-1205, 33-18-305, 33-18-401, 33-31-211, 33-31-311
Forgery, 33-17-1001
Fraudulent practices, 33-1-1302, 33-1-1303, 33-17-507, 33-17-1001, 33-18-401; Title 33, chapter 1, part 12
Holding company systems, See **INSURERS REGULATION GENERALLY**
Information and privacy protection, Title 33, chapter 19
Insurance producers generally, See also **Continuing education for insurance producers and consultants**; **License, insurance producers**; **License suspension, revocation, or refusal**
    adjusters, applicability of provisions, 33-17-102
    administrators, applicability of provisions, 33-17-102
    advances, 33-2-502
    advisory board contracts or agency company stock as inducements to insurance, prohibited, 33-18-211
    annual statements, 33-2-701
    applications for insurance, 33-17-103, 33-18-401
    appointment, 33-2-127, 33-17-231, 33-17-236
        termination, 33-17-231, 33-17-232, 33-17-237
    association of licensed Montana insurance producers, 33-17-211, 33-17-212
    assumed business name, registration, 33-17-211
    authority suspended when, 33-2-120
    automobile repair and glass repair shops, prohibited practices, 30-14-225, 33-18-221 — 33-18-224, 33-18-1006
    benevolent associations, 33-6-402, 33-6-403
    binders for temporary insurance, 33-17-236
    casualty insurance, competition, 33-15-1101
    claims or proofs of loss, false or fraudulent, 33-18-401
    commissions, fees, or consideration, 33-17-1103, 33-17-1112 — 33-17-1114, 33-18-210, 33-18-903, 33-25-202
    consumer loan businesses, requirements, 32-5-306
    controlled insurers and controlling producers, Title 33, chapter 2, part 15
    credit extended to policyholders, 33-18-213
    crime control, division of — requests for information, 53-9-104
    customer service representative, 33-17-102
    death or disability, effect, 33-17-216, 33-17-217
    defined, 33-7-525, 33-17-102, 33-17-103, 33-19-104, 33-25-105, 33-30-311, 33-31-102
    disability insurance producers
        claims, notices, 33-22-208
        comprehensive health association plans, marketing and referral fees, 33-22-1515, 33-22-1518
        health maintenance organization insurance producers, applicability of provisions, 33-31-311
        long-term care facilities, prohibited relations, 33-17-1107

INSURANCE PRODUCERS, ADJUSTERS, CONSULTANTS,... (Continued)
Insurance producers generally (Continued)
- disability insurance producers (Continued)
    - outline of coverage, providing, 33-22-244, 33-22-521
    - reinstatement of policies, 33-22-207
- domestic stock and mutual insurers, 33-3-206, 33-3-217
- employees, 33-17-103, 33-17-1103, 33-17-1111
- examinations, 33-1-402, 33-17-213, 33-17-1001, 33-25-201, 33-31-401
- exemptions from provisions, 33-17-103
- farm mutual insurers, 33-4-103, 33-4-312
- fraternal benefit societies, 33-7-117, 33-7-525, 33-7-532, 33-17-201
- funds
    - commingling, 33-17-1102, 33-25-301
    - misappropriation, 33-17-1102
- guaranty association insurance producers
    - casualty and property, 33-10-106, 33-10-110, 33-10-113
    - life and health, 33-10-207, 33-10-210, 33-10-216
- health maintenance organization insurance producers, 33-31-102, 33-31-211, 33-31-311, 33-31-401
- health service corporation insurance producers, 33-30-102, 33-30-105, 33-30-311
- inducements to insurance prohibited, 33-18-210, 33-18-211
- insurer's certificate of authority suspended or revoked, notification and effect, 33-2-120, 33-2-121
- lenders, favoritism prohibited, 33-18-501
- liability risk retention groups and purchasing groups, 33-11-104, 33-11-108 — 33-11-110, 33-11-123
- life insurance producers, 33-17-102, 33-17-201, 33-17-211, 33-17-1107, 33-17-1111, 33-20-142
- long-term care facilities, prohibited relations, 33-17-1107
- long-term care insurance producers, 33-22-1111
- managing general agents, See **INSURERS REGULATION GENERALLY**
- medical savings account administrators, as, Title 15, chapter 61
- medicare supplement insurance policies and certificates, compensation, 33-22-906
- motor vehicle liability insurance, cancellation or nonrenewal notices — retention, 33-23-216
- multiple employer welfare arrangements, contracts with, 33-35-202
- nonresident insurance producers
    - continuing education requirements, exception, 33-17-1203
    - insurance code, subject to, 33-17-406
    - place of business, 33-17-1101
    - policies, 33-2-710, 33-17-404, 33-17-1111
    - service of process, 33-17-405
    - taxation, subject to, 33-17-407
    - violations, 33-17-411
- place of business, 33-17-1101
- policies, See also **INSURERS REGULATION GENERALLY, Policies**
    - agreements as to insurance not expressed in, prohibited, 33-15-302
    - cancellation notices, 33-20-142, 33-22-122
    - casualty or property insurance, nonrenewal or cancellation
        - insured, request for information, 33-15-1107
        - notice to, 33-15-1105
    - countersignature requirements, 33-17-404, 33-17-1111 — 33-17-1114
    - credit extended to policyholders, 33-18-213
    - employees, acts by, 33-17-1111
    - genetic traits, discrimination on basis of — prohibited, 33-18-903
    - home or branch offices, issuance at, 33-17-1114
    - issuance, requirements, 33-17-1111
    - outside state, originating — commissions, 33-17-1113
    - vending machines, 33-17-221
- political contributions prohibited, 33-18-305

INSURANCE PRODUCERS, ADJUSTERS, CONSULTANTS,... (Continued)
Insurance producers generally (Continued)

- premium finance companies, Title 33, chapter 14, See **INSURERS REGULATION GENERALLY**
- premiums
  - controlled business, on, 33-17-201
  - credit extended to policyholders, 33-18-213
  - employees, receipts by, 33-17-103
  - reporting and accounting, 33-11-104, 33-17-1102
- private investigators, nonapplicability of licensing provisions, 37-60-105
- professional employer organization and group policies, 39-8-207
- property insurance, competition, 33-15-1101
- quotations from insurer, by, 33-17-236
- rating or advisory organizations, 33-16-106
- records, 33-17-1101, 33-17-1102, 33-17-1111
- reinsurance intermediaries, 33-2-1701
- retail installment sales contract holders, insurance purchased by, 31-1-233
- retaliatory fees, taxes, and other obligations, 33-2-709
- small employer health insurance, Title 33, chapter 22, part 18
- subsidiaries acting as or financing by, 33-2-1102
- surplus lines, See **INSURANCE, SURPLUS LINES**
- taxes, preemption of state, 33-2-707
- termination and notice of, 33-17-231
- title insurance producers, See **INSURANCE, TITLE**
- vending machines, 33-17-221
- violations, 33-17-237, 33-17-1004, 33-17-1102, 33-25-301
- workers' compensation
  - classification and review committee, appointment to, 33-16-1011
  - state compensation insurance fund
    - board of directors, representation on, 2-15-1019
    - contracts with producers, 39-71-2316

License, adjusters, 33-17-102, 33-17-301, 33-17-1003, 33-17-1004, See also **License suspension, revocation, or refusal**

License, administrators, 33-17-102

License, consultants, 33-17-102, See also **License suspension, revocation, or refusal**

- applications and renewal, 33-17-503, 33-17-507
- citation of Montana insurance consultant licensure act, 33-17-501
- examination, 33-17-505
- fees, 33-17-503, 33-17-505
- issuance and limitation, 33-17-504
- late renewal fee, 33-17-1205
- refusal, 33-17-506
- required, 33-17-502
- termination, 33-17-1205

License, insurance producers, 33-17-102, 33-17-201, See also **License suspension, revocation, or refusal**

- application, 33-17-201, 33-17-211, 33-17-216
- association of licensed Montana insurance producers, 33-17-211, 33-17-212
- change of address, notice, 33-17-214
- contents, 33-17-214
- continuation, 33-17-201, 33-17-216, 33-17-221
- controlled business, for — prohibited, 33-17-201
- corporations or partnerships, 33-17-211, 33-17-212, 33-17-214, 33-17-216, 33-17-217, 33-17-401, 33-17-1001, 33-17-1002, 33-17-1103, 33-31-311
- death or disability of insurance producer, effect, 33-17-216, 33-17-217
- disability insurance producer, 33-17-211
- discrimination prohibited, 33-17-213

INSURANCE PRODUCERS, ADJUSTERS, CONSULTANTS,... (Continued)
License, insurance producers (Continued)

- display, 33-17-1101
- domestic insurer, transfer of domicile — effect, 33-2-127
- domestic stock and mutual insurance producers, 33-3-206
- effective period, 33-17-214, 33-17-216
- examinations, 33-3-206, 33-17-211 — 33-17-213, 33-17-216
- expiration, 33-17-216, 33-17-221, 33-17-1003
- failure to have, 33-17-1004
- federal crop insurance, all-risk — persons licensed for, 33-17-201, 33-17-212
- fees, 33-17-211, 33-31-311
- forms, 33-17-201, 33-17-211
- gap insurance producer, 33-17-212
- health maintenance organization insurance producers, 33-31-311
- involuntary unemployment insurance producer, 33-17-212
- issuance, 33-17-201, 33-17-214
- liability risk retention group or purchasing group insurance producers, 33-11-123
- life insurance producers, 33-17-201, 33-17-211
- lost, destroyed, or stolen, 33-17-1003
- managing general agents, 33-2-1501, 33-2-1601
- mechanical breakdown insurance producer, 33-17-212
- nonresident insurance producers, 33-2-1601, 33-17-211, 33-17-212, 33-17-401, 33-17-411
- partnerships, 33-31-311
- premium finance companies, license not required, 33-14-201
- prepaid legal plans producer, 33-17-212
- qualifications, 33-17-211
- reciprocity, 33-17-211, 33-17-212
- reinsurance intermediaries, 33-2-1701, 33-2-1704, 33-2-1707, 33-2-1709
- renewal, late — fee, 33-17-1205
- retaliatory fees, nonapplicability, 33-2-709
- return of license, 33-17-1003
- state, property of, 33-17-1003
- surplus lines insurance producers, See **INSURANCE, SURPLUS LINES, Insurance producers**
- temporary license, 33-3-206, 33-17-216, 33-17-217, 33-17-1203
- termination, 33-17-201, 33-17-211, 33-17-1003, 33-17-1205
- transportation, common carriers — ticket agents, 33-17-212
- vending machines, 33-17-221

License, public adjusters, 33-17-301
License suspension, revocation, or refusal

- adjuster's license, 33-17-301
- appeals from, 33-1-711
- appointment of insurance producer, effect on, 33-17-231
- association of licensed Montana insurance producers, 33-17-211
- consultant's license, 33-17-503, 33-17-506, 33-17-507
- continuing education requirements for insurance producers and consultants, noncompliance, 33-17-1205
- domestic stock and mutual insurance producers, 33-3-206
- grounds for, 33-2-313, 33-17-211, 33-17-1001, 33-25-301
- health maintenance organization insurance producers, 33-31-311
- hearings, 33-2-1347, 33-17-211, 33-17-507, 33-17-1001, 33-25-301
- ineligibility following revocation, 33-17-1002
- liquidation of insurer
  - notice requirements, noncompliance, 33-2-1347
  - premiums owed, violation of recovery provision, 33-2-1362
- managing general agents, 33-2-1605
- nonresident insurance producers, 33-17-401, 33-17-411

INSURANCE PRODUCERS, ADJUSTERS, CONSULTANTS,... (Continued)
License suspension, revocation, or refusal (Continued)

  penalty, as, 33-17-211
  procedure following, 33-17-1002
  reinsurance intermediaries, 33-2-1709
  reissuance following revocation, 33-17-1002
  return of license, 33-17-1003
  title insurance producers, 33-25-301
  vending machines, 33-17-221
Liquidation of insurer, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
  domiciliary liquidator, right to balances, 33-2-1381
  employment by liquidator, 33-2-1345
  order, notice, 33-2-1346
  policyholders, notice to and compliance report, 33-2-1347
  premiums owed, recovery, 33-2-1362
Misappropriation of funds, 33-17-1001, 33-17-1102
Motor club service companies, agents for, 61-12-301, 61-12-302, 61-12-309, 61-12-312
Motor vehicle liability insurance, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Liability insurance**
Multilevel distribution company, nonapplicability of provisions, 30-10-324
Penalties, 33-1-318, 33-2-1347, 33-17-211, 33-18-305
Prelicensing education, nonapplicability of mailing list provision, 2-6-109
Professional employer organizations and groups, applicability of provisions when, 39-8-207
Public adjusters, 33-17-102, 33-17-301
Purpose of provisions, 33-17-101
Scope of provisions, 33-17-101
Telemarketers' registration and bonding requirements, exemption, 30-14-1405
Unauthorized insurers, representing or aiding prohibited, 33-2-104
Vending machines, licensing, 33-17-221
Violations, 33-1-318, 33-17-1001
  adjusters, failure to have license, 33-17-1004
  administrators, 33-17-603
  consultants, 33-17-502, 33-17-507
  false or fraudulent applications, claims, or proofs of loss, 33-17-507, 33-18-401
  insurance producers
    license, failure to have, 33-17-1004
    misappropriation of funds, 33-17-1102
    nonresident insurance producers, 33-17-411
    political contributions, 33-18-305
    title insurance producers, 33-25-301

INSURANCE, PROPERTY, 33-1-210
  See also generally **INSURANCE, CASUALTY; INSURANCE, MARINE**
Abuse, victims of — discrimination prohibited, 33-18-216
Agricultural Loan Authority loans, requirements, 80-12-215
Condominiums, 70-23-612, 70-23-805
Consumer loan business loans, requirements, 32-5-306, 32-5-504
County fairground and building lessees, 7-21-3409
Definitions, 33-1-210, 33-15-335, 33-15-337, 33-15-1102
Discrimination, 33-15-1101, 33-18-207, 33-18-210, 33-18-216
Fire insurance
  agricultural commodities
    dealers, requirements, 80-4-601
    warehouse operators, requirements, 80-4-506
  condominiums, common expenses, 70-23-612

INSURANCE, PROPERTY (Continued)
Fire insurance (Continued)

- county buildings, 7-8-2104
- credit unions, requirements, 32-3-201
- day-care facilities, 52-2-723, 52-2-724
- devise, proceeds acquired by — nonademption, 72-2-616
- farm property, stock, and rural buildings, 33-4-101, 33-4-501, 33-4-502, See **INSURERS, FARM MUTUAL**
- fire loss information, reports regarding, 50-3-102, 50-63-203, 50-63-401, 50-63-405
- home insurance, notice requirements for cancellation or nonrenewal, 33-23-401
- indemnity, measure of and rescission for fraud, 33-24-101
- leakage and fire extinguishing equipment, against loss or damage caused by, 33-1-206
- nationwide inland marine, coverage inapplicable, 33-1-228
- premium tax, report requirements and payments from, 19-17-301, 33-2-705
  - tax on fire portion of direct premiums, 50-3-109
- rates, standards, 33-16-201
- recovery on policy, testimony of law enforcement and fire protection personnel, 50-63-404
- suspicious fires, reporting, 50-63-402, 50-63-405
- tax lien on proceeds when, 33-24-104

Forms, filing and approval, 33-1-501
Governmental entities, Title 2, chapter 9, parts 2 and 3, See **GOVERNMENTAL LIABILITY**
Guaranty association, Title 33, chapter 10, part 1, See **INSURANCE GUARANTY ASSOCIATION, CASUALTY AND PROPERTY**
Home insurance

- credit history not to affect when, 33-18-210
- notice requirements for cancellation or nonrenewal, 33-23-401

Housing authorities, municipal, 7-15-4460, 7-15-4525
Improvements, insuring — insurance equal to true value, 33-24-102
Information and privacy protection, Title 33, chapter 19
Insurable interests, 33-15-205

- insurance without interest or execution by wager, 33-15-207
- interest of named insured and change or transfer, 33-15-206

Insurers, See also **INSURERS REGULATION GENERALLY**

- capital or surplus fund requirements, 33-2-109
- contracts rescinded when, 33-24-101
- defraud, damage or destruction to, 45-6-101
- financial impairment, effect, 33-15-1103
- fire loss information, reports regarding, 50-63-203, 50-63-401, 50-63-405
- fires, suspicious — reporting, 50-63-402, 50-63-405
- insolvency declared when, 33-2-1303
- investments, 33-12-301 — 33-12-312, See also **INSURERS REGULATION GENERALLY, Investments**
- managing general agents, interim profits, 33-2-1602
- personal property, specific valuation — loss computations, 33-24-103
- policies, fraud in obtaining — as defense to suit, 33-24-102
- reinsurance
  - ceded agreements — nonrenewals, cancellations, or revisions, 33-3-704
  - intermediary-managers, interim profits, 33-2-1705
  - limit of risk, 33-2-1201
- reserves, 33-2-512, 33-2-518, 33-12-312
- risk-based capital, Title 33, chapter 2, part 19

Lenders — restrictions on solicitation, rejection, charges, and disclosure, 33-18-501
Libraries, public — authority of board of trustees, 22-1-309
Parking commissions, 7-14-4622
Personal property, specific valuation — loss computations, 33-24-103

INSURANCE, PROPERTY (Continued)

Policies
  abuse, victims of — discrimination prohibited, 33-18-216
  cancellation, renewal, or nonrenewal
    altered terms, renewal with, 33-15-1106
    anniversary cancellation, 33-15-1104
    definitions, 33-15-1102
    grounds for, request for information, 33-15-1107
    home insurance, 33-23-401
    midterm cancellation, 33-15-1103
    notice of nonrenewal, 33-15-1105
    purpose and applicability of provisions, 33-15-1101
    unfair trade practices, 33-15-1121, 33-18-210
  home owner insurance, 33-15-1111, 33-23-401
  insurable interests, 33-15-205 — 33-15-207
  language simplification
    application of provisions, 33-15-336
    citation of property and casualty insurance policy language simplification act, 33-15-333
    compliance with other statutorily required language, 33-15-339
    definitions, 33-15-335, 33-15-337
    enforcement, 33-15-338
    liability and coverage not imputed, 33-15-340
    powers of insurance commissioner, 33-15-338
    purpose of provisions, 33-15-334
    standards, minimum, 33-15-337
  state statutes, conformity with, 33-24-105
Preferred rates, prohibited when, 33-18-207
Premiums, 33-15-1102
  abatement, rebates, and reduction prohibited, 33-18-210
  annual premium, increase not allowed when, 33-15-1104
  discrimination, 33-18-207, 33-18-210
  failure to pay when due, 33-15-1103, 33-15-1105, 33-15-1107
  increase, notice to insured and effective date, 33-15-1106
  midterm increases prohibited, 33-15-1101, 33-15-1121
  renewal premium, notice, 33-15-1105
  tax on fire portion of direct premiums, 50-3-109
Principal and income, determination, 72-34-404
Reciprocal insurers, surplus fund requirements, 33-5-401
School district property, 20-6-608
Surplus lines insurance, See also **INSURANCE, SURPLUS LINES**
  applicability of provisions, 33-2-317
  insurance producers, licensing requirements, 33-2-305
Trust property, against damage or loss, 72-34-331
Unauthorized insurers, service of process — exemption, 33-1-614
University system employee group benefits, nonapplicability, 20-25-1302
Urban renewal property, 7-15-4233, 7-15-4258

INSURANCE, SURETY
  See **SURETYSHIP AND SURETIES, Surety insurance**

INSURANCE, SURPLUS LINES
Actions
  insurers, against, 33-2-314
  premium tax and penalty, recovery, 33-2-312
Advisory organizations, 33-2-321
  contracts filed with, 33-2-303
  rules governing, 33-2-316

INSURANCE, SURPLUS LINES (Continued)
Advisory organizations (Continued)

- stamping fee, nonpayment — penalty imposed, 33-2-312

Certificate of insurance or cover note, 33-2-303, 33-2-308, 33-2-310
Citation of the Surplus Lines Insurance Law, 33-2-301
Contracts, 33-2-302
- actions relative to, 33-2-314
- filing and endorsement, 33-2-303
- validity and enforceability, 33-2-304

Definitions, 33-2-301, 33-2-307, 33-15-1102
Evidence
- advisory organizations, examinations, 33-2-321
- insurance, of, 33-2-308, 33-2-310

Examination, 33-2-321
Exemptions, 33-2-317
Hearings, 33-2-321
Insurance producers, 33-2-301
- acceptance of business from other agents, 33-2-306
- advisory organizations, membership, 33-2-321
- affidavit requirements, 33-2-310, 33-2-313
- annual statements, 33-2-310 — 33-2-313
- authority, 33-2-306
- certificate of insurance or cover note — issuance, delivery, and changes, 33-2-308
- contract endorsements, 33-2-303
- corporations as, 33-2-305
- examination of, 33-1-402, 33-2-310, 33-2-313, 33-2-321
- fees or fines, 33-2-305, 33-2-326, 33-2-708
- filings, 33-2-303, 33-2-305, 33-2-310
- inspection of risk and fee, 33-2-306
- insurance procured from, conditions for, 33-2-302
- insureds, failure to notify of policy changes, 33-2-308
- insurers, withdrawal of eligibility — notice, 33-2-307, 33-2-1217
- license, 33-2-305, 33-2-708
  - suspension or revocation, 33-1-711, 33-2-312, 33-2-313
- offices, closure, 33-2-313
- penalties, 33-2-308, 33-2-312, 33-2-313, 33-2-316, 33-2-326
- policies, 33-2-308, 33-2-310
- premiums, 33-2-309, 33-2-310
- premium tax, 17-2-121, 33-2-305, 33-2-311 — 33-2-313
- producing, See **Producing insurance producers**
- records, 33-2-310, 33-2-313
- risk retention groups and purchasing groups, 33-11-108, 33-11-109
- rules governing, 33-2-316
- stamping fee, 33-2-312
- surety bond requirements, 33-2-305
- taxes, charging and collection in addition to premiums, 33-18-212
- violations, 33-2-308, 33-2-313, 33-2-326

Insurers, 33-2-301, See also **INSURERS REGULATION GENERALLY**
- actions against, 33-2-314
- certificate of authority requirements, exception to, 33-2-102, 33-2-104, 33-2-119
- eligible insurers, 33-2-301, 33-2-302, 33-2-307, 33-2-1217
- financial impairment, effect, 33-15-1103
- insurance producers representing or aiding insurers in violations, 33-2-326
- liability as to losses or unearned premiums, 33-2-309
- liability risk retention groups and purchasing groups, 33-11-102, 33-11-109
- representing or aiding unauthorized insurers, 33-2-104, 33-2-326
- service of process, 33-1-614, 33-2-315

INSURANCE, SURPLUS LINES (Continued)

Losses covered by, insurer's liability, 33-2-309
Policies, 33-2-308, 33-2-310
  cancellation, renewal, or nonrenewal
    altered terms, renewal with, 33-15-1106
    anniversary cancellation, 33-15-1104
    definitions, 33-15-1102
    grounds for, request for information, 33-15-1107
    midterm cancellation, 33-15-1103
    notice of nonrenewal, 33-15-1105
    purpose and applicability of provisions, 33-15-1101
    unfair trade practices, 33-15-1121
Political subdivision insurance, excess coverage — procurement, 2-9-211
Premiums, 33-2-309, 33-2-310, 33-2-321, 33-15-1102
  annual premium, increase not allowed when, 33-15-1104
  failure to pay when due, 33-15-1103, 33-15-1105, 33-15-1107
  increase, notice to insured and effective date, 33-15-1106
  midterm increases prohibited, 33-15-1101, 33-15-1121
  renewal premium, notice, 33-15-1105
  taxes, charging and collection in addition to, 33-18-212
Premium tax, 17-2-121, 33-2-305, 33-2-311 — 33-2-313, 33-2-706, 33-11-110
Producing insurance producers, 33-2-301
  affidavit, execution, 33-2-310
  evidence of insurance, delivery to, 33-2-308
  requests for insurance, 33-2-302
  surety bond, notice of termination, 33-2-305
Rates and rating organizations, nonapplicability of provisions, 33-16-103
Rules governing, 33-2-316, 33-2-321
Sale of, conditions precedent to, 33-2-302
Stamping fee, 33-2-312, 33-2-321
Unearned premiums, insurer's liability, 33-2-309
Violations, 33-2-321

INSURANCE, TITLE, 33-1-212
Abstracts of title, 33-25-105, 33-25-111
  subdivisions, local review — requirements, 76-3-612
Action for violation of prohibited practices, 33-25-402
Applicability of provisions, 33-25-106
Approved attorney, 33-25-105, 33-25-213, 33-25-214
Associate, 33-25-105, 33-25-403
Banks, sale prohibited, 32-1-429
Citation of Montana Title Insurance Act, 33-25-104
Conservation district conservation practice loans, on land secured for, 76-15-546
Consumer loan business loans, inclusion of fees or premiums, 32-5-301
Contract of insurance, applicability of provisions, 33-15-101
Controlled business, 33-25-105, 33-25-401
Debt adjusting by insurer and abstract company, 31-3-203
Definitions, 33-1-212, 33-25-105
Discrimination prohibited, 33-18-210, 33-25-212
Escrow business regulation provisions, exemption, 32-7-103
Escrows, settlements, closings, or title indemnification, 33-25-201, 33-25-301
Guaranty association, casualty and property — nonapplicability, 33-10-101
Information and privacy protection provisions, nonapplicability when, 33-19-103
Injunction, 33-1-318, 33-25-402
Insurance producers, 33-25-105
  agency contracts, 33-25-302

INSURANCE, TITLE (Continued)
Insurance producers (Continued)

claims, reporting, 33-25-215
commissions, acceptance, 33-25-202
continuing education, 33-25-201; Title 33, chapter 17, part 12
escrow, settlement, closing, or title indemnification — funds, records, and services provided, 33-25-201
favoritism by, prohibited, 33-25-403
inducements to insurance prohibited, 33-18-210
irrigation districts, records of ownership as sufficient evidence of title, 85-7-102
license, 33-17-212, 33-17-213, 33-25-301
mortgagee policy, issuance, 33-25-216
obligations guaranteed, 33-25-213
rates, 33-25-105, 33-25-202
records, 33-17-1101, 33-25-201, 33-25-214
stock of, investment in, 33-25-211
title searches and examinations, 33-25-214
Insurers, 33-25-105, See also **INSURERS REGULATION GENERALLY**
agency contracts, 33-25-302
assets, 33-2-502
authority, limitations, 33-25-213
capital or surplus fund requirements, 33-2-109
claims, reporting to, 33-25-215
commissions, acceptance, 33-25-202
delinquency proceedings, applicability, 33-2-1304, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
deposit requirements, 33-2-111
escrow, settlement, closing, or title indemnification — funds, records, and services provided, 33-25-201
favoritism by, prohibited, 33-25-403
foreign capital depositories, financial records and privacy provisions — nonapplicability, 32-8-502
guaranteeing of obligations prohibited and exceptions, 33-25-213
guaranty fund, establishment and maintenance, 33-2-517, 33-25-211
investments, 33-12-301 — 33-12-312, 33-25-211, See also **INSURERS REGULATION GENERALLY, Investments**
manufactured homes, land title searches when, 15-1-117
mortgagee policy, issuance, 33-25-216
rates, 33-25-202, 33-25-212
records, 33-25-201, 33-25-214
reinsurance, limit of risk — nonapplicability, 33-2-1201
reserves for unearned premiums, 33-2-512, 33-2-517, 33-12-312, 33-25-211
risk-based capital provisions, nonapplicability, 33-2-1902
stock insurers, to be, 33-2-108
underwriting rules and standards, insurability determined by, 33-25-105, 33-25-214
Law, practice of — not authorized, 33-25-106
Mortgagee policy, issuance, 33-25-216
Policies, 33-25-105
abstracts of title distinguished from, 33-25-111
claims, reporting, 33-25-215
issuance, 33-25-214
misrepresentation of terms, 33-25-301
mortgagee policies, 33-25-216
Preliminary report, 33-25-105, 33-25-111
Premiums, 33-2-705, 33-18-210, See also **INSURERS REGULATION GENERALLY, Premium tax**
Prohibited practices, 33-1-318, 33-25-401 — 33-25-403

INSURANCE, TITLE (Continued)

Rates, 33-18-210, 33-25-105, 33-25-202, 33-25-212
Reciprocal insurers, transaction by — prohibited, 33-5-501
Records, 33-17-1101, 33-25-201, 33-25-214, See also **Title plant**
Referrals, 33-25-105, 33-25-401
Reinsurance, 33-2-1201, 33-25-105, 33-25-214
Rules, 33-25-201, 33-25-214, 33-25-301
Splitting charges, 33-25-401
Title abstracting, searching, and examining, 33-25-105, 33-25-214
  escrow business regulation provisions, exemption, 32-7-103
Title plant, 33-25-105, 33-25-211
  subdivisions, local review — requirements, 76-3-612
  tax provisions, 15-6-201, 15-24-602, 15-30-111, 15-31-114
Trust indenture, insurer or agent as trustee for, 71-1-306
University system employee group benefits, nonapplicability, 20-25-1302
Violations, 33-1-318, 33-25-301, 33-25-402

INSURERS, DOMESTIC STOCK AND MUTUAL
  See also **INSURERS REGULATION GENERALLY**
Actions
  assessments, collection, 33-3-413
  equity securities, inside trading — recovery of profit, 33-3-442
Advertising, 33-3-502
Articles of incorporation or amendments to, 33-3-201 — 33-3-203, 33-3-303
Assessment on members, 33-3-412, 33-3-413, 33-3-433
Assets, 33-3-401, 33-3-415
  assessment on members when, 33-3-412
  dissolution, distribution upon, 33-3-604
  impairment, 33-3-432, 33-3-433, 33-3-435
  liquidation, member's share upon, 33-3-436
Benevolent associations, applicability, 33-6-101
Board of directors, See **Directors, board of**
Bond requirements, 33-3-205, 33-3-307
Branch offices, 33-3-401
Bylaws, 33-2-115, 33-3-301, 33-3-302
Capital, 33-2-109
  impairment, 33-3-432 — 33-3-435
Certificate of authority, 33-3-202, 33-3-204 — 33-3-208
  amendment when, 33-3-432
  application and documents required, 33-2-115
  ineligibility, effect, 33-3-202
  revocation or suspension when, 33-3-424, 33-3-502
Certificate of incorporation, 33-3-202, 33-3-205, 33-3-206, 33-3-208
Comprehensive health association, participation in, Title 33, chapter 22, part 15
Consolidation, 33-3-217, 33-3-218, 33-3-401
Contingent liability of members, 33-3-201, 33-3-411 — 33-3-415
Contracts, management and agency, 33-3-309
Conversions, 33-2-1212, 33-3-215, 33-3-216, 33-12-105
Corporate
  charters, extinguishment when, 33-3-104, 33-3-217, 33-3-218
  powers, cessation when, 33-3-208
Corporation statutes, applicability, 33-3-103
Definitions, 33-1-201, 33-3-102, 33-3-441, 33-3-502
Delinquency proceedings, 33-3-104, 33-3-401, 33-3-432, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**

INSURERS, DOMESTIC STOCK AND MUTUAL (Continued)

Directors, board of, 33-3-201, 33-3-301 — 33-3-303, 33-3-305, 33-3-306
  assessments, levy, 33-3-412, 33-3-433
  deficiency, liability for losses during, 33-3-434
  dividends, illegal — penalty, 33-3-424
  equity securities, statement of ownership, 33-3-441
  insurance, solicitation for applications, 33-3-206
  merger or consolidation of insurer, consideration prohibited, 33-3-217
  pecuniary interest prohibited, 33-3-308
  policies, request for revocation of authority to issue, 33-3-415
  policyholders, participation in election of, 33-3-306
  property, control of disposition, 33-3-310
Dissolution, voluntary, 33-3-103, 33-3-601 — 33-3-604
Dividends, 33-3-412, 33-3-421 — 33-3-424
Employees, bond requirements, 33-3-307
Equity securities, See also **Stock**
  arbitrage transactions, 33-3-445
  exemptions, 33-3-444 — 33-3-446
  inside trading, 33-3-442, 33-3-444 — 33-3-446
  investment account, held in, 33-3-444
  primary or secondary market, 33-3-444
  registered securities, 33-3-446
  rules and classifications, 33-3-447
  short sales prohibited, 33-3-443 — 33-3-446
  statement of ownership, 33-3-441, 33-3-445, 33-3-446
Evidence
  certificate of incorporation, certified copy as prima facie evidence, 33-3-202
  contingent liability, assessment for and amount of assessment as prima facie correct, 33-3-413
  merger or consolidation, for, 33-3-217
Examination of, 33-3-601
Existence, duration, 33-3-201
Expenditures, vouchers for, 33-3-402
Farm mutual insurers, applicability, 33-4-101
Filings
  articles of incorporation or amendments to, 33-3-202, 33-3-203
  bonds, 33-3-205, 33-3-307
  bylaws and modifications or additions to, 33-3-301
  contracts, management and agency, 33-3-309
  deficiencies not made good, proof of, 33-3-432
  dissolution, voluntary
    plan and papers, 33-3-601
    revocation proceedings, 33-3-603
  equity securities, statement of ownership, 33-3-441
  loans, statement of purpose and proposed agreement, 33-3-431
  merger or consolidation plans and agreements, 33-3-217, 33-3-218
  trust agreements for premiums or fees, 33-3-207
Formation of mutual insurer
  applications for insurance, 33-3-206
  bond requirements, 33-3-205
  failure to qualify, 33-3-208
  trust deposit of premiums, 33-3-207
Fraternal benefit societies
  applicability of provisions, 33-7-117
  mutual life insurer, conversion into, 33-7-216
Funds, 33-3-301, 33-3-308

INSURERS, DOMESTIC STOCK AND MUTUAL (Continued)

Hearings
  conversion of mutual insurer to stock insurer, 33-3-216
  dissolution plans, 33-3-601
  merger or consolidation plans and agreements, 33-3-217, 33-3-218
  mutualization of stock insurer, 33-3-215
  solicitations in other states, 33-3-502
Incorporation, 33-3-201
Incorporators, 33-3-201, 33-3-202, 33-3-205
Insolvency, 33-3-432, 33-3-601
Insurance
  applications, solicitation, 33-3-205, 33-3-206
  kinds that may be transacted, 33-3-201, 33-3-204
  policies, See **Policies**
  premiums, 33-3-206 — 33-3-208, 33-3-604
  solicitation of business in other states, 33-3-502
Insurance producers, 33-3-206, 33-3-217, See also **INSURANCE PRODUCERS, ADJUSTERS, CONSULTANTS, AND ADMINISTRATORS**
Liquidation, 33-3-436, 33-3-601, 33-3-602, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Loans, 31-1-111, 31-1-112, 33-3-431
Meetings of stockholders or members, 33-3-303
  amendment of articles of incorporation, 33-3-203
  bylaws, pertaining to and provisions within, 33-3-301, 33-3-302
  conversion of mutual insurer to stock insurer, 33-3-216
  merger or consolidation of mutual insurer, 33-3-218
Membership in mutual insurers, 33-3-503
Merger or consolidation, 33-3-217, 33-3-218, 33-3-401
Mutualization of stock insurer, 33-3-215, 33-12-105
Name of corporation, 33-3-201
Notices
  amendments to articles of incorporation, 33-3-203, 33-3-303
  assessments, 33-3-412, 33-3-413, 33-3-433
  bonds of officers, cancellation, 33-3-307
  bylaws
    disapproval, 33-3-301
    revocation or modification of provisions prohibited, 33-3-302
  conversion of mutual insurer to stock insurer, 33-3-216
  deficiencies, 33-3-432
  meetings of stockholders or members, 33-3-203, 33-3-302, 33-3-303
  merger or consolidation of mutual insurer, 33-3-218
  mutualization of stock insurer, 33-3-215
  proxy, revocation, 33-3-304
Officers
  bond requirements, 33-3-307
  bylaws, provisions within, 33-3-301
  equity securities, statement of ownership, 33-3-441
  insurance, solicitation for applications, 33-3-206
  meetings, failure to attend, 33-3-303
  merger or consolidation of insurer, consideration prohibited, 33-3-217
  pecuniary interest prohibited, 33-3-308
  reports, 33-3-303
Offices or place of business, 33-3-401
Policies
  cash surrender values, lien on, 33-3-412
  classification, 33-3-421, 33-3-436

INSURERS, DOMESTIC STOCK AND MUTUAL (Continued)
Policies (Continued)

  contingent liability, 33-3-201, 33-3-411 — 33-3-415
  dissolution, distribution of assets, 33-3-604
  dividends, 33-3-412, 33-3-421
  fees, 33-3-206, 33-3-207
  issuance, 33-3-207
  nonassessable, 33-3-201, 33-3-411, 33-3-414, 33-3-415
  participating or nonparticipating, 33-3-421
Professional liability insurers, 33-9-101 — 33-9-105
Property, 33-3-310, 33-3-401
Proxies of stockholders, 33-3-203, 33-3-215, 33-3-216, 33-3-301, 33-3-303, 33-3-304
Reciprocal insurers, conversion to, 33-5-202, 33-12-105
Records, 33-3-203, 33-3-401
Rehabilitation or reorganization, 33-3-215, 33-3-601, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Reinsurance, See also **INSURERS REGULATION GENERALLY, Reinsurance**
  bulk reinsurance, 33-2-1211, 33-2-1212
  membership in mutual insurer, nonapplicability, 33-3-503
  officers, pecuniary interest prohibited, 33-3-308
Reserves, 33-3-415, 33-3-432
Scope of provisions, 33-3-101
Solicitation of business in other states, 33-3-502
Stock, See also **Equity securities**
  amendment of articles of incorporation, effect, 33-3-203
  conversion of mutual insurer to stock insurer, 33-3-216
  dividends, 33-3-422
  impairment of capital or assets, 33-3-432, 33-3-433, 33-3-435
  incorporation, requirements, 33-3-201
  merger or consolidation of stock insurer, 33-3-217
  mutualization of stock insurer, 33-3-215, 33-12-105
Surplus
  borrowed surplus, 33-3-431, 33-3-436
  conversion of mutual insurer to stock insurer, 33-3-216
  deficiency, 33-3-432 — 33-3-435
  dividends paid from, 33-3-422, 33-3-423
  health maintenance organizations, applicability, 33-31-111
  mutualization of stock insurer,, 33-3-215
  requirements, 33-2-109, 33-3-204
Violations
  dividends, illegal — payment or declaration, 33-3-424
  equity securities, sales when, 33-3-443
  proxies, corrupt practices, 33-3-304
  records or assets, removal or concealment, 33-3-401
  solicitation of business in other states, 33-3-502

INSURERS, FARM MUTUAL
  See also **HAIL INSURANCE; INSURERS REGULATION GENERALLY**
Actions
  losses, collection, 33-4-415
  obligations of members, collection, 33-4-413
  sue and be sued, power to, 33-4-103
Adjusters, 33-4-411
Affiliate companies, investment in common stock of, 33-4-403
Annual statements, 33-4-305, 33-4-313, 33-4-314
Appeals, 33-4-411
Applicable provisions, 33-4-101

INSURERS, FARM MUTUAL (Continued)

Arbitration, 33-4-302, 33-4-411
Articles of incorporation and amendments to, 33-4-103, 33-4-202 — 33-4-205, 33-4-504
Assessment plan insurers, 33-4-202, 33-4-412, 33-4-414, 33-4-504, 33-4-508
Assessments, See **Obligation or assessment of members**
Assets, 33-4-313, 33-4-502
Board of directors, See **Directors, board of**
Bylaws, 33-4-103, 33-4-301 — 33-4-303
  arbitration provisions, 33-4-302, 33-4-411
  cash premium or assessment plan provisions, 33-4-504
  liability of members, 33-4-402
  obligations or assessments of members, 33-4-412
  reserves, safety fund, and surplus limitations, 33-4-407
  voting rights of members, 33-4-307
Cash premium plans, 33-4-202, 33-4-402, 33-4-406, 33-4-504
Certificate of authority, 33-4-203, 33-4-505
  initial qualifications, 33-4-206
  suspension or revocation, 33-4-314, 33-4-408, 33-4-505
Committee of reference, 33-4-411
Corporate powers generally, 33-4-103
Definitions, 33-4-102, 33-4-502
Directors, board of, 33-4-202, 33-4-302
  business conducted by, 33-4-103
  bylaws, adoption and contents, 33-4-301
  election and term, 33-4-302, 33-4-309
  insuring schools, community houses, or churches — validity, 33-4-511
  investments, 33-4-403
  losses, liability, 33-4-413
  management by, 33-4-308
  officers elected by, 33-4-310
  quorum, 33-4-308
  records, location and inspection, 33-4-316
Discrimination in rates, 33-4-510
Dissolution, 33-4-103
Dividends, 33-4-407
Employees
  bond requirements, 33-4-311
  licenses and fees, 33-4-312
Examination and investigation, 33-4-315
Existence, 33-4-202 — 33-4-204
Filings
  annual statement, 33-4-313, 33-4-314
  articles of incorporation and amendments to, 33-4-202 — 33-4-204
  fees, 33-4-202, 33-4-203
  forms, application and policy, 33-4-509
  incorporation, declaration of, 33-4-202
  rates, not required, 33-4-510
Hail insurers, 33-4-206, 33-4-401, 33-4-502
Incorporation
  declaration of intention, 33-4-202
  evidence of, 33-4-205
Incorporators, 33-4-201, 33-4-203
Insurance
  annual statement, contents, 33-4-313
  applications for, 33-4-206, 33-4-508, 33-4-509
  contracts of, 33-4-303, 33-4-414

INSURERS, FARM MUTUAL (Continued)
Insurance (Continued)

  liability insurance offered by, requirements, 33-4-312
  power to transact, 33-4-103
Insurance producers, 33-4-103
  insuring schools, community houses, or churches — validity, 33-4-511
  licenses and fees, 33-4-312
Insuring powers generally, 33-4-501
Investments, 33-4-403
Liability of members, 33-4-302, 33-4-402, 33-4-413, 33-4-501
Liability risks, insuring and retention of liability, 33-4-501, 33-4-502
Losses and expenses
  annual statement, contents, 33-4-313
  bylaws, contents, 33-4-302
  cash premium or assessment plans to pay, 33-4-504
  claims
    arbitration, 33-4-411
    notice and adjustment, 33-4-410
    proportionate payment, 33-4-414
  collection, action for, 33-4-415
  liability of directors or officers, 33-4-413
  obligation or assessment of members, 33-4-412, See **Obligation or assessment of members**
  safety fund, 33-4-405
Managers, bond requirements, 33-4-311
Meetings, 33-4-103
  adjourned meeting, notice, 33-4-306
  amendment of articles of incorporation, 33-4-204
  annual statement, presentation and contents, 33-4-305, 33-4-313
  bylaws, provisions in, 33-4-302
  investments, vote required, 33-4-403
  where held, 33-4-304
Membership, 33-4-302, 33-4-506
Montana Insurance Code, applicability, 33-1-102
Name, 33-4-103, 33-4-202, 33-4-203
Notices
  amendment of articles of incorporation, 33-4-204
  cancellation of member's policy, 33-4-507
  certificate of authority, impending expiration, 33-4-505
  loss or damage claimed by insured, 33-4-410
  meetings, 33-4-204, 33-4-302, 33-4-306
Obligation or assessment of members, 33-4-412
  action to collect obligations, 33-4-413
  annual statement, contents, 33-4-313
  application for insurance, payment, 33-4-508
  bylaws, contents, 33-4-302
  insufficiency of obligations, 33-4-414
  withdrawal of member, 33-4-507
Officers
  annual statement, preparation and filing, 33-4-313
  articles of incorporation, amendments signed by, 33-4-204
  bond requirements, 33-4-302, 33-4-311
  business conducted by, 33-4-103
  bylaws, provisions in, 33-4-302
  election and term, 33-4-310
  insuring schools, community houses, and churches — validity, 33-4-511
  licenses and fees, 33-4-312

INSURERS, FARM MUTUAL (Continued)
Officers (Continued)

losses, liability, 33-4-413
records, location and inspection, 33-4-316
reports, 33-4-302
Offices, 33-4-202, 33-4-304, 33-4-316
Policies, 33-4-302, 33-4-501, 33-4-507, 33-4-509, 33-4-510
Profits, 33-4-407
Property, 33-4-103
Rates, 33-4-510
Records, 33-4-203, 33-4-302, 33-4-316
Reinsurance, 33-4-101, 33-4-502, 33-4-503
Reports, 33-4-302, 33-4-314
Reserves, 33-4-313, 33-4-405 — 33-4-407
Risk, limit of, 33-4-501, 33-4-502
Safety fund, 33-4-405, 33-4-407
Schools, community houses, churches, and public buildings — insuring, 33-4-501, 33-4-511
Scope of provisions, 33-4-101
Seal, corporate, 33-4-103, 33-4-204, 33-4-302
Surplus, 33-4-102
assessment plan, effect, 33-4-504
deficiency, 33-4-408
requirements, 33-4-206, 33-4-401, 33-4-407, 33-4-501, 33-4-502
Suspension or expulsion of members, 33-4-302, 33-4-313
Tax exemption, 15-31-102
Violations or noncompliance, 33-4-314, 33-4-505
Voting rights of members, 33-4-302, 33-4-307, 33-4-403
Withdrawal of member, 33-4-313, 33-4-507

INSURERS PROCESS ACT, UNAUTHORIZED, 33-1-611 — 33-1-616
See **INSURERS REGULATION GENERALLY**, **Service of process**

INSURERS, RECIPROCAL
See also **INSURERS REGULATION GENERALLY**
Accounts, audits, 33-5-305
Actions
attorney's bond, on, 33-5-304
sue and be sued, power to, 33-5-103
Alien or foreign insurers, 33-2-110, 33-5-104, 33-5-503
Annual statement, 33-2-701, 33-5-413
Assessments, 33-5-403, 33-5-406, 33-5-407, 33-5-412
Assets, 33-5-201, 33-5-403, 33-5-409, 33-5-411, 33-5-412
Attorney-in-fact, 33-5-104
annual statement, 33-2-701, 33-5-413
assessments, levy, 33-5-406, 33-5-407, 33-5-412
audits of accounts and records, 33-5-305
bond, 33-5-303, 33-5-304
certificate of authority issued to, 33-5-502
contingent liability, application for extinguishment, 33-5-409
contributions to insurer, 33-5-402, 33-5-411, 33-5-412
declaration, filing and acknowledgment, 33-5-201
deficiencies, making up, 33-5-412
foreign or alien insurers, 33-5-104
investment pools, manager, 33-12-204, 33-12-304
managing general agent, nonapplicability, 33-2-1501
power of attorney, 33-5-301
copy required when, 33-2-115, 33-5-201

INSURERS, RECIPROCAL (Continued)
Attorney-in-fact (Continued)
  power of attorney (Continued)
    deficiencies, making up — limitations, 33-5-412
    existing insurers, compliance, 33-5-101
    liability of subscribers, provisions contained in, 33-5-404, 33-5-408
    modifications, 33-5-302
    operations of insurer, conformity, 33-5-305
    policy provisions, contained in, 33-15-305
  rights and powers, 33-5-301
  service of process, 33-1-602, 33-5-301
  subscribers operating through, 33-5-102
Audits, 33-5-305
Capital requirements, 33-2-109
Certificate of authority, 33-2-115, 33-5-201, 33-5-502
Conservators, 33-5-407
Contributions to, 33-5-402, 33-5-411, 33-5-412
Conversion or merger, 33-5-202
Deficiencies, 33-5-406, 33-5-412
Definitions, 33-5-102, 33-5-104
Discrimination in distribution of savings, 33-5-410
Distribution of savings, 33-5-410
Eligibility, 33-2-106
Eligible subscribers, 33-5-503
Existing insurers, compliance, 33-5-101
Filings, 33-5-201, 33-5-303, 33-5-413
Finances, supervision, 33-5-305
Financial condition, 33-5-201, 33-5-403
Foreign or alien insurers, 33-2-110, 33-5-104, 33-5-503
Impairment, 33-5-412
Information and privacy protection, Title 33, chapter 19
Insolvency, 33-5-412
Insurance producers, 33-17-101, See **INSURANCE PRODUCERS, ADJUSTERS, CONSULTANTS, AND ADMINISTRATORS**
Insuring powers, 33-5-501
Judgments, subscribers' liability on, 33-5-405
Liabilities, 33-5-402, 33-5-403, 33-5-412
Liability of subscribers, 33-5-301, 33-5-403 — 33-5-409, 33-5-503
Life insurance, transaction prohibited, 33-2-108, 33-5-501
Liquidation, 33-5-402, 33-5-406, 33-5-411, 33-5-412
Liquidators, 33-5-304, 33-5-407
Merger or conversion, 33-5-202
Name, 33-5-103
Offices, location, 33-5-201
Organization, 33-5-201
Policies
  aggregate liability, 33-5-408
  contingent liability provisions, 33-5-404, 33-5-409
  existing insurers, compliance, 33-5-101
  nonassessable, 33-5-301, 33-5-404, 33-5-409, 33-5-503
Power of attorney, See **Attorney-in-fact**
Premiums
  deficiencies, subscriber's share — computation, 33-5-406
  deposits, 33-5-201, 33-5-301, 33-5-403, 33-5-404
Premium tax, See **INSURERS REGULATION GENERALLY**
Professional liability insurers, 33-9-101 — 33-9-105
Rates, filing and approval, 33-5-201
Receivers, 33-5-304, 33-5-407, 33-5-503

INSURERS, RECIPROCAL (Continued)

Records, audit, 33-5-305
Rehabilitators, 33-5-407
Reinsurance, 33-5-501
Representatives, liability, 33-5-503
Reserves, computation, 33-5-403
Scope of provisions, 33-5-101
Service of process, 33-1-602, 33-5-301
Subscribers' advisory committee, 33-5-305
  assessments, approval, 33-5-406
  contingent liability, extinguishment — approval, 33-5-409
  declaration, contents, 33-5-201
  modifications of subscribers' agreement or power of attorney, 33-5-302
  rights of subscribers, 33-5-301
Subscribers' agreement
  certificate of authority applications, to accompany, 33-2-115
  declaration, contents, 33-5-201
  existing insurers, compliance, 33-5-101
  liability of subscribers, provisions contained in, 33-5-404, 33-5-408
  modifications, 33-5-302
  operations of insurer, conformity, 33-5-305
  policy provisions, contained in, 33-15-305
Surplus funds
  contingent liability, extinguishment when, 33-5-409
  contributions, withdrawals and repayments — amount, 33-5-402
  conversion of insurer, 33-5-202
  declaration, contents, 33-5-201
  impaired insurer, 33-5-412
  impairment, 33-5-409
  requirements, 33-2-109, 33-2-110, 33-5-401
Title insurance, transaction prohibited, 33-5-501
Workers' compensation insurance
  rates and rating organizations, applicability of provisions, 33-16-1003
  surplus fund requirements, 33-5-401

INSURERS REGULATION GENERALLY
  See also subject heading for specific insurance or insurer; **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Abuse, victims of — discrimination prohibited, 33-18-216
Accounts, examination, 33-1-401, 33-1-402, 33-1-408, 33-2-119
Actions
  appellate alternative dispute resolution, Title 25, chapter 21, M.R.App.P., Rule 54
  applications for insurance as evidence, when, 33-15-402
  benefits, recovery — when, 33-15-201
  cease and desist orders, violation — enforcement and recovery of penalty, 33-18-1005
  claim settlements, unfair — independent cause of action for damages, 33-18-242
  contracts of insurance, venue, 25-2-121
  controlled insurers or policyholders, recovery of damages, 33-2-1515
  deposits, recovery of income from, 33-2-608
  discovery, insurance agreements, Title 25, chapter 20, M.R.Civ.P., Rule 26(b)
  examination expenses and charges, recovery, 33-1-413
  information and privacy protection
    immunity from, when, 33-19-408
    violations, relief, 33-19-407
  insurance fraud, restitution awards — recovery, 33-1-1302
  insurance producers, termination of appointment, 33-17-231

INSURERS REGULATION GENERALLY (Continued)
Actions (Continued)
- merger or acquisition of control provisions, arising out of violations, 33-2-1106
- NAIC, liability arising from information collected by, 33-2-1503
- premium tax for independently procured coverages, collection, 33-2-706
- prohibited practices, to enjoin and restrain, 33-18-1003
- punitive damages allowed when, 27-1-220, 33-18-242
- rating or advisory organizations
  - acts done by authority of provisions not ground for action, 33-16-115
  - penalty, collection, 33-16-114
- service of process, See **Service of process**
- unauthorized insurers, against or by, 33-1-612 — 33-1-616, 33-2-105, 33-2-314

Advertising
- false or deceptive, 33-18-202, 33-18-203
- unfair claim settlement practices, 33-18-201

Advisory board contracts as inducement, prohibited, 33-18-211
Advisory organizations, See **Rates, rating plans, and rating or advisory organizations**; **Workers' compensation plan. no. 2 insurers**
Affiliation and merger, See **Holding company systems**
Agency company stock as inducement, prohibited, 33-18-211
Alien insurers, See **Foreign or alien insurers**
Annual statements, 33-2-701, 33-2-1517
- assets and reserve requirements, reconciliation and summary, 33-12-312
- certificate of authority, filing during suspension, 33-2-121
- failure to file, 33-2-701, 33-2-1331
- life insurers, reserve liability valuations — actuarial opinion submitted with, 33-2-521
- NAIC filing requirements, 33-2-1502 — 33-2-1504
- risk retention groups, 33-11-103

Applications for insurance
- AIDS testing, consent, 50-16-1007
- alteration without notice or consent, 33-18-201
- consumer report, effect, 31-3-131
- dating, antedating prohibited, 33-15-416
- evidence, as — when, 33-15-402
- false or fraudulent, 33-1-1202, 33-1-1205, 33-15-403, 33-18-401, See also **Insurance fraud**
- forms — filing, approval, or disapproval, 33-1-501, 33-1-502
- genetic traits, discrimination on basis of — prohibited, 33-18-903
- information and privacy protection, 33-19-104, 33-19-202, 33-19-204, 33-19-205
- life and disability, 33-15-401
- private investigator licensing provisions, nonapplicability, 37-60-105
- representations in, 33-15-403

Arbitration laws, applicability, 27-5-114
Articles of incorporation and amendments to, filing or violation of, 33-2-1331, 33-16-307, 33-16-308, 33-16-402
Assets
- alien insurers, trusteed assets, See **Foreign or alien insurers**
- allowable, 33-2-501
- benevolent associations, applicability, 33-6-101
- deficiency, effect, 33-2-118
- deposit, See **Deposits**
- disposal, conveyance, or encumbrance prohibited when, 33-2-1321
- examination, 33-1-401, 33-1-408
- exclusions, 33-2-502, 33-2-1113
- farm mutual insurers, applicability, 33-4-101
- impairment, hearings concerning, 33-1-702
- investment provisions, See **Investments**
- liabilities chargeable against, 33-2-503, 33-2-511, See also **Liabilities**

INSURERS REGULATION GENERALLY (Continued)
Assets (Continued)
    material transactions, disclosure, 33-3-702, 33-3-703
    merger or acquisition of control, 33-2-1104, 33-2-1105
    reinsurance, credit as asset — when, 33-2-1216
    small business independent liability funds, 33-27-115
    subsidiaries, ownership and management, 33-2-1102
    treatment, 33-2-503
    wrongful sequestration or diversion, 33-2-1331
Assignment
    controlling producers and controlled insurers, contracts between, 33-2-1510
    deposited assets or securities, 33-2-606, 33-2-612
    managing general agent contracts, 33-2-1602
    policies
        assignability, 33-15-414
        misrepresentation to effect assignment prohibited, 33-18-202
    premium finance company finance agreements
        security interest, as, 33-14-306
        unearned premiums, security for, 33-14-102
    reinsurance intermediary-manager contracts, 33-2-1705
Authority
    capital or surplus fund requirements, 33-2-109, 33-2-110
    certificate of, See **Certificates of authority**
    deposit requirements, 33-2-601, See **Deposits**
    discontinued or withheld when, 33-2-112
    eligibility generally, 33-2-106
    insuring powers, combinations, 33-2-108
    names, conflict, 33-2-107
    termination, effect on insurance producers' appointments, 33-17-231
Binders for temporary insurance, 33-15-411, 33-17-236
Boiler insurance companies, special inspectors, 50-74-202
Bonds
    assets, as, 33-2-501
    investment in, See **Investments**
    managing general agents, 33-2-1601
    merger or acquisition of control, security for mailing expenses, 33-2-1105
    reinsurance intermediary-managers, 33-2-1701
    valuation, 33-2-532
Boycott prohibited, 33-16-402, 33-18-303
Bylaws and amendments to, filing or violation of, 33-2-1331, 33-15-305, 33-16-307, 33-16-308, 33-16-401
Capital and surplus, investment provisions, 33-12-102 — 33-12-104, 33-12-212
Capital or surplus funds, 33-2-109, 33-2-110, 33-2-307, 33-2-1217, 33-16-102, See also **Risk-based capital**
Captive insurers, 33-2-1501
Cease and desist orders, 33-1-318, 33-2-1120, 33-18-1004 — 33-18-1006
Certificate of redomestication, 33-2-126
Certificates of authority, 33-2-101
    amendment, 33-2-117
    application, 33-1-401, 33-2-115, 33-2-117, 33-2-708, 33-22-1908, 33-35-201, 33-35-205, 33-36-401
    benevolent associations, 33-6-101, 33-6-401
    exceptions to requirements, 33-2-102, 33-2-104
    expiration, 33-2-116, 33-2-117
    farm mutual insurers, 33-4-203, 33-4-206, 33-4-505
    fees, 33-2-115, 33-2-117, 33-2-701, 33-2-708
    foreign insurers, 33-2-103, 33-2-118, 33-2-122, 33-2-126, 33-2-127

INSURERS REGULATION GENERALLY (Continued)
Certificates of authority (Continued)

- fraternal benefit societies, 33-7-120, 33-7-208, 33-7-217
- issuance, 33-2-116, 33-2-117, 33-35-211
- kinds of insurance, specification, 33-2-116
- limitations, 33-2-116, 33-25-213
- multiple employer welfare arrangements, 33-35-201 — 33-35-203, 33-35-205, 33-35-211, 33-35-302, 33-35-303
- professional liability insurers, 33-9-104
- reciprocal insurers, 33-2-115, 33-5-201, 33-5-502
- refusal or nonrenewal, 33-1-408, 33-2-116
- reinstatement, 33-2-117, 33-2-121
- renewal, 33-2-117, 33-2-701, 33-2-708
- service of process, designation of person to whom served — filing, 33-1-601
- state property, as, 33-2-116
- suspension or revocation, 33-2-117
  - alien insurers, 33-2-211
  - annual statement, failure to file, 33-2-701
  - appeals from, 33-1-711
  - credit life and credit disability insurers, when, 33-21-113
  - delinquency proceedings or investigations, obstruction or interference, 33-2-1310
  - deposit deficiency, for, 33-2-611
  - domestic stock and mutual insurers, when, 33-3-424, 33-3-502
  - duration of suspension, 33-2-121
  - examinations, refusal to submit to or hindrance, 33-1-408, 33-1-411
  - farm mutual insurers, 33-4-314, 33-4-408, 33-4-505
  - foreign insurers, 33-2-122
  - fraternal benefit societies, 33-7-217
  - grounds, special, 33-2-119
  - guaranty association assessments or plans of operation, nonpayment and noncompliance, 33-10-109, 33-10-228
  - health carriers, obstetrician or gynecologist as primary care physician provisions — noncompliance, 33-22-1908
  - hearings, 33-1-411, 33-2-119
  - holding company system violations, 33-2-1122
  - managed care plan network adequacy and quality assurance, health carriers, 33-36-401
  - mandatory when, 33-2-118
  - multiple employer welfare arrangements, 33-35-211, 33-35-302
  - notice, 33-2-118, 33-2-120, 33-2-1122
  - premium tax, for nonpayment, 33-2-705
  - rating or advisory organization violations, for, 33-16-111, 33-16-112
  - reciprocal insurers, 33-5-502
  - records, for destruction of, 33-1-411
  - restoration, 33-2-1391
  - return of certificate upon, 33-2-116
  - violations, for, 33-2-119
- termination, 33-2-116, 33-2-117
- title insurers, 33-25-213
- unauthorized insurers, procurement, 33-1-615

Child support obligors, disclosure of information concerning, 40-5-924
City warrants and checks, duplicate — indemnity bond not required, 7-6-4304
Claims, See **Losses and claims**
Coercion prohibited, 33-16-402, 33-18-221, 33-18-224, 33-18-303
Complaints, 33-16-204, 33-18-501, 33-18-1001
Confidentiality, See **Information and privacy protection**
Consideration for insurance, See **Premiums**
Consolidation, See **Holding company systems**

INSURERS REGULATION GENERALLY (Continued)

Consumer loan businesses, limitations, 32-5-306
Consumer reports, See **Information and privacy protection**; See also **CONSUMER REPORTS AND REPORTING AGENCIES**
Contract of insurance, See **Policies**, generally
Controlled insurers and controlling producers, 33-2-1501
  annual reports, 33-2-1512, 33-2-1513
  audit committee, 33-2-1511
  compliance and applicability of provisions, 33-2-1516
  disclosure of relationship, 33-2-1514
  managing general agent provisions, nonapplicability when, 33-2-1603
  minimum standards, 33-2-1509, 33-2-1510
  penalties, 33-2-1515
  rulemaking authority, 33-2-1517
Corporation law, nonapplicability, 35-1-114
County bonds, warrants, or coupons — duplicate, indemnity bond not required, 7-7-2104
Crime Control, Division of — requests for information, 53-9-104
Crime victims' pecuniary losses, compensation for — restitution, 46-18-243, 46-18-251, 53-1-107
Criminal mischief, offense of, 45-6-101
Damages
  collateral source reduction, insurance payments as, 27-1-307, 27-1-308
  future, judgment for periodic payments, 25-9-403, 25-9-406, 25-9-412
  unfair claim settlements, 27-1-220, 33-18-242
Deceptive practices, See **Prohibited practices**
Defamation of, prohibited, 33-18-302
Definitions, 33-1-201, 33-2-202, 33-18-242
  abuse, 33-18-216
  automobile glass repair shop provisions, 33-18-223, 33-18-224
  automobile repair business or location, 33-18-224
  complaint, 33-18-1001
  controlled insurers and controlling producers, 33-2-1501
  credit history, 33-18-210
  developmental delay, developmental disability, and genetic condition, 33-18-206
  genetic information, testing, or trait and group policy, 33-18-901
  holding company systems, 33-2-1101, 33-2-1114
  information and privacy protection provisions, 33-19-104, 33-19-301, 33-19-302
  investments, pertaining to, 33-12-102
  policy provisions, 33-15-102, 33-15-201, 33-15-205
  reinsurance provisions, 33-2-1201, 33-2-1217
  risk-based capital, 33-2-1902, 33-2-1904 — 33-2-1907
Deposits, 33-2-111, 33-2-601, 33-2-602
  appraisal, 33-2-607
  assets as, 33-2-501, 33-2-531, 33-2-603, See also **Foreign or alien insurers**, trusteed assets of alien insurers
  assignment or conveyance, 33-2-606, 33-2-612
  deficiency, 33-2-611
  depositary or custodian, 33-2-604, 33-2-605
  domestic mutual insurers, 33-3-204
  duration, 33-2-612
  excess, 33-2-601, 33-2-609
  exchange and substitution, 33-2-608, 33-2-609
  foreign insurers, 33-2-111, 33-2-115
  income from, 33-2-608
  inspection, 33-2-608
  levy upon, 33-2-610

INSURERS REGULATION GENERALLY (Continued)
Deposits (Continued)

- mortgage loans as part of, 33-2-531
- multiple employer welfare arrangements, 33-35-203
- purpose, 33-2-602
- records, 33-2-605
- release, 33-2-606, 33-2-609, 33-2-612
- reserves, 33-2-111, 33-2-531
- retaliatory, 33-2-602, 33-2-603, 33-2-610, 33-2-612, 33-2-709
- rights of insurer, 33-2-608
- securities, 33-2-531, 33-2-603, 33-2-604, 33-2-612

Development corporation, membership in, 32-4-101, 32-4-302
Discrimination, See **DISCRIMINATION, Credit transactions**; **Financial institutions**; **Insurance**; **Insurers**
Dividends, 33-16-102
- discrimination prohibited, 33-18-210
- misrepresentation, 33-18-202
- rates, consideration in making and use, 33-16-201, 33-16-1021
- rating organization licenses, requirements, 33-16-402
- rating plans or systems, payments not, 33-16-104, 33-16-1022
- rebates prohibited, 33-18-210

Economic development projects, acquisition and financing, Title 17, chapter 5, part 15
Electronic data processing equipment, 33-2-501, 33-2-502
Eligibility generally, 33-2-106
Employees, 33-2-502, 33-2-701, 33-17-102, 33-17-103, 33-18-211
Equipment, 33-2-501, 33-2-502
Evidence
- agreements, admissibility, Title 25, chapter 20, M.R.Civ.P., Rule 26(b); Title 26, chapter 10, M.R.Ev., Rule 411
- applications for insurance as, when, 33-15-402
- claim settlements, violation of unfair practices — proof of frequency of violations not required, 33-18-242
- holding company systems
  - control, presumption, 33-2-1101
  - judicial review, record as, 33-2-1123
  - merger or acquisition of control proceedings, 33-2-1105
- insurance fraud, 33-1-1203, 33-1-1204, 33-1-1206, 33-1-1210, 33-1-1302
- insurance producer's termination of appointment, statements in notice not admissible, 33-17-231
- investments, control — presumption, 33-12-108
- prohibited practices, in actions regarding, 33-18-242, 33-18-1003
- rating or advisory organizations
  - licenses, prerequisites, 33-16-402
  - orders, findings of fact on which based — prima facie evidence, 33-16-113
- RBC documents, in rate proceedings — prohibited, 33-2-1909
- third-party documents, prima facie evidence, 30-1-202
- unauthorized insurers, failure to defend action as prima facie evidence, 33-1-616
- workers' compensation classification and review committee hearings, 33-16-1012

Examination of, 33-1-315, 33-1-401, 33-1-402, See also **INSURANCE, COMMISSIONER OF, Examinations and investigations**
- false entries in statements, records, and reports with intent to deceive, 33-18-205
- guaranty association member insurers, 33-10-108, 33-10-217, 33-10-218
- holding company system registered insurers or affiliates, 33-2-1115
- information and privacy protection — insurance institutions, insurance producers, or insurance-support organizations, 33-19-401
- managing general agents, 33-2-1604
- multiple employer welfare arrangements, 33-35-306

INSURERS REGULATION GENERALLY (Continued)
Examination of (Continued)

- professional liability insurers, foreign or alien, 33-9-105
- rates, rating plans, and rating or advisory organizations, 33-16-105, 33-16-106, 33-16-205, 33-16-403
- reinsurance intermediaries, 33-2-1708
- reinsurer, accredited, 33-2-1216
- unfair methods of competition or unfair or deceptive acts, to determine, 33-18-1002

Family education savings accounts, depository and manager for, Title 15, chapter 62

Fees, 17-2-121, 33-2-708, 33-2-1217

- certificate of authority
  - application, to accompany, 33-2-115
  - renewal and reinstatement fees, 33-2-117, 33-2-701
  - suspension, payment during, 33-2-121
- farm mutual insurers, applicability, 33-4-101
- overpayment, refund, 33-2-708
- retaliatory, 33-2-709
- service of process, 33-1-603, 33-1-613
- state, preemption, 33-2-707

Filings

- alien insurers, trusteed assets
  - statement of trustee, 33-2-211
  - trust agreement and amendments to, 33-2-205, 33-2-207, 33-2-208
- annual statements, 33-2-121, 33-2-701, 33-2-1331
  - NAIC requirements, 33-2-1502
- certificate of authority, 33-2-115, 33-2-117
- controlled insurers, annual report by actuary, 33-2-1512
- forms, 33-1-318, 33-21-205, 33-21-206
- holding company systems
  - disclaimer of affiliation, 33-2-1112
  - merger or acquisition of control, 33-2-1104 — 33-2-1106
  - registration statement of insurer, 33-2-1111, 33-2-1112, 33-2-1120
- independently procured coverages, report, 33-2-706
- insurance producers' appointments and terminations of, 33-17-231, 33-17-236
- joint underwriters and reinsurers, 33-16-307
- material transactions, disclosure — report, 33-3-702
- premium tax reports, 33-2-705
- rates, rating plans, and rating or advisory organizations, 33-16-203, 33-16-308, 33-16-401
  - workers' compensation plan no. 2 insurers, 33-16-1023, 33-16-1025 — 33-16-1027, 33-16-1029, 33-16-1030
- RBC reports or plans, 33-2-1903 — 33-2-1907, 33-2-1911, 33-2-1912
- reinsurance, bulk — agreements, 33-2-1206, 33-2-1211, 33-2-1212

Financial condition

- annual statements, See **Annual statements**
- assets, See **Assets**
- examination, 33-1-401, 33-1-402
- false statements prohibited, 33-18-302
- hearings, 33-1-702
- holding company systems, 33-2-1111, 33-2-1115
- mergers or acquisition of control, acquiring party, 33-2-1104
- misrepresentation prohibited, 33-18-202, 33-18-302
- risk-based capital provisions, See **Risk-based capital**
- statements
  - certificate of authority applications, accompanying documents, 33-2-115
  - failure to file, 33-2-1331
  - falsification, 33-18-205
  - reinsurance intermediaries, 33-2-1704, 33-2-1705, 33-2-1707

INSURERS REGULATION GENERALLY (Continued)
Financial condition (Continued)
  statements (Continued)
    required, 33-2-1517
  unsound, effect, 33-2-119, 33-2-1331, 33-2-1341, 33-2-1517
Fines and penalties
  annual statements, falsification or failure to file, 33-2-701
  applications for insurance, false or fraudulent, 33-18-401
  cease and desist orders
    effect, 33-18-1004
    violation of, 33-18-1005
  controlled insurers and controlling producers, 33-2-1515
  financial statements, false — filing or publishing, 33-18-205
  general provisions, 33-1-318, 33-2-708
  holding company system violations, 33-2-1120
  information and privacy protection violations, 33-19-405, 33-19-409
  managing general agents, 33-2-1605
  political contribution violations, 33-18-305
  premium tax, nonpayment, 33-2-705
  records, destruction, 33-1-411
  records or reports, false entries, 33-18-205
  reinsurance intermediaries, 33-2-1709
  retaliatory, 33-2-709
  risk retention groups and purchasing groups, 33-11-104, 33-11-121, 33-11-122
Foreign or alien insurers, 33-1-201
  admission for investment only, 33-2-103
  annual statement, 33-2-701
    NAIC filing requirements, 33-2-1502 — 33-2-1504
  authority, 33-2-106
  building and loan associations, insurance of accounts — exclusion, 32-2-111
  capital, impairment — effect, 33-2-118
  certificate of authority, 33-2-103, 33-2-118, 33-2-122, 33-2-126, 33-2-127
  delinquency proceedings, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
  deposits, 33-2-111, 33-2-115, 33-2-202, 33-2-204, 33-2-603, 33-2-612, See also **Deposits**
  domestic insurer, admission as or conversion to foreign insurer, 33-2-126 — 33-2-128
  domestic stock and mutual insurers, applicability of provisions, 33-3-101, 33-3-414, 33-3-503
  domicile, 33-2-709
  examination of, 33-1-401, 33-2-212, 33-9-105
  holding company systems, registration of insurers, 33-2-1111
  impaired, 33-10-215, 33-10-220, See **INSURANCE GUARANTY ASSOCIATION, LIFE AND HEALTH, Impaired insurers**
  investments, 33-2-103, 33-12-101, 33-12-112, 33-12-204, 33-12-304, See also **Investments**
  life insurance, valuation of reserve liabilities, 33-2-521
  policies, requirements, 33-2-127, 33-15-301, 33-22-203
  professional liability insurers, 33-9-102, 33-9-105
  RBC documents, filing, 33-2-1902, 33-2-1911
  reciprocal, 33-2-110, 33-5-104, 33-5-503, See also **INSURERS, RECIPROCAL**
  reinsurance, 33-2-1201, 33-2-1206, 33-2-1216
  reserve requirements, 33-2-106, 33-2-521
  retaliatory deposits, 33-2-603
  risk retention groups, applicability, 33-11-104
  service of process, 33-1-602
  surplus fund requirements, 33-2-110, 33-2-118
  surplus lines coverages placed with, 33-2-306, 33-2-307, 33-2-1217
  title insurers, 33-25-105, See also **INSURANCE, TITLE**
  trusteed assets of alien insurer
    canadian insurers, applicability, 33-2-215

INSURERS REGULATION GENERALLY (Continued)
Foreign or alien insurers (Continued)
  trusteed assets of alien insurer (Continued)
    deposit requirements, 33-2-111, 33-2-202, 33-2-204
    examination, 33-2-212
    existing trusts, 33-2-203
    scope of provisions, 33-2-201
    separateness and records, 33-2-210
    title to, 33-2-209
    trust agreement, 33-2-205 — 33-2-208, 33-2-213
    trustee or trustees, 33-2-209, 33-2-211, 33-2-213, 33-2-214
    withdrawal, 33-2-213
  variable contracts, 33-20-605
Forfeiture of right to do business, 33-1-318, 33-1-1302
Forms — filing, approval, or disapproval, 33-1-318, 33-2-127, 33-21-205, 33-21-206
Fraud, insurance, See **Insurance fraud**
Furniture and fixtures, 33-2-502
Genetic testing, information, and traits — requirements and prohibitions, 33-18-901 — 33-18-904
Health care benefits, providers of — determination of jurisdiction, Title 33, chapter 1, part 11
Holding company systems
  affiliates, 33-2-1101
    authorized insurer, registration by — when, 33-2-1111
    consolidated registration statements, 33-2-1111
    disclaimer of affiliation, 33-2-1112
    examination when, 33-2-1115, 33-2-1116
    transactions with, standards, 33-2-1113, 33-2-1120
  appeals, 33-2-1123
  confidentiality of information when, 33-2-1114, 33-2-1116
  conflict with other laws, 33-2-1124
  controlled insurers and controlling producers, applicability, 33-2-1509, 33-2-1516
  criminal or civil proceedings instituted when, 33-2-1120
  definitions, 33-2-1101, 33-2-1114
  delinquency proceedings or investigations, obstruction or interference, 33-2-1310
  discovery proceedings, 33-2-1105
  dividends and other distributions, 33-2-1114, 33-2-1125
  examination or investigation, 33-2-1115, 33-2-1116
  health maintenance organizations, 33-31-201
  hearings, 33-2-1105, 33-2-1112, 33-2-1120, 33-2-1122
  injunction, 33-2-1118, 33-2-1119
  investment provisions, 33-12-103, 33-12-105, 33-12-106, 33-12-306
  judicial review, 33-2-1123
  license of insurer — revocation, suspension, or nonrenewal when, 33-2-1122
  managing general agent provisions, nonapplicability when, 33-2-1603
  mandamus, writ of, 33-2-1123
  merger or acquisition of control, 33-2-1104
    approval, 33-2-1105, 33-2-1106
    exemptions, 33-2-1106
    filing requisites, 33-2-1104, 33-2-1106
    hearing and notice, 33-2-1105
    investments, acquisition, 33-12-103, 33-12-206
    jurisdiction of courts, 33-2-1106
    material transactions, disclosure, 33-3-703
    rehabilitation, for, 33-2-1333
    rehabilitation, grounds for — when, 33-2-1331
    supervision of insurer, prohibited during, 33-2-1321
    violations, 33-2-1106

INSURERS REGULATION GENERALLY (Continued)
Holding company systems (Continued)

- receivership, property of insurer placed in, 33-2-1121
- registration of insurers, 33-2-1111, 33-2-1112, 33-2-1116, 33-2-1120
- reinsurance intermediaries, applicability, 33-2-1704, 33-2-1706, 33-2-1707
- reports, 33-2-1517
- rules, 33-2-1117
- sequestration of voting securities when, 33-2-1119
- subsidiaries, 33-2-1101
  - authorization, 33-2-1102
  - investments in — authority, restrictions, and disposal, 33-2-1103
- violations, 33-2-1106, 33-2-1112, 33-2-1118, 33-2-1120 — 33-2-1122

Information and privacy protection
- adverse underwriting decisions, 33-19-104
  - previous decisions, 33-19-304, 33-19-305
  - reasons for, 33-19-303
- children's health insurance program, 53-4-1010
- citation of insurance information and privacy protection act, 33-19-101
- crime control, division of — requests for information, 53-9-104
- definitions, 33-19-104, 33-19-301, 33-19-302
- disclosure, 33-19-202, 33-19-301, 33-19-407, 33-19-408
  - authorization forms, content and use, 33-19-204
  - limitations and conditions, 33-19-306
- enforcement, 33-19-401 — 33-19-406
- examinations or investigations, 33-19-401
- false information, 33-19-408
- false pretenses, obtaining information under, 33-19-409
- health service corporations, applicability, 33-30-102
- hearings, 33-19-402, 33-19-404
- immunity from action or relief when, 33-19-408
- investigative consumer reports, 33-19-104, 33-19-205
- managed care plan network adequacy and quality assurance information, disclosure, 33-36-305
- marketing and research surveys, 33-19-203, 33-19-306
- medical benefit claims, delayed payments — applicability of provisions, 33-18-234
- medical record information, 33-19-104, 33-19-303, 33-19-306
  - access to, 33-19-301
- notice of information practices, 33-19-202
- orders and reports, judicial review, 33-19-406
- penalties, 33-19-405, 33-19-406
- personal information, 33-19-104, 33-19-202, 33-19-204, 33-19-205, 33-19-303, 33-19-305, 33-19-306, 33-19-408
  - access to, 33-19-301
  - correction, amendment, or deletion, 33-19-302
- pretext interviews, 33-19-104, 33-19-201
- privileged information, 33-19-104, 33-19-204, 33-19-303, 33-19-306, 33-19-408
- purpose of provisions, 33-19-102
- remedies, individual, 33-19-407
- scope of provisions, 33-19-103
- service of process, 33-19-403
- utilization reviews, applicability, 33-32-201
- viatical settlement contracts, information obtained from policyholders and certificate holders, 33-20-1313
- violations, 33-19-401, 33-19-402, 33-19-404, 33-19-405, 33-19-407, 33-19-409

Injunctions, 33-1-318, 33-2-1118, 33-2-1119, 33-18-1003, 33-18-1006
Insolvency, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**

INSURERS REGULATION GENERALLY (Continued)

Insurance administrators
  advertising, approval, 33-17-612
  agreements, written — required, 33-17-602
  claims, payment, 33-17-615
  documents, delivery instructions, 33-17-616
  insureds, approval of notice for, 33-17-618
  premiums and charges, collection, 33-17-613, 33-17-614
  records, 33-17-602, 33-17-611
Insurance consultants, recommendations by — restrictions, 33-17-513
Insurance fraud, 33-1-1202, 33-1-1302
  citation of insurance fraud protection act, 33-1-1201
  confidentiality of documents, 33-1-1203
  cooperation with authorized agencies, 33-1-1204
  duties of insurers, adjusters, administrators, consultants, and producers, 33-1-1205
  education and prevention program, 33-1-1301
  farm mutual insurers, applicability, 33-4-101
  health maintenance organizations, applicability, 33-31-111
  hearings, 33-1-1211, 33-1-1302
  immunity from liability, 33-1-1210, 33-1-1303
  information and privacy protection provisions, 33-19-104, 33-19-201, 33-19-303, 33-19-306
  notice of alleged fraud, 33-1-1203, 33-1-1205
  penalties and restitution, 33-1-1211, 33-1-1302
  powers and duties of commissioner of insurance, 33-1-1203
  reports and information, requirements, 33-1-1205, 33-1-1206, 33-1-1303
  reward fund, 33-1-1206
  theft, offense of, 33-1-1211, 33-1-1302, 45-6-301
Insurance producers
  appointment, 33-17-231, 33-17-236
    termination, 33-17-231, 33-17-232, 33-17-237
  commission, fees, or consideration — restrictions, 33-17-1103
  premiums, reporting and accounting, 33-17-1102
Insuring powers, combinations, 33-2-108
Interinsurers, See **INSURERS, RECIPROCAL**
Interlocking ownership, restrictions, 33-18-304
Intimidation prohibited, 33-16-402, 33-18-221, 33-18-224, 33-18-303
Investment adviser, exclusion as, 30-10-103
Investments
  affiliates, transactions with, 33-2-1113, 33-12-102, 33-12-103, 33-12-105, 33-12-204, 33-12-304
  assets
    admitted, 33-2-501, 33-2-502, 33-10-205, 33-12-102, 33-12-103, 33-12-105, 33-22-1819
      life and health insurers, 33-12-202 — 33-12-210, 33-12-212
      property, casualty, and other insurers, 33-12-302 — 33-12-312
    nonadmitted, 33-12-103
  authorization, 33-12-104
  benevolent associations, applicability, 33-6-101
  bonds, in
    economic development, 17-5-1525
    health facility authority, 90-7-113
    housing authority, 7-15-4505
    municipal finance consolidation, 17-5-1628
    urban renewal, 7-15-4306
  control and presumption of, 33-12-102, 33-12-108
  definitions, 33-12-102

INSURERS REGULATION GENERALLY (Continued)
Investments (Continued)

- derivative instruments, 33-12-102
  - credit risk attributable to, 33-12-109
  - hedging and income generation transactions, 33-12-210, 33-12-212, 33-12-310
- derivative transactions, 33-12-102, 33-12-210, 33-12-212, 33-12-309, 33-12-310
- diversification, 33-12-101, 33-12-104, 33-12-202, 33-12-302
- dollar roll transactions, 33-12-102, 33-12-103, 33-12-208, 33-12-212, 33-12-308
- domestic stock or mutual insurers, capital or assets — deficiency, 33-3-432
- equity interests, 33-12-102, 33-12-106, 33-12-205, 33-12-206, 33-12-305, 33-12-306, 33-12-312
- foreign and alien insurers, 33-12-101, 33-12-112
  - admission for investment only, 33-2-103
  - investment pools, manager and pooling agreement, 33-12-204, 33-12-304
  - trusteed assets, requirements, 33-2-202, 33-2-213
- foreign investments and foreign currency, 33-12-102, 33-12-203, 33-12-209, 33-12-303, 33-12-309, 33-12-312
- guaranty association's notes or other indebtedness, 33-10-205
- health maintenance organizations, applicability of provisions, 33-31-215
- income generation transactions, 33-12-102, 33-12-210, 33-12-310
- life and health insurers, specific provisions, 33-12-201
  - accident and health insurers, 33-12-102, 33-12-205, 33-12-207
  - authority, additional, 33-12-212
  - canadian investments, 33-12-202, 33-12-203
  - credit lease transactions, 33-12-207
  - derivative transactions, 33-12-202, 33-12-210, 33-12-212
  - equity interests, 33-12-205, 33-12-206
  - foreign investments and foreign currency, 33-12-209
  - investment pools and pooling agreements, 33-12-204
  - medium-grade and lower-grade investments, 33-12-202
  - mortgage loans, 33-2-531, 33-12-106, 33-12-205, 33-12-207
  - policy loans, 33-12-106, 33-12-211
  - rated credit instruments, 33-12-202, 33-12-203, 33-12-206, 33-12-207
  - real estate, income-producing or for accommodation of business, 33-12-207
  - reserves, deposit by life insurer — composition, 33-2-531
  - securities lending, repurchase, reverse repurchase, and dollar roll transactions, 33-12-204, 33-12-208, 33-12-212
  - tangible personal property under lease, 33-12-202, 33-12-206
  - 3% diversification, 33-12-202
  - variable contract accounts of life insurer, 33-20-603
- limitations, 33-12-103, 33-12-104
  - life and health insurers, 33-12-202 — 33-12-210, 33-12-212
  - property, casualty, and other insurers, 33-12-302 — 33-12-309, 33-12-311
- loans
  - construction loans, 33-12-102, 33-12-207, 33-12-307
  - credit tenant loans, 33-12-102
  - mortgage loans, 33-2-502, 33-2-531, 33-12-102, 33-12-103, 33-12-207, 33-12-307
  - policy loans, 33-12-106, 33-12-211
  - residential mortgage loans, 33-12-102, 33-12-207, 33-12-307
- mortgages
  - chattel, 33-2-502, 33-2-531, 33-2-534
  - purchase money, 33-12-207, 33-12-307
  - real estate, 33-12-207, 33-12-307
- prior investments, continuation, 33-12-103
- prohibited investments, 33-12-105, 33-12-106, 33-12-212, 33-12-311
- property, casualty, financial or mortgage guaranty, surety, marine, and title insurers — specific provisions, 33-12-301
  - accident and health insurance and insurers, 33-12-102, 33-12-307, 33-12-312

INSURERS REGULATION GENERALLY (Continued)
Investments (Continued)
- property, casualty, financial or mortgage guaranty,... (Continued)
  - authority, additional, 33-12-311
  - canadian investments, 33-12-302, 33-12-303
  - credit lease transactions, 33-12-307
  - derivative transactions, 33-12-309, 33-12-310
  - equity interests, 33-12-205, 33-12-305, 33-12-306, 33-12-312
  - 5% diversification, 33-12-302
  - foreign investments and foreign currency, 33-12-302, 33-12-308, 33-12-309, 33-12-312
  - investment pools and pooling agreements, 33-12-304, 33-12-309, 33-12-312
  - medium-grade and lower-grade investments, 33-12-302
  - mortgage loans, 33-12-307
  - rated credit instruments, 33-12-302, 33-12-303, 33-12-306, 33-12-307, 33-12-312
  - real estate, income-producing or for accommodation of business, 33-12-307
  - reserve requirements, 33-12-205, 33-12-312
  - securities lending, repurchase, reverse repurchase, and dollar roll transactions, 33-12-304, 33-12-308
  - tangible personal property under lease, 33-12-302, 33-12-306
- purpose of provisions, 33-12-101
- qualifications generally, 33-12-103
- rated credit instruments, 33-12-102, 33-12-202, 33-12-203, 33-12-206, 33-12-207, 33-12-303, 33-12-306, 33-12-307, 33-12-312
  - special, 33-12-110, 33-12-203, 33-12-303
- real estate, 33-2-502, 33-2-531, 33-12-102, 33-12-103, 33-12-207, 33-12-307
  - income-producing and for accommodation of business, 33-12-207, 33-12-307
- records, 33-12-104, 33-12-204, 33-12-207, 33-12-304
- replication transactions, 33-12-102, 33-12-210, 33-12-310
- reports, 33-12-104
- repurchase transactions, 33-12-102, 33-12-204, 33-12-208, 33-12-212, 33-12-304, 33-12-308
- reverse repurchase transactions, 33-12-102, 33-12-103, 33-12-204, 33-12-208, 33-12-212, 33-12-304, 33-12-308
- rules, 33-2-1217, 33-12-110, 33-12-111, 33-12-210, 33-12-310
- scope of provisions, 33-12-101
- securities lending transactions, 33-12-102, 33-12-103, 33-12-204, 33-12-208, 33-12-212, 33-12-304, 33-12-308
- small business independent liability funds, 33-27-115
- small employer health reinsurance carriers, 33-22-1819
- stock
  - insurers, of, 33-12-105
  - investment subsidiaries, of, 33-12-206, 33-12-207, 33-12-306, 33-12-307
  - preferred, 33-12-102, 33-12-203, 33-12-303
- subsidiaries, 33-12-102, 33-12-202, 33-12-204, 33-12-206, 33-12-207, 33-12-302, 33-12-304, 33-12-306, 33-12-307
- subsidiaries, in securities of, 33-2-1103
- supervision of insurer, prohibited during, 33-2-1321
- title insurers, 33-12-301 — 33-12-312, 33-25-211
- valuation, 33-12-107
- water and wastewater authorities, regional — revenue bonds, 75-6-329

Joint underwriting associations, See **Rates, rating plans, and rating or advisory organizations**
Judgments
- claim settlements, unfair — third-party claimants, commencement of actions when, 33-18-242
- deposits, levy upon — prohibited, 33-2-610
- failure to pay, effect, 25-9-406, 33-2-119, 33-2-1331
- future damages, periodic payments, 25-9-403, 25-9-406, 25-9-412
- reciprocal insurers, against, 33-5-405

INSURERS REGULATION GENERALLY (Continued)
Judgments (Continued)

- unauthorized insurers
  - attorney's fee, inclusion in judgment, 33-1-616
  - bond to secure payment, 33-1-615
  - service of process affidavit of compliance, default judgment when, 33-1-613

Lenders — restrictions on solicitation, rejection, charges, and disclosure, 33-18-501
Liabilities

- assets, chargeable against, 33-2-503, 33-2-511, See also **Assets**
- investment provisions, 33-12-102, 33-12-103
- reinsurance
  - credit as deduction, 33-2-1216
  - reduction of liability for, 33-2-1217
- reserve, See **Reserves**

Licenses

- certificate of authority, payment during suspension, 33-2-121
- retaliatory, 33-2-709
- state, preemption, 33-2-707
- suspension, refusal, or nonrenewal, 33-1-408, 33-16-1035, 33-21-113

Liens

- examination expenses as, 33-1-413
- fines, failure to pay — as, 33-1-318, 33-1-1302

Loans

- assets, as, 33-2-501
- deposits, as part of, 33-2-531, See also **Deposits**
- investment, See **Investments**
- real estate loans, approval, 32-1-434
- supervision of insurer, prohibited during, 33-2-1321

Losses and claims

- abortion, confidentiality of names and identities, 50-20-110
- acknowledgment, 33-15-504
- administration of claims not a waiver, 33-15-504
- assets, availability for, 33-2-501
- discrimination prohibited, 33-18-210, 33-18-216, 49-2-309
- failure to pay promptly, 33-1-1205
- false or fraudulent claims, 33-18-401
- fraudulent practices, 33-1-1205, 33-18-242, 33-18-401, See also **Insurance fraud**
- information and privacy protection, See **Information and privacy protection**
- investigation, 33-2-104, 33-15-504, 33-18-201
- managing general agents, authority, 33-2-1602
- nonpayment, 33-2-119
- proof of loss, 33-15-503, 33-15-504, 33-18-401
- reinsurance intermediary-managers, authority, 33-2-1705, 33-2-1706
- reserves for, See **Reserves**
- settlement, unfair practices, 33-1-1205, 33-18-201
  - punitive damages, 27-1-220
  - violation, independent cause of action for damages, 33-18-242
- transfer excluded as secured transaction, 30-9-104, 30-9-129
- unfair practices, 27-1-220, 33-18-201, 33-18-242
- unpaid, amount required for — as liability, 33-2-511

Management qualifications and affiliations, 33-2-112, 33-18-304
Managers, examination of, 33-1-402
Managing general agents, 33-2-1501, 33-17-102

- appointment, 33-2-1603
- compliance and applicability of provisions, 33-2-1516
- contract requirements, 33-2-1602, 33-2-1603
- duties of insurer, 33-2-1603

INSURERS REGULATION GENERALLY (Continued)
Managing general agents (Continued)

  employees, 33-17-102
  examination of, 33-2-1604
  farm mutual insurers, applicability, 33-4-101
  insurance administrator provisions, exclusion, 33-17-102
  license requirements, 33-2-1601
  penalties and liabilities, 33-2-1605
  rulemaking authority, 33-2-1517
Material transactions, disclosure
  assets, acquisitions, and dispositions, 33-3-702, 33-3-703
  ceded reinsurance agreements — nonrenewals, cancellations, or revisions, 33-3-702 — 33-3-704
  citation of disclosure of material transactions act, 33-3-701
  fraternal benefit societies, applicability, 33-7-117
  health maintenance organizations, applicability, 33-31-111
  health service corporations, applicability, 33-30-102
  report, 33-3-702
Mechanical breakdown insurance and insurance producers, 33-1-214, 33-17-212
Merger, See **Holding company systems**
Montana Insurance Code, particular provisions prevail, 33-1-103
Mortgages
  deposit, loans and security interest as part of, 33-2-531
  investment, See **Investments**
  property acquired by, valuation, 33-2-534
  purchase money, 33-2-535, 33-12-207, 33-12-307
Motor club service company provisions, applicability, 61-12-314
Names, conflict, 33-2-107
Officers, 33-2-502, 33-2-701, 33-17-103, 33-18-211, 33-18-305
Penalties, See **Fines and penalties**
Policies, 33-15-102
  abuse, victims of — discrimination prohibited, 33-18-216
  actions upon, venue, 25-2-121
  advertising, false or deceptive — prohibited, 33-18-202
  advisory organizations, 33-16-102, See also **Rates, rating plans, and rating or advisory organizations**
  applications for, See **Applications for insurance**
  arbitration laws, nonapplicability, 27-5-114
  assets of insurer, 33-2-501
  assignability, 33-15-414
  beneficiaries or assignees
    assignment of policy, effect, 33-15-414
    recovery of benefits from, when, 33-15-201
    trust or trustee as beneficiary, 72-33-203, 72-33-207
  benevolent associations, applicability, 33-6-101
  binders for temporary insurance, 33-15-411, 33-17-236
  breach of contract, 33-18-242
  change in benefits, 33-19-202, 33-19-204, 33-19-205
  charges for health care services, explanation, 33-15-308
  claims, See **Losses and claims**
  combination policies, 33-15-307
  construction, 33-15-316
  content
    general, 33-15-303
    permissible, 33-15-304
    prohibited, 33-15-305
  contract contained in, 33-15-302

INSURERS REGULATION GENERALLY (Continued)
Policies (Continued)

- countersignature requirements, 33-11-106, 33-17-404, 33-17-1111 — 33-17-1114
- definitions, 33-15-102, 33-15-201, 33-15-205
- delivery, 33-15-412
- discrimination, 33-1-502, 33-18-206, 33-18-209, 33-18-210, 33-18-216, 33-18-501, 49-2-309, See also **DISCRIMINATION, Insurance**; **Insurers**
- endorsements, 33-1-501, 33-1-502, 33-15-102, 33-15-302, 33-15-303, 33-15-315, 33-15-316, 33-17-1112
- execution, 33-15-306
- facsimile signatures, 33-15-306
- forms
  - domestic insurers, transfer of domicile — effect, 33-2-127
  - filing, 33-1-501, 33-1-502
  - identification, 33-15-303
  - noncomplying, validity, 33-15-315
- fraudulent practices, 33-1-1202, 33-1-1205, See also **Insurance fraud**
- genetic traits, discrimination on basis of — prohibited, 33-18-903
- home or branch office, issuance at, 33-17-1114
- information and privacy protection, See **Information and privacy protection**
- insurable interests, 33-15-201, 33-15-205
  - leases, 30-2A-218, 30-2A-220, 30-2A-531
  - personal insurance, restrictions, 33-15-103, 33-15-201, 33-15-401
  - property insurance, 33-15-205 — 33-15-207
- investment company security does not include, 30-8-113
- language simplification
  - life and disability, 33-15-321 — 33-15-329
  - property and casualty, 33-15-333 — 33-15-340
- lenders, unreasonable rejection, 33-18-501
- liquidation of insurer, coverage during, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION, Policies**
- loans against, misrepresentations for purpose of, 33-18-202
- managing general agents, authority, 33-2-1602
- mining companies, liability actions — contract of insurance not bar to defense, 39-2-704
- minors, 33-7-117, 33-15-103, 33-15-401
  - transfers to, 72-26-603, 72-26-702
- misrepresentations prohibited, 33-18-201, 33-18-202, 33-18-204
- mortgagor, vendee, or pledgor — copy to, when, 33-15-412
- outside state, originating, 33-17-1113
- personal solicitation sale provisions, exemption, 30-14-502
- plain language in contracts provisions, nonapplicability, 30-14-1104
- power of attorney
  - execution by, 33-15-306
  - statutory, authority, 72-31-201, 72-31-224, 72-31-225, 72-31-229, 72-31-230
- power to contract, 33-15-103
- premiums, See **Premium finance companies**; **Premiums**
- professional employer organization and group licensees, requirements, 39-8-207
- punitive damages, coverage of, 33-15-317
- railroad corporations, liability actions — contract of insurance not bar to defense, 39-2-703
- rating organizations, See **Rates, rating plans, and rating or advisory organizations**
- recovery under, precluded when, 33-15-403
- reinstatement, 33-19-202, 33-19-204, 33-19-205
- renewal, 33-15-317, 33-15-413, 33-19-202, 33-19-205
- riders, 33-1-501, 33-1-502, 33-15-102, 33-15-302, 33-15-303, 33-15-315, 33-15-316
- scope of provisions, 33-15-101
- secured transactions, account, 30-9-122
- securities, exclusion as, 30-10-103

INSURERS REGULATION GENERALLY (Continued)
Policies (Continued)

  specimen copies required when, 33-2-115
  standard or uniform provisions, 33-15-301
  substitute provisions, 33-15-301
  temporary insurance, binders for, 33-15-411, 33-17-236
  third-party documents, prima facie evidence, 30-1-202
  transfer excluded as secured transaction, 30-9-104, 30-9-129
  twisting prohibited, 33-18-204
  unauthorized insurers, contracts by — effect, 33-1-612, 33-1-613
  unclaimed sums payable on, Title 70, chapter 9, part 8
  underwriters' policies, 33-15-307
  vending machines, 33-17-221
  waiver of provisions, 33-15-301, 33-15-504
  workers' compensation
    plan no. 2 insurers, 33-16-1023
    safety program requirement, 33-15-318
Political contributions prohibited, 33-18-305
Premium finance companies
  cancellation of insurance, 33-14-303 — 33-14-305
  citation of insurance premium finance company act, 33-14-101
  definitions, 33-14-102, 33-14-301
  examination or investigation, 33-14-202 — 33-14-204
  exceptions, 33-14-307
  finance agreements, 33-14-102, 33-14-201
    contents, form, and delivery, 33-14-301
    delinquency charges, 33-14-303
    payment provisions, 33-14-301, 33-15-302
    power of attorney provisions, 33-14-304
    security interest, as, 33-14-306
  finance charges, 33-14-102, 33-14-301, 33-14-302
  licensing and licenses, 33-14-201
    applicant, investigation and qualifications, 33-14-202
    revocation or suspension, 33-14-203
  records, 33-14-204
  refund of premiums when, 33-14-305
  service charge, 33-14-302
  subsidiaries as, 33-2-1102
  unearned premiums, 33-14-102, 33-14-305
  violations, 33-1-318, 33-14-201, 33-14-203
Premiums, 33-15-102
  abatement, 33-18-209, 33-18-210
  assets, as — when, 33-2-501
  consumer loan business loans, in lieu of filing or recording security, 32-5-301
  controlled insurers and controlling producers, standards, 33-2-1509, 33-2-1510
  discrimination prohibited, 33-18-206, 33-18-207, 33-18-209, 33-18-210, 33-18-216, 49-2-309
  elderly drivers, discount for, 33-16-203, 33-16-221 — 33-16-225
  escrow accounts, payments from, 32-7-121
  fraudulent practices, 33-1-1202, 33-1-1302, See also **Insurance fraud**
  genetic traits, discrimination on basis of — prohibited, 33-18-903
  illegal dealing in, 33-18-212
  insurance producers, reporting and accounting, 33-17-1102
  liquidation proceedings, recovery of premiums owed, 33-2-1362
  misappropriation or theft, 33-1-1302
  policies, specified in, 33-15-303
  policyholders, credit extended to, 33-18-213

INSURERS REGULATION GENERALLY (Continued)
Premiums (Continued)

- rates, See **Rates, rating plans, and rating or advisory organizations**; **Workers' compensation plan no. 2 insurers**
- rebates prohibited, 33-18-208, 33-18-210
- reduction, 33-18-210
- reports, 33-2-705, 33-2-706
- retail installment sales, in lieu of filing or recording title or lien, 31-1-202
- risks, classification for establishment, 33-16-201
- unabsorbed deposits, 33-16-104, 33-16-201, 33-16-402, 33-16-1021, 33-16-1022, 33-18-210
- unauthorized insurers
  - collection, effect, 33-1-613
  - representing or aiding, 33-2-104
- unearned, reserves for, See **Reserves**

Premium tax, 17-2-121, 33-2-705
- certificate of authority, payment during suspension, 33-2-121
- comprehensive health association members, offsets, 33-22-1513
- fire portion of premiums, on, 19-17-301, 33-2-705, 50-3-109
- health service corporations, exemption, 33-30-203
- independently procured coverages, 33-2-706
- nonpayment, fine, 33-2-705
- nonresident licensees, on policies issued through, 33-2-710
- offsets, certificates of contribution as, 33-10-230
- risk retention groups and purchasing groups, 33-11-104, 33-11-110
- small business independent liability funds, 33-27-118
- surplus lines insurance, 33-2-311 — 33-2-313, 33-2-706
- volunteer firefighters' compensation pension trust fund, payments to, 19-17-301

Privacy protection, See **Information and privacy protection**
Private investigators, nonapplicability of provisions, 37-60-105
Prohibited practices
- advertising, false or deceptive, 33-18-202, 33-18-203
- advisory board contracts as inducement, 33-18-211
- advisory organizations, 33-16-308
- agency company stock as inducement, 33-18-211
- automobile repair and glass repair shops, 30-14-225, 33-18-221 — 33-18-224, 33-18-1006
- benevolent associations, applicability, 33-6-101
- boycott, 33-18-303
- cease and desist orders, 33-18-1004 — 33-18-1006
- charges for insurance, improper, 33-18-212
- claim settlements, unfair, 27-1-220, 33-1-1205, 33-18-201, 33-18-242
- coercion, 33-18-303, 33-25-301
- comprehensive health association plan, unfair referral to, 33-18-214
- controlled insurers and controlling producers, 33-2-1515
- deceptive practices, 33-18-101, 33-18-102
- defamation of insurer, 33-18-302
- discrimination, 33-18-206, 33-18-207, 33-18-209, 33-18-210, 33-18-216, 33-18-501, See also **DISCRIMINATION**, **Credit transactions**; **Financial institutions**; **Insurance**; **Insurers**
- examination to determine, 33-18-1002
- false applications, claims, and proofs of loss, 33-18-401
- farm mutual insurers, applicability, 33-4-101
- financial statements, false — filing or publishing, 33-18-205
- fraternal benefit societies, applicability of laws, 33-7-117, 33-7-533
- genetic testing, information, and traits, 33-18-901 — 33-18-904
- health maintenance organizations, applicability of provisions, 33-31-312
- health service corporations, 33-30-102, 33-30-305
- injunction or restraining order to restrain, 33-11-104, 33-18-1003, 33-18-1006, 33-25-402

INSURERS REGULATION GENERALLY (Continued)
Prohibited practices (Continued)

- insurance producer, adjuster, consultant, and administrator license suspension, revocation, or refusal — grounds for, 33-17-1001
- interlocking ownership when, 33-18-304
- intimidation, 33-18-303
- joint underwriters or reinsurers, 33-16-307
- lenders — restrictions on solicitation, rejection, charges, and disclosure, 33-18-501
- mortuaries, relationships with life insurers, 33-18-301
- multiple employer welfare arrangements, applicability, 33-35-306
- name of insurer, deceptive similarity, 33-2-107
- policies
  - advertising, false or deceptive, 33-18-202
  - misrepresentations, 33-18-202, 33-18-204, 33-25-301
  - property or casualty, cancellation or nonrenewal provisions — noncompliance, 33-15-1121
  - twisting, 33-18-204
  - underwriting after issue date, 33-18-215
- political contributions, 33-18-305
- preferred group rates and forms, approval required, 33-18-207
- preferred rates to fictitious groups, 33-18-207
- premiums
  - illegal dealing in, 33-18-212
  - property or casualty, midterm increases, 33-15-1121
- purpose of provisions, 33-18-101
- rebates, 33-18-208 — 33-18-210, 33-25-401
- records or reports, false entries, 33-18-205
- reinsurance intermediary-managers, 33-2-1706
- risk retention groups, applicability of provisions, 33-11-104
- service contracts, applicability, 33-1-213
- small employer health insurance carriers, marketing violations, 33-22-1813
- title insurers and insurance producers and exceptions, 33-25-301, 33-25-401, 33-25-402
- undefined, procedure for determining and restraining, 33-15-1101, 33-18-1003, 33-18-1004
- unfair methods of competition, 33-18-101, 33-18-102
- violations, 33-1-318
- workers' compensation insurers
  - dividend payments conditioned upon renewal of policy or contract, 33-16-1022
  - findings of unreasonableness, effect of, 39-71-611, 39-71-612, 39-71-2907

Promoters, examination of, 33-1-402
Property

- acquisition, 33-12-207, 33-12-307
- assets, as — when, 33-2-501, 33-2-502
- construction loans, investment in, 33-12-102, 33-12-207, 33-12-307
- damage or destruction to defraud insurer, 45-6-101
- investments in, See **Investments**
- mortgages, See **Mortgages**
- security interest as deposit, 33-2-531
- valuation, 33-2-534, 33-2-535

Rates, rating plans, and rating or advisory organizations

- acts done by authority of provisions not ground for action, 33-16-115
- administration of provisions, 33-16-116
- advisory organizations, specific requirements, 33-16-308
- application of provisions, 33-16-103
- casualty insurance, agreement for apportionment, 33-16-305
- classification rates, 33-16-201
- complaints, 33-16-204
- consultations with organizations and insurers, 33-16-304

INSURERS REGULATION GENERALLY (Continued)
Rates, rating plans, and rating or advisory organizations (Continued)

definitions, 33-16-102
discrimination prohibited, 33-4-510, 33-16-101, 33-16-201, 33-16-402, 33-18-206, 33-18-207, 33-18-210, 33-25-212, 49-2-309, 49-3-204
dividends, savings, or unabsorbed premium deposits, 33-16-102
    consideration in making and use of rates, 33-16-201
    license for rating organization, requirements, 33-16-402
    payment not rating system, 33-16-104
domestic insurers, transfer of domicile — effect, 33-2-127
elderly drivers, reduction for — when, 33-16-203, 33-16-221 — 33-16-225
enforcement of provisions, 33-16-116
examinations, 33-16-105, 33-16-106, 33-16-205, 33-16-403
excessive rates, 33-16-101, 33-16-201
exchange of data, 33-16-304
filing of rates, 33-1-501, 33-16-203, 33-21-205, 33-21-206, 33-25-212
forms, filing, 33-1-501
hearings, 33-16-111, 33-16-204 — 33-16-206, 33-16-305, 33-16-403
inadequate rates, 33-16-101, 33-16-201
information, 33-16-106
    willfully withheld, not to be, 33-16-107
insurers acting in concert, 33-16-102, 33-16-301, 33-16-302, 33-16-405
insurer's certificate of authority, revocation or suspension, 33-16-111, 33-16-112
joint reinsurers and reinsurance, 33-16-105, 33-16-106, 33-16-111, 33-16-205, 33-16-301, 33-16-306, 33-16-307
joint underwriters and underwriting, 33-16-105, 33-16-106, 33-16-111, 33-16-205, 33-16-301, 33-16-306, 33-16-307
licenses and licensing of rating organizations
    application and filings, 33-16-401, 33-16-403
    evidence prerequisite to, 33-16-402
    suspension or revocation, 33-16-111, 33-16-112
loss and expense experience, 33-16-102, 33-16-201, 33-16-202, 33-16-301, 33-16-302
membership in rating organizations, eligibility, 33-16-404, 33-16-405
noncompliance of rates, 33-16-205, 33-16-206
orders
    casualty insurance, apportionment agreements — pertaining to, 33-16-305
    for compliance, 33-16-111
        appeals, 33-16-113
        failure to comply, 33-16-112, 33-16-114
    prohibiting use of rate or rating system, 33-16-211
penalty, 33-16-114
policy provisions, disability — inclusion, 33-22-201
preferred group rates and forms, approval, 33-18-207
preferred rates to fictitious groups prohibited, 33-18-207
purpose and intent of provisions, 33-16-101
RBC documents, use prohibited, 33-2-1909
records, 33-16-105, 33-16-106
review of rates, 33-16-204
risk retention groups, 33-11-102
risks, grouping, 33-16-201
standards applicable to rates, 33-16-201
supplementation or modification of provisions, 33-16-116
title insurance, 33-25-106, 33-25-212
unauthorized insurers, representing or aiding, 33-2-104
underwriting profit and contingencies, consideration, 33-16-201
underwriting rules, 33-16-102, 33-16-105, 33-16-204, 33-16-301 — 33-16-303

INSURERS REGULATION GENERALLY (Continued)
Rates, rating plans, and rating or advisory organizations (Continued)

- use of and agreements to adhere to rates, rating systems, underwriting rules, and policy or bond forms of organizations, 33-16-303, 33-16-402
- violations, 33-1-318, 33-16-102, 33-16-111, 33-16-114, 33-16-204, 33-16-211
- workers' compensation, See also **Workers' compensation plan no. 2 insurers**
  - applicability, 33-16-1002
  - plan no. 3 insurers, membership in rating organization, 33-16-1024, 39-71-2316

Real estate, See **Property**
Records

- alien insurers, trusteed assets, 33-2-210
- complaints, of, 33-18-1001
- controlling producers, 33-2-1510
- deposits, 33-2-605
- destruction, penalty, 33-1-411
- examination, 33-1-401, 33-1-402, 33-1-408, 33-2-119, 33-2-1216, 33-2-1708
- false entries, 33-18-205
- investments, 33-12-104, 33-12-204, 33-12-207, 33-12-304
- managing general agents, 33-2-1602
- reinsurance intermediaries, 33-2-1702, 33-2-1703, 33-2-1705, 33-2-1708

Reinsurance

- assets, reinsurance as, 33-2-501, 33-2-1216
- benevolent associations, applicability, 33-6-101
- bulk reinsurance
  - domestic mutual insurers, 33-2-1212
  - domestic stock insurers, 33-2-1211
  - farm mutual insurers, 33-4-101
  - foreign or alien insurers, 33-2-1206
  - investments, acquisition, 33-12-103
  - medicare supplement insurance, alternate coverage by disability insurers, 33-22-922
- certificate of authority, 33-2-102
  - suspension or revocation when, 33-2-119
- comprehensive health association, 33-22-1503, 33-22-1513
- contract of insurance provisions, nonapplicability, 33-15-101
- controlling producers, negotiation, 33-2-1510
- credit allowed domestic ceding insurer, 33-2-1216, 33-2-1218, 33-2-1517
- delinquency proceedings, amount recoverable from reinsurer, 33-2-1361
- deposits, release when, 33-2-612
- disability insurance, exceptions to provisions, 33-22-101
- farm mutual insurers, 33-4-101, 33-4-502, 33-4-503
- forms, filing provisions — nonapplicability, 33-1-501
- fraternal benefit societies, 33-7-214
- guaranty associations, 33-10-219, 33-10-220
- health maintenance organizations, 33-31-201
- holding company systems, registration of insurers
  - information concerning, 33-2-1111
  - transactions with affiliates, 33-2-1113
- insurance producers, policy issuance requirements — nonapplicability, 33-17-1111
- interest in, original insured, 33-2-1207
- intermediary-brokers or intermediary-managers, 33-2-1501
  - books and records, 33-2-1702, 33-2-1703, 33-2-1705, 33-2-1708
  - compliance and applicability of provisions, 33-2-1516
  - contract requirements, 33-2-1702, 33-2-1705, 33-2-1707
  - duties of insurers utilizing services, 33-2-1704
  - duties of reinsurers utilizing services, 33-2-1707
  - examination of, 33-2-1708
  - license requirements, 33-2-1701, 33-2-1704, 33-2-1707, 33-2-1709

INSURERS REGULATION GENERALLY (Continued)
Reinsurance (Continued)
  intermediary-brokers or intermediary-managers (Continued)
    penalties and liabilities, 33-2-1709
    prohibited acts, 33-2-1706
    rulemaking authority, 33-2-1517
  investment provisions, 33-12-103, 33-12-104, 33-12-202, 33-12-209, 33-12-302, 33-12-309, 33-12-312
  joint reinsurance, 33-16-103, 33-16-105, 33-16-106, 33-16-111, 33-16-205, 33-16-301, 33-16-306, 33-16-307
  liability, reduction for, 33-2-1217, 33-2-1218, 33-2-1517
  life and health agreements, regulation, 33-2-1517
  life insurance, 33-20-101
  management qualifications, 33-2-112
  managing general agents, authority, 33-2-1602, 33-2-1603
  material transactions, disclosure, 33-3-702 — 33-3-704
  policies, language simplification — nonapplicability, 33-15-336
  rates and rating organizations, nonapplicability of provisions, 33-16-103
  reciprocal insurers, 33-5-501
  rehabilitation, for, 33-2-1333
  rehabilitation, grounds for — when, 33-2-1331
  rehabilitation or liquidation
    fraudulent transfers, 33-2-1351
    orders in effect, jurisdiction over reinsurers, 33-2-1306
  reserves for unearned premiums, computation, 33-2-512
  risk-based capital, applicability of provisions, 33-2-1902
  risk, limit of — amount of retention, 33-2-1201
  risk retention groups, Title 33, chapter 11, part 1
  small employer health insurance program, 33-22-1802, 33-22-1803, 33-22-1818, 33-22-1819
  supervision of insurer, contracts during — prohibited, 33-2-1321
  surplus lines insurance, nonapplicability, 33-2-317
  title insurers, 33-2-1201, 33-25-105, 33-25-214
  unauthorized insurers, service of process provisions — exemption, 33-1-614
  workers' compensation rates and rating organizations, nonapplicability, 33-16-1002
Reports
  annual statements, See **Annual statements**
  controlled insurers, 33-2-1512, 33-2-1513
  false entries, 33-18-205
  independently procured coverages, 33-2-706
  investment, 33-12-104
  premiums and other considerations, 33-2-705
  RBC reports, 33-2-1903 — 33-2-1907, 33-2-1911, 33-2-1912
Reserves
  actuarial opinions, 33-2-521, 33-2-701
  controlled insurers, 33-2-1510 — 33-2-1512
  deposit, See **Deposits**
  disability insurance, 33-2-514
  foreign insurers, requirements, 33-2-106
  investment requirements for insurers, 33-12-102, 33-12-202, 33-12-209, 33-12-302, 33-12-307, 33-12-309, 33-12-312
  liability, as, 33-2-511, 33-2-518
  life insurance, indeterminate premium plans, 33-2-537
  life insurance, standard valuation of reserve liabilities, 33-2-521 — 33-2-529
  loss and loss expense, 33-2-518, 33-12-312
    inadequate loss reserves and increase, 33-2-516
  managing general agent, establishment, 33-2-1602, 33-2-1603
  multiple employer welfare arrangements, 33-35-209, 33-35-210
  rates, consideration in making and use, 33-16-201

INSURERS REGULATION GENERALLY (Continued)
Reserves (Continued)

- reciprocal insurers, 33-5-403
- reinsurance intermediary-managers, establishment, 33-2-1705, 33-2-1707
- small employer health insurance
  - carriers, 33-22-1811
  - reinsurance program, 33-22-1819
- unearned premium, 33-2-501, 33-2-512, 33-2-513, 33-2-517, 33-12-312
- voluntary, 33-2-1201
- workers' compensation plan no. 2 insurers, 33-16-1008, 33-16-1021, 33-16-1028

Restraining orders, 33-18-1003
Retail installment sale contract holders, insurance purchased by, 31-1-233
Retaliatory fees, taxes, and other obligations, 33-2-709
- deposits, 33-2-602, 33-2-603, 33-2-610, 33-2-612, 33-2-709

Risk-based capital
- announcements prohibited, 33-2-1909
- applicability for 1995, 33-2-1912
- authorized control level event, 33-2-1906, 33-2-1911, 33-2-1912
- citation of the risk-based capital for insurers act, 33-2-1901
- company action level event, 33-2-1904, 33-2-1905, 33-2-1908, 33-2-1911, 33-2-1912
- confidentiality of documents, 33-2-1909
- definitions, 33-2-1902, 33-2-1904 — 33-2-1907
- exemptions, 33-2-1910
- foreign insurers, 33-2-1911
- hearings, 33-2-1904 — 33-2-1906, 33-2-1908
- mandatory control level event, 33-2-1907, 33-2-1911, 33-2-1912
- notices, 33-2-1908, 33-2-1913
- ratemaking, use of documents prohibited, 33-2-1909
- RBC plans, 33-2-1902, 33-2-1904, 33-2-1905, 33-2-1908, 33-2-1909, 33-2-1911
- RBC reports, 33-2-1902 — 33-2-1907, 33-2-1909, 33-2-1911, 33-2-1912
- regulatory action level event, 33-2-1904, 33-2-1905, 33-2-1906, 33-2-1908, 33-2-1911, 33-2-1912
- rules, 33-2-1910
- supplemental provisions, 33-2-1910

Risk, limit of, 33-2-1201, See also **Reinsurance**
Risk retention groups and purchasing groups, Title 33, chapter 11, part 1, See **INSURANCE, CASUALTY**
Securities
- assets, as, 33-2-501
- broker-dealer or investment adviser, exclusion as, 30-10-103
- deposit, See **Deposits**
- exempt transactions, 30-10-105
- holding company systems, See **Holding company systems**
- investment, See **Investments**
- registration, exemption, 30-10-104, 30-10-201
- subsidiaries, insurer's investment in, 33-2-1103
- unauthorized insurers, 33-1-615
- valuation, 33-2-532, 33-2-533

Service of process, 33-1-603; Title 25, chapter 20, M.R.Civ.P., Rule 4D
- advisory organizations, 33-16-308
- attorney for, 33-1-601, 33-1-612, 33-2-115
- combination policies, insurers issuing, 33-15-307
- foreign, alien, or domestic insurers, 33-1-602
- joint underwriters or reinsurers, 33-16-307
- merger or acquisition of control, 33-2-1106
- pleading, time for, 33-1-603
- rating organizations, 33-16-401

INSURERS REGULATION GENERALLY (Continued)
Service of process (Continued)

- reinsurance
  - ceding insurer, 33-2-1216
  - intermediaries, 33-2-1701
- unauthorized insurers, 33-1-611 — 33-1-616, 33-2-104

Stock
- assets, as, 33-2-501, 33-2-502
- capital stock, chargeable as liability, 33-2-511
- investments, See **Investments**
- subsidiaries, insurer's investment in, 33-2-1103
- valuation, 33-2-533

Subsidiaries, See **Holding company systems**
Surplus fund requirements, 33-2-109, 33-2-110, 33-2-307, 33-2-1201, 33-2-1216, 33-2-1217, See also **Risk-based capital**
- controlled insurers, 33-2-1510

Surplus, investment provisions, 33-12-102, 33-12-305, 33-12-311
Surreptitious visual observation or recordation, offense of — nonapplicability, 45-5-223
Taxation, 15-24-601, 15-24-602
- liability, taxes as, 33-2-511
- premium tax, See **Premium tax**
- retaliatory, 33-2-709
- state, preemption, 33-2-707

Telemarketers' registration and bonding requirements, exemption, 30-14-1405
Transactions
- alien insurers, state of entry for, See **Foreign or alien insurers**, trusteed assets of alien insurers
- annual statements, See **Annual statements**
- combinations of kinds of insurance, 33-2-108 — 33-2-110
- examination, 33-1-401, 33-1-402
- information and privacy protection, See **Information and privacy protection**
- investment, See **Investments**
- power of attorney, statutory — authority, 72-31-230
- "transact" defined, 33-1-201

Twisting prohibited, 33-18-204
Unauthorized insurers, 33-1-201, 33-2-301, 33-19-104
- information and privacy protection, See **Information and privacy protection**
- premium reports and tax, 33-2-706
- representing or aiding, prohibited, 33-2-104, 33-7-117
- service of process
  - attorney for, 33-1-612
  - attorney's fee, 33-1-616
  - citation of unauthorized insurers process act, 33-1-611
  - criteria mandating agent for, 33-1-613, 33-2-104
  - defense of action, 33-1-615
  - exemptions from provisions, 33-1-614
- suits by, prohibited when, 33-2-105
- surplus lines procured from, See **INSURANCE, SURPLUS LINES**

Unclaimed property, Title 70, chapter 9, part 8, See **PROPERTY, PERSONAL, Unclaimed property**
Underwriters, See **Rates, rating plans, and rating or advisory organizations**
Unemployment insurance, employing unit, 39-51-201, See **UNEMPLOYMENT INSURANCE**
Unfair trade practices, See **Prohibited practices**
Valuations
- bonds, 33-2-532
- farm mutual insurers, applicability, 33-4-101

INSURERS REGULATION GENERALLY (Continued)
Valuations (Continued)

    property, 33-2-534, 33-2-535
    purchase money mortgages, 33-2-535
    securities, 33-2-532, 33-2-533
    standard valuation of reserve liabilities law — life insurance, 33-2-521 — 33-2-529
Violations
    cease and desist orders, 33-1-318, 33-18-1004 — 33-18-1006
    certificate of authority revoked or suspended for, 33-2-119, 33-2-1122, 33-21-113
    damage or destruction of property to defraud insurer, 45-6-101
    examination reports, revealed by, 33-1-409
    false or fraudulent applications, claims, and proofs of loss, 33-18-401
    financial statements, reports, or records — false statements or entries, 33-18-205
    fines, See **Fines and penalties**
    holding company systems
        criminal or civil proceedings and penalties, 33-2-1120
        license of insurer — revocation, suspension, or nonrenewal when, 33-2-1122
        mergers or acquisition of control, failure to file materials or lack of approval, 33-2-1106
        registration statements, failure to file, 33-2-1112
    information and privacy protection, 33-19-401, 33-19-402, 33-19-404, 33-19-405, 33-19-407, 33-19-409
    injunctions, 33-1-318, 33-18-1006
    insurance fraud, 33-1-1211, 33-1-1302, 45-6-301
    managing general agents, 33-2-1605
    penalties, See **Fines and penalties**
    political contributions, 33-18-305
    premium finance companies, 33-14-201, 33-14-203
    premiums, illegal dealing in, 33-18-212
    rates, rating plans, and rating or advisory organizations, 33-16-102, 33-16-111, 33-16-114, 33-16-211
    rehabilitation, grounds for, 33-2-1331
    reinsurance intermediaries, 33-2-1709
    risk retention groups and purchasing groups, 33-11-104, 33-11-122
    unauthorized insurers, aiding or representing, 33-2-104
Workers' compensation insurance
    loss reserves, tabular, 33-2-518
    Montana insurance code, nonapplicability when, 33-1-102
    policies, safety program requirement, 33-15-318
    reinsurance, limit of risk — nonapplicability, 33-2-1201
Workers' compensation plan no. 1 insurers, self-insurers guaranty fund, 39-71-2610, 39-71-2616
Workers' compensation plan no. 2 insurers, 39-71-116, See also generally **INSURANCE, CASUALTY; WORKERS' COMPENSATION**
    advisory organization, 33-16-1008
        agent, recognition as, 39-71-2204, 39-71-2205
        classification and review committee, staff and funding, 33-16-1011
        competition, acts reducing — prohibited, 33-16-1032
        construction industry, premium rates — filing, 39-71-2211
        data exchange, 33-16-1025
        deductible plans, 39-71-435
        dividends, savings, or unabsorbed premium deposits — payment, regulation or prohibition, 33-16-1022
        filings, 33-16-1023, 33-16-1026, 33-16-1030
            review, 33-16-1027
        insurer assessment, premium surcharge percentage — notice relating to, 39-71-201
        license, 33-16-403, 33-16-1035
        membership, 33-16-1023, 33-16-1024

INSURERS REGULATION GENERALLY (Continued)
Workers' compensation plan no. 2 insurers (Continued)
  advisory organization (Continued)
    notices of coverage or cancellation by, 39-71-2204, 39-71-2205
    permitted activities, 33-16-1033
    plan no. 3 insurers, membership, 33-16-1024, 39-71-2316
    professional employer organizations, reports concerning, 39-8-403
    prohibited activity, 33-16-1034
    ratemaking, cooperation in, 33-16-1025
  appeals, 33-16-1035, 33-16-1036
  applicability of provisions, 33-16-1002
  assessment of insurer, 39-71-915
  classification and review committee, 33-16-1011, 33-16-1012
  classification system, 33-16-1008, 33-16-1023, 33-16-1024, 33-16-1026
    objections, 33-16-1012
  competition, acts reducing — prohibited, 33-16-1032
  data exchange, 33-16-1025
  deductibles, provision for, 39-71-434, 39-71-435
  definitions, 33-16-1008, 33-16-1032
  discrimination prohibited, 33-16-1021
  dividends, savings, or unabsorbed premium deposits, 33-16-1021, 33-16-1022
  election to be bound by plan, 39-71-2201
  experience rating plan, 33-16-1008, 33-16-1023, 33-16-1024, 33-16-1026, 33-16-1032, 33-16-1033
  filings, 33-16-1023, 33-16-1025 — 33-16-1027, 33-16-1029, 33-16-1030
  hearings, 33-16-1012, 33-16-1020, 33-16-1025, 33-16-1028 — 33-16-1030, 33-16-1035
  market, 33-16-1008
    competitive, 33-16-1020, 33-16-1021
    noncompetitive, 33-16-1021, 33-16-1030
  policy and purpose of provisions, 33-16-1001
  policy forms, 33-16-1023, 33-16-1026, 33-16-1033
  rates and rating plans, 33-16-1008, 33-18-207
    consent to rate in excess of determined rate when, 33-16-1031
    construction industry, filing, 39-71-2211
    cooperation in ratemaking, 33-16-1025
    delay in noncompetitive market, 33-16-1030
    filings, 33-16-1023, 33-16-1025, 33-16-1026, 33-16-1029, 33-16-1030
      review, 33-16-1027
    improper rates, 33-16-1028
    interchange of rating plans, 33-16-1025
    preferred rate provisions, nonapplicability, 33-18-207
    prohibited practices, 33-16-1032
    restrictions on certain insurers and waiting period, 33-16-1029
    standards for ratemaking, 33-16-1021
  reciprocal insurers, applicability of provisions, 33-16-1003
  statistical plan, 33-16-1008, 33-16-1023, 33-16-1024, 33-16-1033
  violations and penalties, 33-16-1025, 33-16-1035
Workers' compensation plan no. 3 insurers, state fund, 33-16-1024; Title 39, chapter 71, part 23, See **WORKERS' COMPENSATION**

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION
Actions
  insurance, commissioner of — rights, 33-2-1381
  liquidation
    appeal pendency plan, preferences in — effect, 33-2-1342
    defenses available to insurer, 33-2-1345
    legal process, exemption during pendency, 33-2-1386

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION (Continued)
Actions (Continued)
  liquidation (Continued)
    order
      effect on, 33-2-1348
      petitions for, to defend against, 33-2-1336
    third parties, 33-2-1367
  liquidator
    domiciliary liquidator, rights of, 33-2-1381
    indemnification and settlement, 33-2-1392 — 33-2-1394, 33-2-1517
    intervention when, 33-2-1348
    rights of, 33-2-1342, 33-2-1345
  net worth of insurer, recovery of reduction or loss, 33-2-1321
  out-of-state proceedings, stay pending, 33-2-1307
  pending and potential litigation
    liquidation proceedings, effect, 33-2-1348
    rehabilitation orders, effect, 33-2-1334
  premiums owed, upon violation of recovery provisions, 33-2-1362
  prevention when, 33-2-1309
  receivers, brought by, 33-2-1306, 33-2-1515
  rehabilitator, indemnification and settlement, 33-2-1392 — 33-2-1394, 33-2-1517
  stay of proceedings, 33-2-1307, 33-2-1334
  venue, 33-2-1308
  who may bring, 33-2-1305
Ancillary proceedings, 33-2-1382 — 33-2-1385, 33-10-111
Ancillary receivers
  appointment, 33-2-1379, 33-2-1382
  assets, failure to transfer, 33-2-1388
  claims, 33-2-1381, 33-2-1384, 33-2-1385
  domiciliary liquidator, 33-2-1380, 33-2-1382
  guaranty association, 33-10-205
Ancillary receivership, 33-2-1381, 33-2-1388
Applicability of provisions, 33-2-1304
Assessments against members of insurer, 33-2-1360
Assets
  additional, discovery, 33-2-1376
  ancillary receiver, 33-2-1382, 33-2-1388
  claims, payment, See **Claims**
  delinquency proceedings, release from — condition, 33-2-1391
  deposits, transfer, 33-2-612
  disposal, conveyance, or encumbrance prohibited when, 33-2-1321
  distribution, 33-2-1342, 33-2-1346, 33-2-1350, 33-2-1363, 33-2-1364, 33-2-1366, 33-2-1373, 33-3-436
  domiciliary liquidator, distribution and authority, 33-2-1350, 33-2-1363, 33-2-1381, 33-2-1382
  general assets, 33-2-1303
  indemnification expenses from, 33-2-1393
  liquidation, 33-2-102, 33-2-1345, 33-2-1350, 33-2-1379, 33-2-1380
  liquidator, administration, 33-2-1342, 33-2-1345
  listing and collection, 33-2-1350
  preservation and recovery, costs and expenses, 33-2-1371
  rehabilitation expenses, payment from, 33-2-1333
  rehabilitator, administration, 33-2-1332
  waste prevented, 33-2-1309
Assignments, 33-2-1345, 33-2-1358
Attachment of property, 33-2-1309, 33-2-1345, 33-2-1353, 33-2-1386
Attorneys
  fees, 33-2-1356, 33-2-1371, 33-2-1375, 33-2-1393
  liability, personal, 33-2-1357

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION (Continued)
Attorneys (Continued)

  services to insurer, transactions to pay for, 33-2-1356
Benevolent associations, applicability, 33-2-1304, 33-6-101
Bonds
  liability of surety, 33-2-1354
  liens dissolved by, 33-2-1353
  rehabilitators, liquidators, and employees, 33-2-1393
Breach of contract, 33-2-1322, 33-2-1332, 33-2-1333
Citation of Insurers Supervision, Rehabilitation, and Liquidation Act, 33-2-1301
Claims
  actions pertaining to, 33-2-1348
  ancillary receiver, filed with, 33-2-1381, 33-2-1384, 33-2-1385
  appeal pendency plans, 33-2-1342
  assessment necessary to pay, 33-2-1360
  assets, distribution, 33-2-1363
  coverage, See **Guaranty associations**; See also generally **INSURANCE GUARANTY ASSOCIATION, CASUALTY AND PROPERTY**; **INSURANCE GUARANTY ASSOCIATION, LIFE AND HEALTH**
  disputed, 33-2-1368, 33-2-1372
  distribution, order of and priority, 33-2-1363, 33-2-1371, 33-2-1373, 33-2-1374, 33-2-1384, 33-2-1385, 33-2-1387
  domiciliary liquidator, filed with, 33-2-1381, 33-2-1384, 33-2-1385
  filing, 33-2-1346, 33-2-1348, 33-2-1358, 33-2-1364, 33-2-1366, 33-2-1367, 33-2-1381, 33-2-1384, 33-2-1385
  foreign or alien insurers, payment to residents — order for, 33-2-1380
  insureds or claimants against insureds, of, 33-2-1367
  interstate priorities, 33-2-1387
  late filing, 33-2-1358, 33-2-1364, 33-2-1367, 33-2-1371
  liquidation order, notice to claimants, 33-2-1346
  liquidator
    authority, 33-2-1345
    filed with, 33-2-1346, 33-2-1364, 33-2-1381, 33-2-1385
    review, recommendations, and report, 33-2-1372
  nonresidents, against insurer domiciled in state — of, 33-2-1384
  preferred claims, 33-2-1303, 33-2-1342
  priorities, 33-2-1371, 33-2-1384, 33-2-1385, 33-2-1387
  proof, 33-2-1346, 33-2-1364, 33-2-1365, 33-2-1384, 33-2-1385
  reciprocal state, 33-2-1384, 33-2-1385
  secured claim, 33-2-1303, 33-2-1370, 33-2-1382, 33-2-1387, 33-2-1388
  secured creditors, 33-2-1363, 33-2-1370
  setoffs, 33-2-1359
  special claims, 33-2-1366, 33-2-1374
  special deposit claim, 33-2-1303, 33-2-1382, 33-2-1387, 33-2-1388
  subordination when, 33-2-1388
  sureties, of, 33-2-1369
  third party, 33-2-1366, 33-2-1367, 33-2-1371
  void or voidable rights, holders of, 33-2-1358
Conservation
  complaint for, jurisdiction, 33-2-1305
  foreign or alien insurers, 33-2-1379
  order for, petition, 33-2-1381
  termination, order for, 33-2-1379
Conservators, See also **Liquidators**; **Receivers**; **Rehabilitators**
  alien insurers, trusteed assets transferred to, 33-2-213
  ancillary receiver, appointment as, 33-2-1379
  appointment, 33-1-318, 33-2-1379, 33-10-215

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION (Continued)
Conservators (Continued)

  deposits, transfer to, 33-2-612
  reciprocal insurers, 33-5-407
Conservatorship, suspension of certificate of authority upon, 33-2-119
Construction of provisions, 33-2-1302
Cooperation by officials, 33-2-1310
Creditors, 33-2-1303
  assets, distribution — valuation agreements, 33-2-1373
  claims, See **Claims**
  liquidation order, notice, 33-2-1346
  liquidator, authority or agreements with, 33-2-1345, 33-2-1373
  preferences, 33-2-1353
  reinsurers, amount recoverable from, 33-2-1361
  rights and liabilities, 33-2-1309, 33-2-1342, 33-2-1345
  secured creditors, claims, 33-2-1363, 33-2-1370
  set off for further credit, 33-2-1355
  sureties, claims of, 33-2-1369
  transfers, fraudulent when, 33-2-1351
  unclaimed and withheld funds, 33-2-1374
Definitions, 33-2-1303, 33-2-1310, 33-2-1353, 33-2-1369
Delinquency proceedings, 33-2-1303
  application of provisions, 33-2-1304
  certificate of authority suspended upon commencement, 33-2-119
  commencement, 33-2-119, 33-2-1305
  cooperation by officials, 33-2-1310
  deposits, transfer, 33-2-612
  domestic stock and mutual insurers, 33-3-104, 33-3-401, 33-3-432
  formal delinquency proceedings, 33-2-1303, 33-2-1322
  indemnification of rehabilitators, liquidators, and employees, 33-2-1392 — 33-2-1394
  interference, prevention, 33-2-1309, 33-2-1310
  legal process, exemption during pendency, 33-2-1386
  liquidation order, set aside upon appeal — effect, 33-2-1342
  out-of-state, stay pending, 33-2-1307
  petition for, right to resist, 33-2-1310
  procedure exclusive, 33-2-1305
  reinsurers, amount recoverable from, 33-2-1361
  release from, 33-2-1342, 33-2-1391, 33-2-1517
  venue, 33-2-1308
Depositions, 33-2-1365
Dissolution, 33-2-1305, 33-2-1344, 33-2-1345
Estate of insurer
  lien or security title preserved for, 33-2-1353
  liquidation order, petition for — defense costs, 33-2-1336
  liquidator, actions to protect, 33-2-1348
  rehabilitation termination, order for — expenses, 33-2-1336
Execution
  levying, prevention when, 33-2-1309, 33-2-1386
  lien obtained by, 33-2-1353
Executive authority in insurer, persons having
  cooperation, 33-2-1310
  jurisdiction, 33-2-1306
  liability, personal, 33-2-1357
  rehabilitator, powers concerning, 33-2-1333
  removal when, 33-2-1331
Farm mutual insurers, applicability, 33-4-101
Fraternal benefit societies, applicability, 33-2-1304, 33-7-117, 33-7-120

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION (Continued)

Garnishment, 33-2-1309, 33-2-1345, 33-2-1353, 33-2-1386
Guaranty associations, 33-2-1303, See also **INSURANCE GUARANTY ASSOCIATION, CASUALTY AND PROPERTY; INSURANCE GUARANTY ASSOCIATION, LIFE AND HEALTH**
    actions, obligation to defend — precedence, 33-2-1345
    assets distributed to, 33-2-1342, 33-2-1363
    claims, 33-2-1364, 33-2-1365, 33-2-1367, 33-2-1369, 33-2-1371, 33-2-1372
    delinquency proceedings, release from — condition, 33-2-1391
    expenses, 33-2-1371, 33-2-1391
    liquidation
        appeal pendency plans, effect, 33-2-1342
        notices, 33-2-1346
        standing in proceedings, 33-2-1349
    policy coverage, continuance, 33-2-1343, 33-2-1346
    records of insurer, availability, 33-2-1345
    rehabilitation proceedings, standing in, 33-2-1335
Health maintenance organizations, 33-31-403
Hearings
    assessment of members of insurer, objections to order for judgment, 33-2-1360
    claims
        disputed, 33-2-1368
        reciprocal states, residents against insurers domiciled in, 33-2-1385
    domiciliary liquidator, ancillary proceedings, 33-2-1384
    executive authority in insurer, persons having — concerning, 33-2-1331
    insolvency, for judicial declaration, 33-2-1342
    insurance producers, for noncompliance with notice requirements, 33-2-1347
    liquidation generally, 33-2-1345
    premiums owed, regarding recovery, 33-2-1362
    rehabilitation plans, for, 33-2-1333
    seizure orders, concerning, 33-2-1322
    summary orders, for, 33-2-1321
    supervision, for, 33-2-1321
    violations, concerning, 33-2-1310
    voiding preferences and liens, for, 33-2-1354
Injunctions, 33-2-1309
    jurisdiction, 33-2-1305
    liquidation order, inclusion, 33-2-1348
    supervision orders, enforcement, 33-2-1321
Insolvency, 33-2-1303
    assets, distribution, 33-2-1363
    conservator, appointment when, 33-2-1379
    deposits, excess — release, 33-2-609, 33-2-612
    dissolution of insurer, 33-2-1344
    domestic stock and mutual insurers, 33-3-432
    guaranty associations for, Title 33, chapter 10, parts 1 and 2
    investment pools, withdrawals, 33-12-204, 33-12-304
    judicial declaration, 33-2-1342
    liquidation, ground for, 33-2-1341
    multiple employer welfare arrangements, 33-35-203
    preferences avoided, 33-2-1353
    premiums, unpaid — payment, 33-2-1362
    reciprocal insurers, 33-5-412
Insurance producers
    domiciliary liquidator, right to balances, 33-2-1381
    liquidation order, notice, 33-2-1346

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION (Continued)
Insurance producers (Continued)

  liquidator, employment by, 33-2-1345
  policyholders, notice to and compliance report, 33-2-1347
  premiums, unpaid — payment, 33-2-1362
Investigations, 33-2-1310, 33-2-1372
Investments by specific insurers, reserve requirements — noncompliance, effect, 33-12-312
Judgments
  assessments against members of insurers, 33-2-1360
  claims of
    holders of void or voidable rights, 33-2-1358
    third parties, 33-2-1366
  evidence of liability or of quantum of damages, not considered as, 33-2-1365
  indemnification of rehabilitators, liquidators, and employees, 33-2-1393
  lien obtained by, 33-2-1353
  prevention, 33-2-1309
Judicial review of orders, 33-2-1321 — 33-2-1323
Jurisdiction, 33-2-1305, 33-2-1306, 33-2-1331
Liens
  injunction to prevent obtaining, 33-2-1309
  legal or equitable proceedings, obtainable by, 33-2-1353
  life insurance policies, on — when, 33-2-1333
  liquidator, power to avoid, 33-2-1345
  preferences, voidable, 33-2-1353
  surrender when, 33-2-1358
  transfers creating, 33-2-1303, 33-2-1351 — 33-2-1353
  voidable when, 33-2-1353
  voiding, procedures, 33-2-1354
Liquidation
  appeal pendency plans, 33-2-1342
  assessments against members of insurers, 33-2-1360
  complaint for, jurisdiction, 33-2-1305
  defenses available to insurer, 33-2-1345
  dissolution of insurer, 33-2-1344
  domestic stock and mutual insurers, 33-3-436, 33-3-601, 33-3-602
  evidence in proceedings
    claims, proof, 33-2-1365
    liquidator, authority, 33-2-1345
    premiums owed, of violation of recovery provisions, 33-2-1362
    transfers
      insolvency inferred when transfer made prior to petition for liquidation, 33-2-1357
      validity, burden of proof on person asserting, 33-2-1352
  foreign or alien insurers, 33-2-1379, 33-2-1380, 33-2-1383, 33-2-1911
  fraternal benefit societies, 33-2-1304, 33-7-120
  fraudulent transfers, 33-2-1333, 33-2-1351, 33-2-1352
  grounds for, 33-2-1341
  guaranty associations for, Title 33, chapter 10, parts 1 and 2
  managing general agents, files as property of insurer, 33-2-1602
  merger or acquisition of control, plans or proposals for liquidation, 33-2-1104, 33-2-1105
  notice to creditors and others, 33-2-1346
  orders for, 33-2-1336, 33-2-1341, 33-2-1342, 33-2-1352, 33-2-1381, 33-2-1515, 33-2-1602, 33-2-1705, 33-31-403
  petition for, right to resist, 33-2-1310
  policy coverage, continuance, 33-2-1343
  preferences, transfers considered — when, 33-2-1353
  premiums owed, recovery, 33-2-1362

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION (Continued)
Liquidation (Continued)

- proceedings
  - claims, interstate priorities, 33-2-1387
  - constructive notice, commencement as, 33-2-1352
  - delinquency proceedings, conversion, 33-2-1391, 33-2-1517
  - formal delinquency proceeding, 33-2-1303
  - guaranty associations, standing in, 33-2-1349
  - legal process, exemption during pendency, 33-2-1386
  - litigation, pending and potential — effect, 33-2-1348
  - nonresidents, claims against insurers domiciled in state, 33-2-1384
  - termination, 33-2-1375
- reciprocal insurers, 33-5-402, 33-5-406, 33-5-411, 33-5-412
- reinsurance intermediary-managers, files as property of insurer, 33-2-1705
- reinsurer, jurisdiction over, 33-2-1306
- reopening, petition for, 33-2-1374, 33-2-1376
- unclaimed and withheld funds, 33-2-1374

Liquidators, See also **Conservators**; **Receivers**; **Rehabilitators**
- ancillary receiver, powers, 33-2-1380, 33-2-1382
- appointment, 33-2-1321, 33-2-1342, 33-10-215
- assessments — order for, recommendations, and judgment, 33-2-1360
- assets
  - administration, 33-2-1342
  - alien insurers, trusteed — transferred to, 33-2-213
  - distribution, 33-2-1350, 33-2-1363, 33-2-1373
  - listing and collection, 33-2-1350
- attorney's services to insurer, petition for examination of payment transactions, 33-2-1356
- claims
  - disputed, 33-2-1368
  - filing, 33-2-1346, 33-2-1364, 33-2-1381, 33-2-1385
  - insureds, filed by, 33-2-1367
  - late filing, 33-2-1364
  - money or property delivered for, 33-2-1358
  - proof, 33-2-1364, 33-2-1365
  - review and recommendations, 33-2-1372
  - third party, filed by, 33-2-1367
- creditors
  - assets, distribution — valuation agreements, 33-2-1373
  - secured creditors, value of security held by, 33-2-1370
- deposits, transfer to, 33-2-612
- discharge, 33-2-1374, 33-2-1375
- dissolution of insurer effected when, 33-2-1344
- domiciliary liquidator
  - ancillary receiver, 33-2-1380, 33-2-1382, 33-2-1388
  - appointment, 33-2-1382
  - assets, proposal for distribution, 33-2-1350, 33-2-1363
  - claims, 33-2-1381, 33-2-1384, 33-2-1385
  - reciprocal state, in, 33-2-1380 — 33-2-1382
- executive authority in insurer, persons having — liability, 33-2-1357
- guaranty association, 33-10-113, 33-10-114
- indemnification, 33-2-1392 — 33-2-1394, 33-2-1517
- insurance producers, notice requirements and compliance report, 33-2-1347
- liquidation order, notice requirements, 33-2-1346, 33-2-1347
- litigation, pending and potential — actions concerning, 33-2-1348
- managing general agent violations, reimbursement for losses caused by, 33-2-1605
- policy obligations, transfer, 33-2-1343, 33-2-1345
- powers generally, 33-2-1345

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION (Continued)
Liquidators (Continued)

  preferences, voidable or voiding, 33-2-1353, 33-2-1354
  premiums, unpaid — collection, 33-2-1362
  property, recovery, 33-2-1353
  reciprocal insurers, 33-5-304, 33-5-407
  reinsurance intermediaries, reimbursement for losses caused by, 33-2-1709
  reinsurers, amount recoverable from, 33-2-1361
  transfers invalid when, 33-2-1352
  unclaimed and withheld funds, 33-2-1374
  voiding preferences and liens, 33-2-1354
Members or shareholders of insurers
  assessments against, 33-2-1360
  claims of shareholders, priority, 33-2-1371
  liquidator, authority, 33-2-1345
  rights and liabilities, 33-2-1342, 33-2-1345
  unclaimed and withheld funds, 33-2-1374
Multiple employer welfare arrangements, 33-35-203, 33-35-209
Penalties
  delinquency proceedings and investigations, obstruction or interference, 33-2-1310
  insurance producer's failure to give notice or file compliance report, 33-2-1347
  premiums, unpaid — violation of recovery provision, 33-2-1362
  supervision orders, violation, 33-2-1321
Policies
  claims obligations
    appeal pendency plans, 33-2-1342
    transfer, 33-2-1345
  coverage, continuance and termination, 33-2-1343, 33-2-1346, 33-2-1347
  policyholders
    liquidation order, notice, 33-2-1346, 33-2-1347
    liquidator, authority, 33-2-1345
    rights and liabilities, 33-2-1342, 33-2-1345
  premiums owed, recovery, 33-2-1362
Preferences, 33-2-1353
  appeal pendency plans, 33-2-1342
  obtaining, prevention, 33-2-1309
  personal liability, 33-2-1357
  set off for further credit, 33-2-1355
  surrender when, 33-2-1358
  voidable, 33-2-1353, 33-2-1357
  voiding, procedures, 33-2-1354
Property
  domiciliary liquidator, title to, 33-2-1381
  fair consideration, 33-2-1303
  indemnifying, recovery, 33-2-1353, 33-2-1354
  judicial sale, 33-2-1352
  liquidator, authority, 33-2-1342, 33-2-1345
  seizure when, 33-2-1322
  transfers, See **Transfers**
Purpose of provisions, 33-2-1302
Receivers, 33-2-1303, See also **Conservators**; **Liquidators**; **Rehabilitators**
  actions brought by, 33-2-1306
  ancillary, See **Ancillary receivers**
  appointment, 33-1-318, 33-2-1345, 33-2-1380, 33-2-1911
  audit of books, 33-2-1378
  controlled insurers, action for sanctions or recovery of damages, 33-2-1515
  deposits, transfer to, 33-2-612

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION (Continued)
Receivers (Continued)

- dividends, recovery, 33-2-1125
- fraternal benefit societies, 33-7-120
- fraudulent transfers, 33-2-1351, 33-2-1352
- guaranty association, 33-10-113, 33-10-114
- injunctions or restraining orders, application for, 33-2-1309
- interference, prevention, 33-2-1309
- investment pools, withdrawals, 33-12-204, 33-12-304
- liquidator, powers and agreements, 33-2-1345
- reciprocal insurers, 33-5-304, 33-5-407, 33-5-503
- transfers, valid when, 33-2-1352

Receivership
- ancillary, petition for, 33-2-1381
- certificate of authority suspended upon commencement, 33-2-119
- complaint for, jurisdiction, 33-2-1305
- fraternal benefit societies, 33-7-120
- health service corporations, 33-30-113
- holding company system's property placed in, when, 33-2-1121
- records, 33-2-1378

Reciprocal state, 33-2-1303
- ancillary receivers, rights and powers, 33-2-1382
- claims, 33-2-1384, 33-2-1387
- domiciliary liquidator in, 33-2-1380 — 33-2-1382

Records
- ancillary receivers, authority, 33-2-1382
- availability, cooperation for, 33-2-1310
- domiciliary liquidator, authority, 33-2-1381, 33-2-1382
- guaranty associations, availability to, 33-2-1345
- liquidation, disposition during and after, 33-2-1377
- liquidator, authority, 33-2-1342, 33-2-1345
- seizure when, 33-2-1322
- supervision proceedings and judicial reviews, confidentiality when, 33-2-1323
- withholding, 33-2-1309, 33-2-1331

Rehabilitation
- certificate of authority suspended upon commencement, 33-2-119
- complaint for, jurisdiction, 33-2-1305
- delinquency proceedings, conversion, 33-2-1391
- domestic stock and mutual insurers, following disapproval of dissolution, 33-3-601
- domestic stock insurer, mutualization, 33-3-215
- fraudulent transfers, 33-2-1333, 33-2-1351, 33-2-1352
- grounds for, 33-2-1331, 33-2-1341
- guaranty associations for, Title 33, chapter 10, parts 1 and 2
  - proceedings, standing in, 33-2-1335
- life insurers, 33-2-1333, 33-2-1335
- litigation, pending and potential — effect of orders on, 33-2-1334
- orders for, 33-2-1331, 33-2-1332, 33-2-1352, 33-2-1515, 33-31-403
- preferences, transfers considered — when, 33-2-1353
- proceedings
  - constructive notice, commencement as, 33-2-1352
  - delinquency proceedings, conversion, 33-2-1391, 33-2-1517
  - expenses, 33-2-1333
  - formal delinquency proceeding, 33-2-1303
  - guaranty associations, standing in, 33-2-1335
  - litigation, pending and potential — effect, 33-2-1334
- reinsurer, jurisdiction over, 33-2-1306
- termination, order for, 33-2-1336

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION (Continued)

Rehabilitators, See also **Conservators**; **Liquidators**; **Receivers**
  alien insurers, trusteed assets transferred to, 33-2-213
  appointment, 33-2-1321, 33-2-1332, 33-2-1334, 33-10-215
  deposits, transfer, 33-2-612
  indemnification, 33-2-1392 — 33-2-1394, 33-2-1517
  litigation, pending and potential — actions concerning, 33-2-1334
  managing general agent violations, reimbursement for losses caused by, 33-2-1605
  powers and duties, 33-2-1333
  reciprocal insurers, 33-5-407
  reinsurance intermediaries, reimbursement for losses caused by, 33-2-1709
  termination of rehabilitation, petition for, 33-2-1336
Restoration of possession of property and control of business to insurer, 33-2-1336, 33-2-1379
Restraining orders, 33-2-1305, 33-2-1309, 33-2-1321
Risk-based capital, placement of insurer under regulatory control
  authorized control level event, 33-2-1906
  mandatory control level event, 33-2-1907
    foreign insurers, 33-2-1911
Seizure orders, 33-2-1322
Sequestration, 33-2-1305, 33-2-1331, 33-2-1379
Setoffs, 33-2-1355, 33-2-1359, 33-2-1362
Short title, 33-2-1301
Subpoenas, 33-2-1345
Summary orders, 33-2-1321, 33-2-1331, 33-2-1906, 33-2-1907
Supervision, 33-2-1321, 33-2-1323, 33-10-202, 33-31-403
Supervisor, appointment, 33-2-1321
Transfers, 33-2-1303
  attorney's services, for payment, 33-2-1356
  fraudulent, 33-2-1333, 33-2-1351, 33-2-1352
  liquidator, authority, 33-2-1345
  policy obligations, 33-2-1343, 33-2-1345
  preferences, 33-2-1353
  prevention when, 33-2-1309
  surrender when, 33-2-1358
Violations, 33-2-1310, 33-2-1321, 33-2-1331, 33-2-1362
Voidable preferences and liens, 33-2-1353, 33-2-1354, 33-2-1357, 33-2-1358
Witnesses, 33-2-1345, 33-2-1371

INSURRECTION
  See also **RIOT**; **EMERGENCIES AND EMERGENCY POWERS**, generally
City and town purchases, exemption from bid requirements, 7-5-4303
Community college districts, "emergency" defined, 20-15-323
Counties
  emergency expenditures and liabilities, 7-6-2341
  purchases, exemption from bid requirements, 7-5-2304
County sheriff, duties, 7-32-2121
District court, change of venue, 3-5-405
Facility siting provisions, waiver, 75-20-304
Firefighters, military duty exemption — nonapplicability, 7-33-2314
Property, involuntary deposit resulting from, 70-6-103
School finance, budget amendment — purpose, 20-9-161
Schools, "unforeseen emergency" defined, 20-9-802
School trustee meetings, effect on, 20-3-322

INTEGRATED WASTE MANAGEMENT ACT, Title 75, chapter 10, part 8
  See **SOLID WASTE MANAGEMENT**

INTEREST
  See specific subject heading

INTERLOCAL COOPERATION, Const., XI, 7
Agreements
  contents, 7-11-105
  creation, authorization, 7-11-104
  emergency services mutual aid agreements, effect, 10-3-1114
  filing, 7-11-107
  funding, 7-11-108
  hard-rock mining local government facility impact bonds, 90-6-310
  local governments
    self-government units, powers, 7-1-112
    study commission recommendations, 7-3-190
  multijurisdictional service districts, 7-11-1105, 7-11-1111
  recommendation for, 7-11-230
  school district investment programs, compliance, 20-9-213
  self-insurance reserve fund, for, 2-9-211
  service consolidation or transfer, effect of provisions for, 7-11-301
  transportation services for the elderly and persons with disabilities, 7-14-111
  youth detention facilities, 41-5-1803, 41-5-1804
Applicability of laws, emergency services mutual aid agreements, 10-3-1114, See also
  EMERGENCIES AND EMERGENCY POWERS, **Interstate emergency services**
Authorization, Const., XI, 7
Citation of Interlocal Cooperation Act, 7-11-101
Commission, 7-11-203
  appointment of members, 7-11-209
  appropriation for, 7-11-223
  chairman, 7-11-207, 7-11-212, 7-11-227
  compensation of members, 7-11-211
  composition, 7-11-207
  conduct of business, 7-11-213
  establishment, 7-11-204
  expenses, 7-11-211, 7-11-223
  funds, 7-11-222, 7-11-223
  information furnished to, 7-11-227
  meetings, 7-11-212, 7-11-213
  number, limitation, 7-11-205
  organization, 7-11-212
  powers and duties, 7-11-221
  qualifications of members, 7-11-208
  rules, 7-11-213
  services
    consolidation or transfer, See **Consolidation or transfer of services**
    program for, preparation, See **Program for services**
  term, 7-11-206
  travel expenses, 7-11-211
  vacancies, 7-11-210
Consolidation or transfer of services
  effect of provisions for, 7-11-301
  recommendation for, 7-11-229, 7-11-230, 7-11-302, 7-11-304 — 7-11-307
  service plan, 7-11-304 — 7-11-306
Contracts, See **Agreements**
Correctional facilities, regional, Title 53, chapter 30, part 5
County attorneys, contracts for services, 7-4-2707, 7-4-4606

INTERLOCAL COOPERATION (Continued)

Definitions, 7-11-103, 7-11-203
Detention centers
  private party ownership, policies and programs, 7-32-2234
  services and facilities, contracts for, 7-32-2243
Election to require, Const., XI, 7
Extent of cooperation, Const., XI, 7
Funding
  agreements, 7-11-108
  commission, 7-11-223
  public or private, 7-11-221
Inspections of facilities, 50-8-105
Law enforcement interstate mutual aid agreements, applicability of laws, 44-11-312, See also **LAW ENFORCEMENT, Assistance, mutual**
Local governments
  self-government units, powers, 7-1-112
  study commission recommendations, 7-3-190
Motor fuel excise tax, apportionment of revenue, 7-14-303
Multijurisdictional service districts
  administration, 7-11-1106, 7-11-1111
  authority to form, 7-11-1101
  boundary, 7-11-1105, 7-11-1106
  creation, 7-11-1105
  financing, 7-11-1106, 7-11-1112
  libraries, specific provisions, 7-11-1102, 7-11-1111, 7-11-1112
  notice of ordinance, 7-11-1107
  protests, written, 7-11-1107
  services provided, 7-11-1102
  tax levy, 7-11-1106, 7-11-1112
Planning boards, joint or consolidated — establishment, 76-1-112
Policy of state, 7-11-201
Program for services
  considerations in preparation, 7-11-225, 7-11-226
  hearings and notice, 7-11-228, 7-11-230
  preparation, 7-11-224
  property and indebtedness of units of local government, consideration, 7-11-226
  recommendations, 7-11-229, 7-11-302, 7-11-304 — 7-11-307
    procedure for making, 7-11-230
Property
  acquisition and disposal, 7-11-105
  program for services, affected by — consideration, 7-11-226
Purpose of provisions, 7-11-102, 7-11-202
Rodent control districts, multicounty — establishment, 7-22-2233
School districts, cooperative agreements, 20-9-701 — 20-9-705
Service districts, See **Multijurisdictional service districts**
Short title, 7-11-101
State-tribal cooperative agreements, Title 18, chapter 11, part 1
Youth detention facilities, contracts for, 41-5-1804

INTERNATIONAL FUEL TAX AGREEMENT, 15-70-104, 15-70-121, 15-70-122, 15-70-302

INTERNATIONAL RELATIONS
Agricultural marketing, 90-9-401, 90-9-402
Aircraft, licensing — exception, 67-3-201
Airports and landing fields near ports of entry, airport authority powers, 67-11-221
Canada, with, See **CANADA**
Capital companies, utilization of research resources, 90-8-103

INTERNATIONAL RELATIONS (Continued)

Child support jurisdiction, order issued by foreign country, 40-5-201
Community college district trustees, agreements, 20-15-225
Criminal identification, state system — cooperation with other agencies, 44-2-206
Environmental Quality Council, duties, 85-2-105
Flathead Basin Commission, cooperative programs, 75-7-304, 75-7-308
Foreign capital depositories, Title 32, chapter 8
Foreign money-judgments recognition, Title 25, chapter 9, part 6
Japan, 90-9-401
Law, judicial notice, Title 26, chapter 10, M.R.EV., Rule 202
Legislative Council, cooperation, 5-11-301
Pacific Rim countries, 90-9-401
Prison-made furniture, sale, 53-30-132
Public contracts, reciprocal bid preference, 18-1-102
Sales
    overseas shipments
        bill of lading required, 30-2-323
        "letter of credit" defined, 30-2-325
    prison-made furniture, 53-30-132
Secured transactions, financing statement — filing not required when, 30-9-302
Securities commissioner, cooperation, 30-10-107
Taxation
    air carriers, assessment, 15-23-401
    compressed natural gas and liquefied petroleum gas laws, information for enforcement, 15-70-713
    domestic international sales corporations (DISC)
        corporation license tax, exemption, 15-31-102
        water's-edge election, 15-31-322
    fuel tax agreement, 15-70-104, 15-70-121, 15-70-122, 15-70-302
    nonprofit corporations, sports or athletic event training facilities — exemption, 15-6-201
Wills, execution, Title 72, chapter 2, part 9

INTERNATIONAL WILL ACT, UNIFORM, Title 72, chapter 2, part 9
    See **ESTATES AND PROBATE, Wills**

INTERPLEADER
    See **CIVIL PROCEDURE; SMALL CLAIMS COURTS**

INTERSTATE COMPACTS
    See also **INTERSTATE COOPERATION**
Adoption assistance, 42-10-121 — 42-10-128
Children, placement of, Title 41, chapter 4, part 1, See **MINORS, Interstate Compact on the Placement of Children**
Corrections, Title 46, chapter 19, parts 3 and 4, See **CRIMINAL PROCEDURE, Commitment**
Crime Prevention and Privacy Compact, National, 44-5-601, 44-5-602
Detainers, Title 46, chapter 31, See **CRIMINAL PROCEDURE, Detainers, interstate agreement**
Driver license, Title 61, chapter 5, part 4
Educational personnel, interstate agreement on qualification, 20-4-121 — 20-4-123
Emergency management assistance, 10-3-1001 — 10-3-1003
Highway Transportation Agreement, Multistate, 61-10-1101
Juveniles, Title 41, chapter 6, See **MINORS, Interstate Compact on Juveniles**
Legislative Council, functions, 5-11-301
Library, 22-1-601, 22-1-602
Mental health, Title 53, chapter 22, part 1, See **MENTAL ILLNESS OR INCAPACITY**

INTERSTATE COMPACTS (Continued)

Mutual aid, 10-3-204, 10-3-205, 10-3-207, 10-3-208, See **EMERGENCIES AND EMERGENCY POWERS**
Nuclear, Title 90, chapter 5, part 2
Oil and gas conservation, Title 82, chapter 11, part 3
Parolees and probationers, supervision, 46-23-1102, See **PROBATION, PAROLE, AND CLEMENCY, Interstate supervision of probationers and parolees**
Radioactive Waste Management, Northwest Interstate Compact on Low-level, 50-79-501, 50-79-502, See also **RADIOACTIVE SUBSTANCES**
Rules, uniform — filing and publication, 2-4-102, 2-5-103
Tax Compact, Multistate, 15-1-601, See **TAXATION, GENERAL PROVISIONS**
Vehicle equipment safety, Title 61, chapter 2, part 2
Water compacts, authorization for, 85-1-223, See **WATER USE, Compacts**
Weather modification, authority for, 85-3-103
Western Regional Higher Education Compact, Title 20, chapter 25, part 8, See **UNIVERSITY SYSTEM**
Wildlife violator compact, 87-1-801 — 87-1-805
Yellowstone River, 85-20-101, See **WATER USE**

INTERSTATE COOPERATION
  See also **INTERSTATE COMPACTS**
Aeronautics regulation, 67-1-102
Agricultural commodity research and market development programs, reciprocal agreements, 80-11-504
Agricultural marketing associations, 35-17-410
Air quality, 75-2-112, 75-2-301
Alfalfa seed industry, 80-11-304
Apiaries, agreements concerning, 80-6-201
Child support
  administrative enforcement, 40-5-206, 40-5-263, See also **CHILD SUPPORT, Enforcement**
  income withholding, 40-5-431 — 40-5-434, See also **CHILD SUPPORT, Income withholding**
  interstate enforcement, 40-5-165, See also **CHILD SUPPORT, Enforcement**
Clerks of district courts, 7-5-2143
Commercial feeds, 80-9-104
Communicable diseases, disclosure of health care information when, 50-16-603
County clerk and recorders, 7-5-2142
County commissioners, boards of, 7-5-2141
Criminal identification and investigation, 44-2-206
Detainers, interstate agreement, Title 46, chapter 31
Disaster and emergency services, 10-3-101, 10-3-105, 10-3-107, 10-3-202, 10-3-501, 10-3-503
Emergencies, 10-3-101, 10-3-105, 10-3-107, 10-3-202, 10-3-501, 10-3-503, 60-2-213, 90-4-310; Title 10, chapter 3, part 11
Energy supply emergencies, 90-4-310
Fishing privileges, 87-2-1001 — 87-2-1004
Hazardous waste management, 75-10-419
Health care information, disclosures when, 50-16-603
Highways
  national defense plans, 10-3-107
  transportation, department of — agreements
    emergency maintenance services, 60-2-213
    fees or taxes, collection, 60-2-311
  weights on, analysis of effects, 60-2-207
Historic sites, 23-1-107

INTERSTATE COOPERATION (Continued)

Insurers rehabilitation and liquidation, 33-2-1302, 33-2-1345, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Law enforcement, See **LAW ENFORCEMENT, Assistance, mutual**
Laws, See also specific uniform act or specific subject matter
  reciprocity with other states, See **FOREIGN LAWS**
  uniform interpretation, Title 1, chapter 12, See **LAW**
Legislative Council, functions, 5-11-301
Lottery games, 23-7-202
Milk control, 81-23-404
Mine reclamation, 82-4-323
Mint Committee, 80-11-403
Motor carrier registration, 61-3-708
Motor vehicles
  overweight and oversize permits, agreements for issuance, 61-10-113
  registration, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Fleet vehicle registration**
Nuclear regulation, 50-79-102, 50-79-108
Nurseries, disease and insect control, 80-7-132
Oil and gas conservation, 82-11-112
Open-space lands, 76-6-109
Parks, state, 23-1-107
Partner or family member assault, order of protection — enforcement, 40-15-301
Pesticides, 80-8-110
Planning and economic development, 90-1-103
Plant pests, control, 80-7-402
Produce, 80-3-303, 80-3-312
Professional and occupational licensing and regulatory boards, reciprocity agreements, 37-1-304
Property, personal — unclaimed, 70-9-823
Quarantine and pest management, 80-7-402
Radioactive substances, regulation, 50-79-102, 50-79-108, 50-79-201
Recreational areas, 23-1-107
School districts, joint agreements for school facilities, 20-9-705
School records, reciprocal transfer agreements, 20-1-213
Securities commissioner, 30-10-107
Speech-language pathologists and audiologists, 37-15-103
Taxes
  compressed natural gas and liquefied petroleum gas laws, information for enforcement, 15-70-713
  special fuel, information, 15-70-324, 15-70-344, 15-70-351
Unemployment insurance, 39-51-502
Veterinarians, 37-18-104
Uniform Transboundary Pollution Reciprocal Access Act, Title 75, chapter 16, part 1, See **POLLUTION**
WICHE, Title 20, chapter 25, part 8, See **UNIVERSITY SYSTEM, Western Interstate Commission for Higher Education**
Youth correctional facilities, industries programs — goods and services from, 52-5-120, 52-5-121

INTERSTATE EMERGENCY SERVICES MUTUAL AID ACT, Title 10, chapter 3, part 11 See **EMERGENCIES AND EMERGENCY POWERS**

INTERSTATE LAW ENFORCEMENT MUTUAL AID ACT, Title 44, chapter 11, part 3 See **LAW ENFORCEMENT, Assistance, mutual**

INTIMIDATION
  See also **CRIMES**
Citation of Montana Anti-Intimidation Act of 1996, 27-1-1501
Civil action, 27-1-1503
Findings and purpose of provisions, 27-1-1502
Liens, nonconsensual common-law, 27-1-1502, 27-1-1505

INTOXICATION
  See **CHEMICAL DEPENDENCY**

INVESTMENT PROGRAM, UNIFIED, Const., VIII, 13; Title 17, chapter 6, part 2
  See **INVESTMENTS, BOARD OF**, generally

INVESTMENTS, BOARD OF, 2-15-1808
Administration of unified investment program, 17-6-201; Const., VIII, 13
Bonds and bond issues, duties
  cities and towns
    general obligation bonds, 7-7-4275
    redemption prior to maturity, 17-6-213
  counties, redemption prior to maturity, 17-6-213
  economic development, Title 17, chapter 5, part 15
  electric utility industry restructuring, transition bonds, 69-8-103, 69-8-503
  employment security building, 17-5-609, 17-5-619
  health facility authority, purchase, 90-7-320
  municipal finance consolidation, Title 17, chapter 5, part 16
  school district, 17-6-213, 20-9-435, 20-9-436, 20-9-441
  volume cap, 17-5-1312, 17-5-1325
  workers' compensation, 39-71-2354, 39-71-2355
Coal trust funds, Title 17, chapter 5, part 7; Title 17, chapter 6, part 3
Comprehensive Health Association, borrowing, 33-22-1524
Depositories, 17-2-202, 17-6-101, 17-6-105
Execution, property exempt from, 17-5-1648
Health Facility Authority, loans to, 90-7-320
Housing, Board of — commitment agreements with, 17-6-211
Investment funds, 17-6-201 — 17-6-204; Const., VIII, 13
Investment officer, chief, 2-15-1808, 2-18-103
Investments by
  agricultural commodity research and market development program account, 80-11-518
  agricultural seed funds, 80-5-132
  agriculture, department of — for, 80-4-721, 80-9-207, 80-11-210, 80-11-602, 80-15-302
  alfalfa leaf-cutting bee committee, leaf-cutting bee fund and income from, 80-6-1109
  alfalfa seed assessment money, 80-11-310
  anhydrous ammonia inspection fee, 80-10-207
  city and town funds, 17-6-204; Const., VIII, 13
  coal severance tax bonds and anticipation notes, 17-5-718
  county funds, 17-6-204; Const., VIII, 13
  hail insurance, board of — funds, 80-2-222
  health facility authority funds, 17-6-308
  highway revenue bonds, 17-5-930
  historical society, acquisitions trust funds, 22-3-114
  in-state, Title 17, chapter 6, part 3
  limitations on, Const., VIII, 13
  livestock, department of — state special revenue funds, 81-1-104
  local government funds, 17-6-204; Const., VIII, 13
  mint account, 80-11-415

INVESTMENTS, BOARD OF (Continued)
Investments by (Continued)

- Montana state library trust, 22-1-226
- nursery account revenue, 80-7-123
- permissible, 17-6-201; Const., VIII, 13
- pesticide management account, 80-8-116
- petroleum tank release compensation board, 75-11-313, 75-11-315, 75-11-318
- public retirement system assets, Const., VIII, 13
- rail authority funds, 7-14-1635
- real property, 17-6-201, 77-1-101, 77-1-701
- research and commercialization expendable trust fund, 90-3-1002
- resource development account, 77-1-609
- resource indemnity trust fund, 15-38-202
- restrictions, Const., VIII, 13
- retirement funds, 17-6-201, 17-6-203
  - fire department relief association disability and pension fund, 19-18-403
  - police officers' retirement funds, 19-19-203
  - public employees' retirement pension trust funds, 19-2-503, 19-2-504
  - teachers' retirement funds, 19-20-501
  - volunteer firefighters' compensation trust fund, 19-17-201, 19-17-302
- school district money, 7-6-2701, 7-7-2112, 20-9-213
- social security contribution account, 19-1-602
- state funds, 17-2-202, 17-6-201
- tax protest fund, 15-1-402
- treasury cash, surplus, 17-6-201
- venture capital companies, in, 17-6-201
- warrants, general fund, 17-6-212
- workers' compensation funds, 39-71-503, 39-71-2320

Land Commissioners, Board of — authority regarding funds, 77-1-202; Const., X, 11
Loans, direct — limitations, 17-6-201
Mortgages, custody and control, 17-6-221
Petroleum Tank Release Compensation Board, loans to, 17-6-225
Pooled investment fund, 17-6-201, 17-6-203, 17-6-204
Preference to

- in-state firms, 17-6-211
- Montana labor, 17-6-325

Prudent expert principle, 17-6-201
Public Employees' Retirement Board, defined contribution plan — investment alternatives, 19-3-2122
Public employees' retirement pension trust funds, duties, 19-2-407, 19-2-503 — 19-2-505
Public fund deposits, duties, 17-6-101 — 17-6-104
Repurchase agreements, custody and control, 17-6-221
School trustees, issuance and sale of obligations to board, 20-9-471
Science and Technology Development, Board of — successor in interest to instruments entered into by board, 17-6-308
Securities generally, duties, 17-1-113, 17-6-201, 17-6-221
Solid waste management systems, failure to pay fee for disposal or incineration — interest rate on reimbursement, 75-10-116
Staff, 2-15-1808, 2-18-103
State cabin site sales, purchase of contract for deed or mortgage, 17-6-207
Supervision of investments, Const., VIII, 13
Treasure state endowment program, loans, 90-6-701
Volunteer firefighters' compensation pension trust fund, duties, 19-17-106, 19-17-201, 19-17-302
Workers' compensation state fund unfunded liability, additional funding, 39-71-2354

IRRIGATION
Agricultural practices, sustainable, 20-25-233 — 20-25-236
Beaver, damage by — killing or trapping allowed when, 87-3-501
Clark Fork River Dam, priority of use of water for Montana irrigation, 85-1-122
Conduction of water from or over land of another, 85-2-414; Const., IX, 3
Conservation districts, Title 76, chapter 15, See generally **CONSERVATION DISTRICTS**
County water and/or sewer district projects, 7-13-2218
Districts, Title 85, chapter 7
Ditch company employees, immunity from liability and indemnification, 27-1-731
Ditches, See also **CANALS, DITCHES, AND FLUMES**, generally
  city or town regulation, 7-31-4103
  fish screens and wheels, installation when, 87-1-222
  open ditch provisions, exemption from, 7-31-4207
  owners and operators, safety duties and nonliabilities, 85-7-2211, 85-7-2212
  weed management, 7-14-2131, 7-22-2101, 7-22-2152
Drainage districts — benefits of construction, assessment for, 85-8-342
Federal projects, sale of state land within, See **STATE LANDS, Sales**
Flood control projects, Title 76, chapter 5, part 11, See **FLOODS, Control projects**
Ground water assessment, Title 85, chapter 2, part 9
Highways, irrigable land acquired for, 60-4-109
Land Commissioners, Board of — appropriation of water by, 85-2-304
Montana State University-Northern, curriculum, 20-25-256
Muskrats, damage by — killing or trapping allowed when, 87-3-501
Navigable waters as public ways, preexisting irrigation rights, 85-1-111
Nonprofit water user entities, exemption from special assessments, 7-12-1151, 7-12-2196, 7-12-4124, 7-12-4345, 7-12-4436, 7-12-4511, 7-12-4621
Overtime compensation exclusions for employees, 39-3-406
Pollution controls, Title 75, chapter 5
Public use, Const., IX, 3
Sprinkler systems, tax exemption, 15-6-206
Stream access law, Title 23, chapter 2, part 3
Streambed protection, See **RIVERS AND STREAMS**
Tax exemption for facilities, 15-6-206, 15-31-102
Unemployment insurance coverage for laborers, 39-51-205, See **UNEMPLOYMENT INSURANCE, Agricultural labor**
Utility lines, relocation, 69-4-401 — 69-4-404
Water commissioners, See **WATER USE, Water commissioners**
Water conservancy districts to benefit, 85-9-101, 85-9-102
Water quality districts, water withdrawals within — fee assessment prohibited, 7-13-4523
Water use
  adjudication of rights, final decree, 85-2-234
  beneficial use, 85-2-102
  irrigation works, construction, 85-1-208
  state water, sale for irrigation purposes, 85-1-204, 85-1-210
Water works, 85-1-102
Workers' compensation, See **WORKERS' COMPENSATION, Public employers**
Yellowstone River basin appropriations, moratorium, Title 85, chapter 2, part 6

IRRIGATION DISTRICTS
Accounts, 85-7-1508, 85-7-1616, 85-7-1913
Acknowledgments
  consent of owners, 85-7-2204
  contracts for exchange of water, 85-7-1912
  elections, elector's voting authority, 85-7-1710

IRRIGATION DISTRICTS (Continued)

Acreage and boundaries
- addition of lands to district, 85-7-1808
  - creation of district, additions by court at time of, 85-7-107
  - hearing, 85-7-1809, 85-7-1810
  - irrigated lands, 85-7-1934, 85-7-1935
  - order for, 85-7-1810, 85-7-1811
  - petition, 85-7-1808 — 85-7-1811
  - subdistricts, 85-7-404, 85-7-411
  - taxes and assessments, 85-7-2102
  - withdrawal of lands, by, 85-7-1833
- adjudicated streams, creation of districts — acreage requirements, 85-7-202, 85-7-205
- change in boundaries, authorization and effect, 85-7-1801, 85-7-1934
- common water supply, districts of — requirements for creation, 85-7-302
- exclusion of land from district, 85-7-1802
  - creation of district, exclusion by court at time of, 85-7-107
  - errors or omissions, 85-7-1804, 85-7-1811
  - hearing, 85-7-1805, 85-7-1806
  - order for, 85-7-1807, 85-7-1811
  - petition, 85-7-1802 — 85-7-1807, 85-7-1811
  - small-tract petition, 85-7-1802
  - subdistricts, 85-7-404, 85-7-411
- irrigable area
  - determination, 85-7-2107, 85-7-2109, 85-7-2110, 85-7-2112 — 85-7-2115
  - limitation on particular farm operation, 85-7-1837
- joint operations, apportionment of cost on acreage basis, 85-7-1617
- subdistricts, 85-7-404, 85-7-411
- taxable acreage, landowner's request for determination and adjudication, 85-7-1841
  - appeals, 85-7-1845
  - decree fixing acreage, 85-7-1844, 85-7-1845
  - hearing, 85-7-1843, 85-7-1844
  - "irrigable land" defined, 85-7-2205
  - petition, 85-7-1842 — 85-7-1844
  - restrictions, 85-7-2116
  - subdistricts, 85-7-411
  - summons, 85-7-1843
- united states, indebtedness of district to — exclusion of lands, 85-7-1821
  - hearing, 85-7-1823, 85-7-1824
  - interpretation of provisions, 85-7-1826
  - order for, 85-7-1825
  - petition, 85-7-1822 — 85-7-1824
- voting rights, on acreage basis, 85-7-1710, 85-7-1974
- withdrawal of lands to form a separate or consolidated district, 85-7-1831 — 85-7-1833

Actions
- bond funds, misconduct relating to, 85-7-2143
- bond issues, court confirmation, 85-7-2016
- bond of commissioner, upon, 85-7-1504, 85-7-1506
- commissioners, board of — capacity, 85-7-1902, 85-7-2162
- decrees and orders, statute of limitations on actions attacking, 85-7-2201
- dissolution of district, 85-7-1006
- errors, nonsubstantial — court to disregard, 85-7-2203
- joint board of control, authority, 85-7-1612
- procedure and costs, 85-7-2203
- quiet title to tax-deed lands in district, 85-7-2161
- united states, contracts with — court confirmation, 85-7-1957

Addition of lands, See **Acreage and boundaries**

IRRIGATION DISTRICTS (Continued)

Adjudicated streams, districts of, See **Creation of districts, adjudicated streams**
Affidavits
  bond issue petitions, to accompany, 85-7-2013
  state, contracts with — to accompany petition, 85-7-1974
  united states, contracts with — to accompany petition, 85-7-1956, 85-7-2013
Annexation of lands, See **Acreage and boundaries**, addition of lands to district
Appeals
  addition of lands, order for, 85-7-1810
  bond issues, court confirmation, 85-7-2018
  consolidation, 85-7-2202
  correction of errors and omissions in orders and decrees, order for, 85-7-1811
  creation of district, 85-7-108
  exclusion of lands, orders for, 85-7-1807, 85-7-1825
  irrigable area, commissioners' determination, 85-7-2112, 85-7-2115
  taxable acreage, landowner's request for determination and adjudication — judgment from, 85-7-1845
  taxes and assessments
    bonded indebtedness, to pay — amount of tax, 85-7-2115
    refunds or cancellation, determination, 85-7-2112
  united states, indebtedness of district to — order for exclusion of lands, 85-7-1825
Apportionment of water
  commissioners, authority, 85-7-1902, 85-7-1907, 85-7-1911, 85-7-1922
  common water supply, districts of, 85-7-305
  "distribution system" defined, 85-7-1921
  entry on land to facilitate, 85-7-1923
  equipment for, installation and costs, 85-7-1925
  interference or tampering with system, 85-7-1924
  joint board of control, authority, 85-7-1612
  sufficient water to be supplied, 85-7-1907
  united states, water acquired through contract with, 85-7-1906, 85-7-1911, 85-7-1912, 85-7-1931
Architectural services contracts, Title 18, chapter 8, part 2
Assessments, See **Taxes and assessments**
Assignment
  dissolution, petition signed by assignees, 85-7-1002
  property, disposal, 85-7-1910
  tax-deed lands, partition of interest, 85-7-2165
  tax sales
    certificates of, 85-7-2158, 85-7-2159
    debenture certificates, 85-7-2153
Audits, 85-7-1419, 85-7-1616, 85-7-1913; Title 2, chapter 7, part 5
Bankruptcy proceedings, 85-7-2041
Beaver or muskrat, damages by — killing or trapping allowed when, 87-3-501
Bids and bidding
  bonds, sale of, 85-7-2023, 85-7-2033
  construction contracts, 85-7-1941 — 85-7-1943; Title 18, chapter 1, part 2
  tax-deed or tax sale lands, sale of, 85-7-2157, 85-7-2160, 85-7-2162
Bond issues, See also **BONDS AND BOND ISSUES**, generally
  adjudicated streams, districts of, 85-7-205
  advertising, 85-7-1437, 85-7-2023, 85-7-2033
  assessments for, See **Taxes and assessments**
  bids, 85-7-2023, 85-7-2033
  bond principal and interest fund, 85-7-2166
  cancellation, 85-7-1955, 85-7-2025, 85-7-2105, 85-7-2166
  common water supply, districts of, 85-7-301

IRRIGATION DISTRICTS (Continued)
Bond issues (Continued)

- confirmation by court of validity of proceedings, 85-7-2015 — 85-7-2018, 85-7-2114, 85-7-2115
- contract payments, issuance for, 85-7-2024
- defined, 85-7-2020
- delivery of bonds, 85-7-2026
- details relating to, 85-7-2020
- dissolution of district, effect, 85-7-1001 — 85-7-1003, 85-7-1006
- funds for payment, See **Funds**
- interest, 17-5-101 — 17-5-104, 85-7-2001, 85-7-2012, 85-7-2014, 85-7-2020, 85-7-2023, 85-7-2102, 85-7-2104, 85-7-2105, 85-7-2114, 85-7-2133, 85-7-2137, 85-7-2141
- irrigation, lands already under — no assessment for, 85-7-1935
- issuance, 85-7-2014
- lien of bonds, 85-7-1433, 85-7-1841, 85-7-2021, 85-7-2112
- local government sinking funds, investment in bonds — approval required, 7-7-123
- notes, sale in anticipation of federal or state revenue, 7-7-109
- petition
  - confirmation of validity of proceedings, for, 85-7-2016, 85-7-2017
  - issuance, for, 85-7-2013, 85-7-2014, 85-7-2114
- preexisting districts, 85-7-110
- proceeds, 85-7-2027, 85-7-2141
- purposes, 85-7-1403, 85-7-2012
- redemption, 17-5-105, 85-7-1412, 85-7-1603, 85-7-2020, 85-7-2138
- refunding bonds, 85-7-2019
- reserves, 85-7-2012
- revenue bonds
  - additional, 85-7-1419
  - cancellation, 85-7-1412, 85-7-1603
  - citation of irrigation district revenue bond act, 85-7-1401
  - definitions, 85-7-1402
  - details, 85-7-1435
  - interest, 85-7-1413 — 85-7-1417, 85-7-1433, 85-7-1435
  - interim receipts or certificates, 85-7-1438
  - interpretation of provisions, 85-7-1403
  - issuance
    - authorization, 85-7-1413, 85-7-1418, 85-7-1612
    - costs and expenses, determination, 85-7-1414
  - liens, 85-7-1433
  - nature of, 85-7-1415
  - negotiability, 85-7-1438
  - payment, 85-7-1413, 85-7-1415 — 85-7-1417, 85-7-1432, 85-7-1433, 85-7-1435
  - redemption, 85-7-1412, 85-7-1435, 85-7-1603
  - registration, 85-7-1435
  - remedies, 85-7-1431
  - reserves, 85-7-1413, 85-7-1416, 85-7-1417, 85-7-1419
  - resolution for issuance, 85-7-1418, 85-7-1419, 85-7-1431 — 85-7-1433, 85-7-1435
  - sale, 85-7-1419, 85-7-1436, 85-7-1437
  - undertakings, 85-7-1402, 85-7-1403
    - authorization, 85-7-1411, 85-7-1418, 85-7-1612
    - expenses, 85-7-1414, 85-7-1417
    - insurance, 85-7-1419
    - joint, 85-7-1412, 85-7-1603, 85-7-1612
    - operation and maintenance, 85-7-1411, 85-7-1412, 85-7-1419, 85-7-1612
    - proceedings relating to, effect on validity of bonds, 85-7-1432
    - revenue, 85-7-1413, 85-7-1415 — 85-7-1417, 85-7-1419, 85-7-1433
    - security interest, 85-7-1434

IRRIGATION DISTRICTS (Continued)
Bond issues (Continued)
- revenue bonds (Continued)
  - undertakings (Continued)
    - self-supporting, to be, 85-7-1416
  - validity, presumption, 85-7-1432
- revolving fund for tax sale purchases, funding by, 85-7-2157
- sale of bonds, 17-5-106, 85-7-2022, 85-7-2023, 85-7-2033
- sinking fund, 85-7-2132, 85-7-2139 — 85-7-2142, 85-7-2157, 85-7-2166
- state, loan from to liquidate bonded indebtedness, 85-7-1971 — 85-7-1975
- subdistricts, 85-7-404, 85-7-2013
- taxable acreage determinations, effect, 85-7-1841
- tax exemption, 15-6-206, 85-7-2011
- tax or assessment for, See **Taxes and assessments**
- united states
  - contracts with, funding, 85-7-1906, See **United States, contracts with**, bond issues
  - loan from to liquidate bonded indebtedness, 85-7-1951 — 85-7-1958
- validation, Title 17, chapter 5, part 2

Bonds and undertakings
- commissioners, 85-7-1501, 85-7-1504 — 85-7-1506
- contracts, successful bidders, 85-7-1942
- creation of district, to accompany petition, 85-7-104
- exclusion of lands, to accompany petition, 85-7-1803, 85-7-1822
- joint board of control member at large, 85-7-1611
- lease of property, bond of lessee, 85-7-1910
- revenue bonds for undertakings, Title 85, chapter 7, part 14
- secretary of district, 85-7-1504
- united states, indebtedness of district to — to accompany petition for exclusion of lands, 85-7-1822

Boundaries, See **Acreage and boundaries**
Bylaws, 85-7-1503, 85-7-1612, 85-7-1902
City-county consolidation provisions, nonapplicability, 7-3-1101
Commissioners, board of, See also **WATER USE, Water commissioners**
- adjudicated streams, districts of, 85-7-203
- appointment, 85-7-107, 85-7-203, 85-7-1501, 85-7-1702, 85-7-1703
- apportionment of water by, See **Apportionment of water**
- bankruptcy proceedings, initiation, 85-7-2041
- bond, 85-7-1501, 85-7-1504 — 85-7-1506
- bond issues, See **Bond issues**
- common water supply, districts of, 85-7-301, 85-7-305, 85-7-306
- compensation, 85-7-1505
- conflict of interest, 85-7-1507
- construction, authority, See **Construction**
- contracts, authority, See **Contracts**; **State, contracts with**; **United States, contracts with**
- dissolution of district, petition signed by, 85-7-1002
- distribution of water, See **Apportionment of water**
- election, 85-7-1702, 85-7-1703, See also **Elections**
- entry on land, 85-7-1903, 85-7-1923
- errors and omissions, application for correction, 85-7-1811
- exchange of water by, 85-7-1912
- expenses, 85-7-1505
- funds of district, See **Funds**
- indebtedness of district
  - exclusion of lands when indebtedness to united states, consent to petition, 85-7-1822
  - limitations, 85-7-2001
  - liquidation, contracts for, 85-7-1951 — 85-7-1958, 85-7-1971 — 85-7-1975
- interference with, unlawful, 85-7-1924

IRRIGATION DISTRICTS (Continued)
Commissioners, board of (Continued)

  irrigable area
    determination, 85-7-1710, 85-7-2107, 85-7-2109, 85-7-2110, 85-7-2112, 85-7-2114, 85-7-2115
    limitation on particular farm operation, 85-7-1837
  joint board of control, 85-7-1611, See **Joint operation**, board of control
  joint operation of districts, 85-7-1601, 85-7-1602, 85-7-1905
  liability, 85-7-1506
  management of district, 85-7-1902, 85-7-1905, 85-7-1908
  meetings, 85-7-1502, 85-7-1503, 85-7-1902, 85-7-1913
  offices, 85-7-1502
  organization as board, 85-7-1502, 85-7-1702
  powers and duties generally, 85-7-1902
  preexisting districts, payment to owners of lands not included in new district, 85-7-110
  president, 85-7-1502, 85-7-1503, 85-7-1702, 85-7-1811, 85-7-2020, 85-7-2027, 85-7-2133
  property, authority, 85-7-1901, 85-7-1908, 85-7-1910
  qualifications, 85-7-1501
  records, See **Records**
  removal, 85-7-1506, 85-7-1913
  report, annual, 85-7-1914
  revenue bonds, issuance, Title 85, chapter 7, part 14
  secretary, See **Secretary**
  subdistricts, creation, 85-7-401 — 85-7-404
  taxable acreage, petition by landowners — parties, 85-7-1842
  taxes and assessments, levy and collection, See **Taxes and assessments**
  tax sales and tax deeds, See **Taxes and assessments**
  term of office, 85-7-1501, 85-7-1702, 85-7-1703
  vacancies, 85-7-1703
  withdrawal of lands to form a separate or consolidated district, applicability, 85-7-1833
Common water supply, districts of, See **Creation of districts, common water supply**
Consent of owners, requirements, 85-7-2204
Consolidation of districts, See **Acreage and boundaries**, withdrawal of lands to form a separate or consolidated district
Construction
  bond issues for, 85-7-2012
  commissioners, authority, 85-7-1901, 85-7-1907, 85-7-1909
  consolidation of districts, effect, 85-7-1832
  contract, by, 85-7-1941, See **Contracts**
  dissolution of district, effect, 85-7-1001, 85-7-1002
  fund, 85-7-2138, 85-7-2139, 85-7-2166
  joint construction with other entities, 85-7-1905
  lands already under irrigation, effect on charges, 85-7-1935
  preexisting districts, effect of laws, 85-7-110
  right-of-way for, 85-7-1909
  separation of districts, effect, 85-7-1832
  sinking fund for, 85-7-1951, 85-7-1971
  state, contracts with, 85-7-1971
  taxable acreage, effect on, 85-7-2103
  undertakings, Title 85, chapter 7, part 14
  united states, contracts with, 85-7-1906, 85-7-1951, 85-7-2113, 85-7-2119, See **United States, contracts with**
Contractor registration provisions, nonapplicability, 39-9-211
Contracts, 85-7-1941, See also **PUBLIC CONTRACTS**, generally
  bid requirements, 85-7-1941 — 85-7-1943; Title 18, chapter 1, part 2
  boundary changes, effect, 85-7-1801, 85-7-1831
  commissioners, capacity, 85-7-1902, 85-7-1904, 85-7-1941, 85-7-1942

IRRIGATION DISTRICTS (Continued)
Contracts (Continued)
- conflict of interest of officers, 85-7-1507
- exceptions, 85-7-1943
- exchange of water, for, 85-7-1912
- joint operation, for, 85-7-1601 — 85-7-1604, 85-7-1612, 85-7-1616, 85-7-1617, 85-7-1905
- preexisting districts, effect of laws, 85-7-110
- professional services, state, Title 18, chapter 8, part 2
- records, 85-7-1508, 85-7-1913
- state, with, See **State, contracts with**
- undertakings, for, 85-7-1411, 85-7-1412
- united states, with, See **United States, contracts with**

Corporate authority, 85-7-109, 85-7-301, 85-7-308, 85-7-1004, 85-7-1710, 85-7-1902
Creation of districts, adjudicated streams, 85-7-201
- applicability of laws, 85-7-202
- conflict of laws, 85-7-207
- dissolution, 85-7-208
- indebtedness, 85-7-205
- petition, hearing, and order, 85-7-203
- tax levy, 85-7-205, 85-7-206
- trustees, board of, 85-7-204, 85-7-205

Creation of districts, common water supply, 85-7-301, 85-7-303
- applicability of laws, 85-7-302
- apportionment of water, 85-7-305
- development of water supply, 85-7-306
- exclusions from provisions, 85-7-304
- preexisting districts, 85-7-308
- tax levy, 85-7-306, 85-7-307

Creation of districts generally
- decision by court, 85-7-107, 85-7-2201
- evidence of title, 85-7-102
- hearing, 85-7-103, 85-7-105 — 85-7-107
- irrigated lands, inclusion, 85-7-1934
- order for, 85-7-107, 85-7-108, 85-7-110, 85-7-1811, 85-7-2201
- petition, 85-7-103 — 85-7-107, 85-7-1811
- preexisting districts, 85-7-110
- report by department of natural resources and conservation, 85-7-103
- state land purchasers, participation, 77-2-315, See also **STATE LANDS**, **Sales**
- subdistricts, 85-7-401 — 85-7-404
- titleholders, by — requirements, 85-7-101, 85-7-102
- withdrawal of lands, by, 85-7-1833

Definitions, 85-7-1402, 85-7-1826, 85-7-1921, 85-7-2020, 85-7-2205
Dissolution of district
- adjudicated streams, districts of, 85-7-208
- corporation, use to carry out dissolution, 85-7-1004
- decree, 85-7-1007, 85-7-1008
- hearings, 85-7-1001, 85-7-1005, 85-7-1006
- order for, 85-7-1001, 85-7-1002, 85-7-1006, 85-7-1007
- partition of tax-deed lands, 85-7-2165
- petition, 85-7-1001 — 85-7-1003, 85-7-1006
- preexisting districts, disorganization and reorganization, 85-7-110
- property, disposition, 85-7-1007, 85-7-1910
- sale of assets, 85-7-1007
- subdistricts, 85-7-412

Distribution of water, See **Apportionment of water**
Ditches, irrigation
- nonliabilities, 85-7-2212

IRRIGATION DISTRICTS (Continued)
Ditches, irrigation (Continued)

- safety, duties, 85-7-2211

Divisions, 85-7-107, 85-7-1501, 85-7-1502, 85-7-1703, 85-7-1710, 85-7-1811
Elections, 13-1-104, 13-1-107, 13-1-301, 13-1-302, 13-1-401

- campaign practices exceptions, 13-37-206
- commissioners, 85-7-1702, 85-7-1703
- electors, 85-7-1710
- joint operation of districts, 85-7-1602
- limitation on acreage on particular farm operation, 85-7-1837
- nonirrigable lands, no voting rights, 85-7-2110
- revenue bonds, resolution for issuance — not required, 85-7-1418
- special elections, 85-7-1712
- state, contracts with — for, 85-7-1974
- trustees of adjudicated stream districts, 85-7-204
- united states, contracts with — for, 85-7-1956
- voting rights, 85-7-1710, 85-7-2110
- where documents filed and proceedings held, 85-7-1713

Electrical power generation by, 85-7-1961
Elimination of lands, See **Acreage and boundaries**, exclusion of lands from district
Emergency expenditures, 85-7-2001
Eminent domain, 85-7-1904

- prohibitions, 85-7-1411
- rights do not abridge right of eminent domain, 85-7-1932
- use of water for irrigation a public use, 85-7-1931

Employees of district, 85-7-1502, 85-7-1902, 85-7-1903, 85-7-1924

- overtime compensation exclusions, 39-3-406
- workers' compensation, Title 39, chapter 71, See **WORKERS' COMPENSATION, Public employers**

Engineers

- duties and report, 85-7-1901
- state services contracts, Title 18, chapter 8, part 2

Equipment

- costs, assessment, 85-7-1925
- distribution system, as part of, 85-7-1921
- installation, 85-7-1923, 85-7-1925
- interference or tampering with, unlawful, 85-7-1924
- tax exemption, 85-7-2011

Errors or omissions

- bond issue proceedings, 85-7-2018
- correction when in orders or decrees, 85-7-1811, 85-7-2201
- creation of district, in petition for, 85-7-104
- dissolution of district, in proceedings for, 85-7-1006
- exclusion of lands, in petition for, 85-7-1804
- nonsubstantial, court to disregard, 85-7-2203
- subdistricts, creation — in notice of hearing, 85-7-402
- taxes or assessments, 85-7-2106, 85-7-2117

Evidence

- correction of errors and omissions in decrees or orders, facts in petition and notice of hearing, 85-7-1811
- creation
  - facts in petition, 85-7-105
  - hearing on petition, 85-7-106
  - subdistricts, testimony, 85-7-403
- engineer's report, certification of notice, 85-7-1901
- exclusion of lands
  - notice of hearing, facts in, 85-7-1805

IRRIGATION DISTRICTS (Continued)
Evidence (Continued)
  exclusion of lands (Continued)
    petition, hearing on, 85-7-1806
    united states, indebtedness of district to — hearing on petition, 85-7-1824
  indebtedness, liquidation — cancellation and surrender of bonds, 85-7-1955
  irrigable area, hearing on determination, 85-7-2107
  revenue bonds, validity — recitals as evidence of, 85-7-1432
  tax sales, debenture certificate as interest and claim of district, 85-7-2152
  title to lands, 85-7-102
Exclusion of lands, See **Acreage and boundaries**
Funds
  bond
    bond principal and interest fund, 85-7-2166
    misconduct in relation to, 85-7-2142, 85-7-2143
    payment funds, liability to district, 20-9-445, 20-9-446
    proceeds, disposition, 85-7-2027
    separateness, 85-7-2131, 85-7-2166
    sinking fund for redemption, 85-7-2132, 85-7-2139 — 85-7-2142, 85-7-2157, 85-7-2166
  construction fund, 85-7-2138, 85-7-2139, 85-7-2166
  custodian, 85-7-1618, 85-7-2133, 85-7-2166
  distribution, authorization, 85-7-2133, 85-7-2157
  general fund, 85-7-1417, 85-7-2166
  investment, 85-7-1951, 85-7-1971, 85-7-2027, 85-7-2133, 85-7-2136, 85-7-2140, 85-7-2141
  liability of county treasurer, 85-7-2166
  maintenance fund, 85-7-2166
  reserve fund, 85-7-2133
  revolving fund for tax sale purchases, 85-7-2157, 85-7-2158
  separateness, 85-7-1618, 85-7-2131, 85-7-2133
  sinking fund for betterments, 85-7-1951, 85-7-1971
  surplus funds, 85-7-2027, 85-7-2138
  taxes and assessments for, See **Taxes and assessments**
  tax sale proceeds, deposit and credit, 85-7-2152, 85-7-2153, 85-7-2157
  transfers, 85-7-2139
  united states contract fund, 85-7-1952, 85-7-2133, 85-7-2139, 85-7-2166
Future fisheries improvement program, cooperation, 87-1-272
Highways, irrigable land acquired for, 60-4-109
Indebtedness of
  adjudicated streams, districts of, 85-7-205
  bankruptcy proceedings, 85-7-2041
  bonded, See **Bond issues**
  common water supply, districts of, 85-7-301
  dissolution of district, effect, 85-7-1001 — 85-7-1003, 85-7-1007
  limitations, 85-7-2001
  state, contracts with, 85-7-1971
  subdistricts, 85-7-404
  united states
    contracts with, 85-7-1906, 85-7-1951, See **United States, contracts with**
    exclusion of lands when indebtedness to united states, 85-7-1821 — 85-7-1826
Interpretation of laws, 85-1-103
"Irrigable land" defined, 85-7-2205
Irrigated lands, lands already under irrigation, 85-7-1934
  costs, limits on charges for, 85-7-1935
  creation of district, inclusion in, 85-7-107, 85-7-1934
  exclusion of lands, 85-7-1808
Joint operation
  agreements for, 85-7-1905
  authorization, 85-7-1601

IRRIGATION DISTRICTS (Continued)
Joint operation (Continued)

- board of control, 85-7-1602
  - compensation and expenses, 85-7-1613
  - composition and vacancies, 85-7-1611
  - costs of operation paid to, 85-7-1617
  - creation, 85-7-1601
  - funds, 85-7-1618
  - manager, hiring and supervision, 85-7-1615
  - offices, 85-7-1614, 85-7-1618
  - powers and duties, 85-7-1612
  - preexisting boards, 85-7-1604
  - records, 85-7-1612, 85-7-1614, 85-7-1616
  - revenue bonds, issuance, 85-7-1603; Title 85, chapter 7, part 14
  - withdrawal from joint district, notice to, 85-7-1603
- costs and expenses, apportionment, 85-7-1617
- election, 85-7-1602
- funds, 85-7-1618
- managers, 85-7-1611, 85-7-1615
- preexisting joint operations, 85-7-1604
- purpose of provisions, 85-7-1605
- withdrawal from, 85-7-1603

Judgments
- acreage and boundaries
  - elimination of lands, petition — on, 85-7-1807
  - exclusion of lands, petition — on, 85-7-1825
  - orders or decrees, correction of errors and omissions, 85-7-1811
- bond issues and levy of special taxes or assessments, proceedings to determine validity, 85-7-2018
- dissolution petition, on, 85-7-1006
- irrigable acreage, recovery of excess taxes paid, 85-7-1844, 85-7-1845

Landowner's liability to recreationists, 70-16-302
Land surveying services contracts, Title 18, chapter 8, part 2
Leases, authority, 85-7-1411, 85-7-1612, 85-7-1904, 85-7-1905, 85-7-1910, 85-7-1912, 85-7-2162
Liens
- bonds, lien of, 85-7-404, 85-7-1006, 85-7-1433, 85-7-1841, 85-7-2019, 85-7-2021, 85-7-2112
- boundary changes, effect, 85-7-1801, 85-7-1831
- state, lien of contract amounts owed to, 85-7-1973
- taxes and assessments, lien of, 85-7-1953, 85-7-1973, 85-7-2021, 85-7-2104, 85-7-2108, 85-7-2114
  - nonirrigable lands, 85-7-2110
  - tax sale debenture certificate, lien vests in purchaser of, 85-7-2153
- undertakings, on, 85-7-1415, 85-7-1417
- united states, lien of contract amounts owed to, 85-7-1953, 85-7-2021

Loans
- coal severance tax bond program, from, 85-7-1971, 85-7-1974
- liquidation of indebtedness, for, 85-7-1951 — 85-7-1958, 85-7-1971 — 85-7-1975

Maintenance
- commissioners, authority, 85-7-1908
- fund, 85-7-2166
- joint operation for, 85-7-1905, 85-7-2119
- taxes and assessments for, 85-7-306, 85-7-1617, 85-7-1841, 85-7-1935, 85-7-2103, 85-7-2104
- united states, contracts with, 85-7-1906, 85-7-1951, 85-7-1954, See also **United States, contracts with**

Management, 85-7-1902, 85-7-1905, 85-7-1908
Motor vehicles
- gross vehicle weight fee exemption, 61-10-214

IRRIGATION DISTRICTS (Continued)
Motor vehicles (Continued)

- license plates, 61-3-332, See also **MOTOR VEHICLES AND TRAFFIC REGULATIONS, License plates**
- new vehicle sales tax, exemption, 61-3-502
- registration fees, exemption, 61-3-321
- tax exemption, 85-7-2011
- weed control fee, exemption, 61-3-510

Navigation, noninterference, 85-7-1932
Officers, 85-7-1902, 85-7-2001
Owner of water, 85-1-102
Pleadings
- dissolution proceedings, 85-7-1006
- proceedings in general, 85-7-2203
- taxable acreage, proceedings to determine and adjudicate, 85-7-1843

Preexisting districts, 85-7-110, 85-7-308
- electrical power operation, continuation, 85-7-1961
- joint operations agreements, 85-7-1604

Property
- bond issues to acquire, 85-7-2012, 85-7-2024; Title 85, chapter 7, part 14
- boundary changes, effect, 85-7-1801, 85-7-1821, 85-7-1825, 85-7-1831
- commissioners, authority, 85-7-1901 — 85-7-1906, 85-7-1908, 85-7-1910
- dissolution of district, 85-7-1007, 85-7-1008
- distribution system, defined as, 85-7-1921
- ditches, irrigation — nonliabilities, 85-7-2212
- entry on land, 85-7-1903, 85-7-1923
- interference or tampering with, 85-7-1924
- leases, 85-7-1411, 85-7-1612, 85-7-1905, 85-7-1910
- natural resources and conservation, department of — conveyance to, 85-7-1910
- tax exemption, 15-6-201, 15-6-206, 85-7-2011

Records, 85-7-1913
- bond issues, 85-7-2020, 85-7-2026
- engineer's report, certificate and notice, 85-7-1901
- joint board of control, 85-7-1612, 85-7-1614, 85-7-1616
- meetings, of, 85-7-1503
- offices of district, to be kept at, 85-7-1502
- orders and resolutions, voting records, 85-7-1902
- secretary to keep, 85-7-1503, 85-7-1504, 85-7-1508, 85-7-2020
- taxable lands, list of, 85-7-2109

Reports, 85-7-1914; Title 2, chapter 7, part 5
Revenue bonds, See **Bond issues**
Rulemaking authority
- commissioners, 85-7-1503, 85-7-1902, 85-7-2103
- joint board of control, 85-7-1612

Seal, 85-7-1902, 85-7-2020, 85-7-2027, 85-7-2133
Secretary
- bond, 85-7-1504
- bond issues
  - petitions, filing, 85-7-2013
  - records and signatures, 85-7-2020, 85-7-2027
- compensation, 85-7-1502, 85-7-1508
- correction of errors and omissions, petition — preparation, 85-7-1811
- duties generally, 85-7-1503, 85-7-1504, 85-7-1508
- election, 85-7-1502, 85-7-1702
- electors, instrument of voting authority filed with, 85-7-1710
- engineer's report, certificate and notice, 85-7-1901
- state, contracts with — petition, filing, 85-7-1974

IRRIGATION DISTRICTS (Continued)
Secretary (Continued)

- taxable acreage, petition by landowners — parties, 85-7-1842
- united states, contracts with
  - petition, filing, 85-7-1956, 85-7-2013
  - unites states contract fund, orders concerning payment from, 85-7-2133
- united states personnel, access to records, 85-7-1913

Securities, 85-7-2166
Separation of district, See **Acreage and boundaries**, withdrawal of lands to form a separate or consolidated district
State, contracts with, 85-7-1971

- assessments, 85-7-1971, 85-7-1972
- court approval, 85-7-1975
- election or petition required, 85-7-1974
- lien and special tax, 85-7-1973
- taxes and assessments, 85-7-2103

Stream protection provisions, applicability, 87-5-507
Subdistricts

- acreage and taxable area, alteration and determination, 85-7-404, 85-7-411
- apportionment of water, 85-7-1911
- bond issues, 85-7-404, 85-7-2013, See also **Bond issues**
- creation, 85-7-401 — 85-7-404
- dissolution, 85-7-412
- distribution system, 85-7-1921, See also **Apportionment of water**
- indebtedness of district, limitations, 85-7-2001
- property for, 85-7-1904, 85-7-1908, 85-7-1910
- sufficient water to be provided, 85-7-1907
- taxes and assessments, See **Taxes and assessments**

Subdivisions

- easements for water rights delivery systems, 76-3-504
- surveys affecting, 76-3-401, 76-3-402, 76-3-406

Surety bonds, See **Bonds and undertakings**
Surveys

- construction, required prior to, 85-7-1941
- contracts for, 85-7-1904
- engineer, duties and report, 85-7-1901
- entry on land, 85-7-1903
- indebtedness for, 85-7-2001
- irrigable area, for determination of, 85-7-2107, 85-7-2114

Taxes and assessments

- addition of lands to district, 85-7-2102
- adjudicated streams, water and acreage requirements, 85-7-203, 85-7-205, 85-7-206
- administrative charge, 85-7-2103, 85-7-2104
- annual levy, 85-7-2101, 85-7-2104
- apportionment, 85-7-206, 85-7-307, 85-7-2103, 85-7-2104
- back assessments, 85-7-2106
- bonded indebtedness, to pay, 85-7-2021, 85-7-2101, 85-7-2104, 85-7-2114 — 85-7-2116, 85-7-2133, 85-7-2134, 85-7-2141, 85-7-2166
  - addition of lands to district, 85-7-2102
  - apportionment of costs, 85-7-2114, 85-7-2115
  - cancellation of levy, 85-7-2105
  - confirmation by court, 85-7-2016 — 85-7-2018
  - petition for bond issue, contents, 85-7-2014
  - revenue bondholders may not compel levy, 85-7-1415
  - sinking fund, 85-7-2132, 85-7-2157, See also **Funds**
- cancellation, 85-7-1844, 85-7-2105, 85-7-2111, 85-7-2112, 85-7-2118

IRRIGATION DISTRICTS (Continued)
Taxes and assessments (Continued)

- collection, 85-7-2101, 85-7-2133, 85-7-2136
  - addition of lands to district, 85-7-2102
  - failure to collect, 85-7-2137
  - transmittal of funds between counties, 85-7-2135
- commissioners, board of — duties, 85-7-1952, 85-7-1972, 85-7-2101, 85-7-2104, 85-7-2109, 85-7-2117, 85-7-2134, 85-7-2136, 85-7-2137
- common water supply, districts of, 85-7-306, 85-7-307
- conclusiveness of, 85-7-2117
- county officers, duties, 85-7-2133 — 85-7-2135, 85-7-2166
- deficiency assessments, 85-7-1952, 85-7-1972
- delinquencies, 85-7-1902
- distribution equipment, for, 85-7-1925
- excess taxes, 85-7-1844, 85-7-2111, 85-7-2112
- exemptions, 15-6-201, 15-6-206, 85-7-1935, 85-7-2011, 85-7-2110
- failure to levy or collect, 85-7-2137
- gravity systems, 85-7-2103
- investigation costs, for, 85-7-103
- irrigable area, determination, 85-7-2107, 85-7-2109, 85-7-2110, 85-7-2112 — 85-7-2116
- irrigable lands, chargeable alike, 85-7-109, 85-7-2103, 85-7-2104
- irrigated lands, lands already under irrigation, 85-7-1935
- liability of county treasurer, 85-7-2166
- lien of tax, 85-7-1953, 85-7-1973, 85-7-2108, 85-7-2110, 85-7-2114, 85-7-2153
- list of lands in district, 85-7-2109, 85-7-2114, 85-7-2134, 85-7-2136
- maintenance, for, 85-7-306, 85-7-1617, 85-7-1841, 85-7-1935, 85-7-2103, 85-7-2104
- municipal corporation, district defined as, 15-1-101
- nonirrigable lands, 85-7-2110
- out-of-state, when district is partially, 85-7-2119
- property tax exemptions, 15-6-201, 15-6-206, 85-7-2011
- pumping charges, 85-7-2103
- reduction, 85-7-2112
- refunds, 85-7-2105, 85-7-2111, 85-7-2112
- revolving fund for tax sale purchases by district, levy for, 85-7-2157
- sale of lands, effect, 85-7-2167
- sinking fund, creation, 85-7-1951, 85-7-1971
- state, contracts with — for, 85-7-1971 — 85-7-1973
- subdistricts, 85-7-411
- taxable acreage, landowner's request for determination and adjudication, 85-7-411, 85-7-1841 — 85-7-1845, 85-7-2116
- tax deeds
  - issuance, 77-2-315, 85-7-2159, 85-7-2163
  - partition of lands in certain districts, 85-7-2165
  - purchase of tax-deed land, 85-7-2158
  - quiet title action by district, 85-7-2161, 85-7-2162
  - sale of tax-deed lands, 85-7-2160
- tax sales, 85-7-2151
  - acquisition and management of lands, 85-7-2162
  - application of laws, 85-7-2164
  - certificate of, 85-7-2152, 85-7-2157, 85-7-2158, 85-7-2162, 85-7-2163
  - county as seller, 85-7-2155, 85-7-2156
  - debenture certificates, 85-7-2152 — 85-7-2156
  - proceeds, 85-7-2152, 85-7-2155 — 85-7-2157
  - purchase by
    - county, 85-7-2136, 85-7-2152
    - district, 85-7-2157, 85-7-2158

IRRIGATION DISTRICTS (Continued)
Taxes and assessments (Continued)
  tax sales (Continued)
    redemption, 85-7-2154, 85-7-2156, 85-7-2159
      debenture certificate, interest, 85-7-2152 — 85-7-2154
      payment of delinquent taxes, 85-7-2136
      proceeds, disposition, 85-7-2157
      right of, extent, 85-7-2151
    rentals from property, 85-7-2157
    revolving fund, 85-7-2157, 85-7-2158
    state land within district, 77-2-315
    struck off to county, 85-7-2152, 85-7-2156, 85-7-2162
    struck off to district, 85-7-2157
  transfer of lands, effect, 85-7-2167
  transmittal of funds between counties, 85-7-2135
  united states, contracts with — for, 85-7-1906, 85-7-1951 — 85-7-1953, 85-7-2103
    addition of lands to district, 85-7-2102
    amendment of contract, 85-7-2118
    cancellation, 85-7-2118
    exclusion of lands, 85-7-1825
    irrigable area, determination, 85-7-2113
    out-of-state, when district is partially, 85-7-2119
    united states contract fund, 85-7-2133
  works in progress, 85-7-2103
Undertakings, See **Bond issues**, revenue bonds; **Bonds and undertakings**
United States, contracts with
  amendatory contract, 85-7-2031, 85-7-2032, 85-7-2118
  apportionment of water acquired by, 85-7-1906, 85-7-1911, 85-7-1912, 85-7-1931
  bid requirements, exception, 85-7-1943
  bond issues to fund, 85-7-1906, 85-7-2012, 85-7-2015
    confirmation by court, 85-7-2015, 85-7-2032
    deposit with united states, 85-7-2024
    tax or assessment for, 85-7-2014
  bonds not deposited with united states
    addition of lands to district, 85-7-2102
    funds to be separate, 85-7-2131, 85-7-2133
    issuance of bonds not required, 85-7-2015
    tax or assessment in lieu of bond issue, 85-7-2014, 85-7-2101, 85-7-2102, 85-7-2104
    united states contract fund, 85-7-2133
  boundaries of district, determination of taxable acreage — effect, 85-7-1845
  commissioners, capacity, 85-7-1906, 85-7-2031
  conveyance of property to united states, effect, 85-7-1908
  creation of district to cooperate with, 85-7-101, 85-7-103, 85-7-107, 85-7-1934
  exclusion of lands when, 85-7-1811, 85-7-1821 — 85-7-1826
  fiscal agent for united states, 85-7-1504, 85-7-1906, 85-7-1913
  irrigated lands, inclusion in district, 85-7-1934, 85-7-1935
  lien of amounts due, 85-7-2021
  loan for liquidation of indebtedness or construction, contract for, 85-7-1951
    assessments for, 85-7-1951 — 85-7-1953
    court approval, 85-7-1957
    cumulative authority of district or commissioners to contract, 85-7-1958
    default, 85-7-1954
    election or petition required, 85-7-1956
    lien and special tax, 85-7-1953
    liquidation of indebtedness, cancellation and surrender of bonds, 85-7-1955
  petition, 85-7-2013, 85-7-2014, 85-7-2032
  records of district, access to, 85-7-1913
  supplementary contract, 85-7-2031, 85-7-2032, 85-7-2118

IRRIGATION DISTRICTS (Continued)
United States, contracts with (Continued)

- taxes and assessments, See **Taxes and assessments**
- united states contract fund, 85-7-1952, 85-7-2133, 85-7-2139, 85-7-2166
- withdrawal of lands for cooperation with the united states, 85-7-1831 — 85-7-1833

Violations
- conflict of interest of officers, 85-7-1507
- interference or tampering with distribution system or commissioners, 85-7-1924

Water commissioners, powers and duties, 85-5-101, See **WATER USE, Water commissioners**

Waters and water rights
- apportionment of water, See **Apportionment of water**
- appropriation, 85-7-1904, 85-7-1912
- appurtenant water rights
  - adjudicated streams, creation of districts, 85-7-202
  - common water supply, creation of districts, 85-7-302
  - inclusion of lands having, 85-7-107, 85-7-1808, 85-7-1934, 85-7-2103
- bond issues to acquire, 85-7-2012, 85-7-2024; Title 85, chapter 7, part 14
- boundary changes, effect, 85-7-1825
- commissioners' authority for acquisition, 85-7-1904
- common water supply, districts of, 85-7-305
- dissolution of district, effect, 85-7-1004, 85-7-1006
- distribution, See **Apportionment of water**
- ditches, irrigation — nonliabilities, 85-7-2212
- diversion of waters, 85-7-1933
- exchange of water, 85-7-1912, 85-7-2021, 85-7-2101, 85-7-2103
- interference with, unlawful, 85-7-1924
- lease of property, effect, 85-7-1910
- navigation, noninterference, 85-7-1932
- sale or transfer of land, effect, 85-7-2167
- shortage of water, 85-7-1911
- storage of water, acquisition of right, 85-7-1905
- subdivisions, easements for delivery systems, 76-3-504
- substitution of water, 85-7-1912, 85-7-2021, 85-7-2101, 85-7-2103
- sufficient water to be provided, 85-7-1907
- surplus water, 85-7-1911
- tax exemption, 85-7-2011
- use of water for irrigation a public use, 85-7-1931
- withholding of water
  - interference with system, 85-7-1924
  - tax and assessment delinquency, 85-7-1902
  - united states, upon default on obligation to, 85-7-1954

Water users' associations, 85-6-105
Withdrawal of lands, See **Acreage and boundaries**
Workers' compensation, Title 39, chapter 71, See **WORKERS' COMPENSATION, Public employers**

ITINERANT VENDORS
See also **SALES, Personal solicitation sales**
Bond, 7-21-2306 — 7-21-2308
Definitions, 7-21-2301
Licenses, 7-21-2303 — 7-21-2305, 7-21-2308 — 7-21-2310, 49-3-204
Purchasers, aggrieved — rights, 7-21-2307
Scope of provisions, 7-21-2302
Violations, 7-21-2309, 7-21-2310
Weights and measures, testing, 30-12-205

J

JAILS
  See **DETENTION CENTERS**

JOB INVESTMENT PROGRAM
Citation of Job Investment Act, 17-6-501
Definitions, 17-6-503
Grants, gifts, and donations, 17-6-512
Job investment administrative account, 17-6-503, 17-6-509
Legislative findings and purpose, 17-6-502
Legislative oversight, 17-6-511
Loan review committee, 17-6-503, 17-6-510
Loans, 17-6-503, 17-6-505, 17-6-510, 17-6-511
  application endorsement, 17-6-504
Rulemaking authority, 17-6-505

JOB SERVICE
  See **LABOR AND EMPLOYMENT, Employment service, state**

JUDGES AND JUSTICES
  See also specific court; **COURTS GENERALLY; JUDICIAL BRANCH; PUBLIC OFFICERS OR EMPLOYEES**
Adjournment of court when absent, 3-1-304, 3-1-305
Affidavits, power to take and certify, 3-1-404, 26-1-1003 — 26-1-1006, 26-1-1012
Appellate defense counsel for indigent defendants, roster of attorneys, 2-15-1020
Appointment, See **Judicial Nomination Commission**
Arrest, privilege from, 46-6-102
Assault on, 41-5-206, 41-5-341, 45-5-210
Censure, See **Judicial Standards Commission**
Contempt, See also **CONTEMPT**, generally
  power to punish for, 3-1-403
  rules of court, failure to comply with, 3-1-112
  superior court — disobedience to, as contempt, 3-1-501, 45-7-309
Decrees, See **JUDGMENTS AND DECREES**, generally
Defined, 1-1-202, 46-1-202
Disciplinary action or proceedings, See **Judicial Standards Commission**
Disqualification, Title 3, chapter 1, part 8
Election judges, See **ELECTIONS, Judges of elections; SCHOOL ELECTIONS, Judges**
Election of, See **ELECTIONS, Judicial candidates**
Estates, prohibited as personal representative when, 3-1-601
Firewardens, complaints regarding forest law violations, 77-5-105
Forfeiture of office, Const., VII, 10
Group insurance, participation, See **PUBLIC OFFICERS OR EMPLOYEES, Group insurance**
Immunity from liability, 2-9-112, See also **GOVERNMENTAL LIABILITY**
Impeachment, subject to, Const., V, 13; Title 5, chapter 5, part 4, See **IMPEACHMENT OF PUBLIC OFFICERS**
Indigent defendants, appellant defense counsel for — roster of attorneys, 2-15-1020
Instruments, interpretation, 1-4-101, 1-4-102
Investigation of, See **Judicial Standards Commission**
Judgments, See **JUDGMENTS AND DECREES**, generally
Judicial Nomination Commission
  application procedures, 3-1-1007, 3-1-1009, 3-1-1010

JUDGES AND JUSTICES (Continued)
Judicial Nomination Commission (Continued)

- appointment of nominee to judicial office, Const., VII, 8
  - duration, 3-1-1014
  - election requirements, 3-1-1013, 3-1-1014; Const., VII, 8
    - ballot form, 13-14-213
  - senate confirmation, 3-1-1013; Const., VII, 8
- compensation or travel expenses, 3-1-1004
- confidentiality of proceedings, 3-1-1007
- creation, composition, and function, 3-1-1001
- failure of governor to nominate, 3-1-1012
- investigation of eligible persons, 3-1-1009
- judicial office, members ineligible when, 3-1-1005
- list of nominees, 3-1-1007, 3-1-1008, 3-1-1010, 3-1-1011
- meetings when, 3-1-1010
- nomination for judicial appointment, 3-1-1011
- quorum, 3-1-1008
- reports, 3-1-1007, 3-1-1010
- rulemaking authority, 3-1-1007
- secretary, 3-1-1006
- terms of members, 3-1-1002
- vacancies, how filled, 3-1-1003

Judicial Standards Commission, Const., VII, 11
- action by supreme court, 3-1-1107, 3-1-1126
- audit, 3-1-1125
- compensation or travel expenses, 3-1-1104
- complaints, 3-1-1106, 3-1-1125, 3-1-1126
- confidentiality of proceedings, 3-1-1105, 3-1-1125; Const., VII, 11
  - waiver, 3-1-1122
- convicted of crime, procedure when judicial officer is, 3-1-1110
- creation and composition, 3-1-1101; Const., VII, 11
- disclosure for judicial selection or appointment, 3-1-1124
- disclosure of proceedings, 3-1-1107, 3-1-1121, 3-1-1122
- disqualification of judicial officer, interim, 3-1-1109
- evidence, 3-1-1106, 3-1-1122
- hearings, 3-1-1106, 3-1-1121, 3-1-1122
- investigation of judicial officer, 3-1-1106, 3-1-1123; Const., VII, 11
- nonparticipation of interested judicial officer, 3-1-1108
- orders for retirement or removal of judicial officer, 3-1-1111
- public statement by commission, 3-1-1123
- recommendations by, 3-1-1106, 3-1-1107, 3-1-1109, 3-1-1110, 3-1-1126; Const., VII, 11
- report to legislature, 3-1-1126
- rulemaking authority, 3-1-1105; Const., VII, 11
- subpoena power, Const., VII, 11
- termination of membership, 3-1-1103
- terms of members, 3-1-1102
- vacancies, how filled, 3-1-1103
- witnesses, Const., VII, 11

Jurisdiction, presumption, 26-1-602
Law, practice of
- partner in, prohibited when, 3-1-603
- prohibited when, 3-1-601
- restrictions after expiration of term of office, 3-1-605
- suspension from, when, 3-1-1111

Marriage, solemnization, 40-1-301
Masters, See **COURTS GENERALLY**

JUDGES AND JUSTICES (Continued)

Military service
    appointment of "acting" officer, 10-2-227
    reinstatement upon completion, 10-2-221
Motions and orders, obedience — power to compel, 3-1-402
Nomination, See **Judicial Nomination Commission**
Notarial acts, Title 1, chapter 5, part 6, See **NOTARIES PUBLIC**
Oaths, Const., III, 3
    power to administer, 1-6-101, 3-1-402
Official records, certification, Title 25, chapter 20, M.R.Civ.P., Rule 44(a)
Order in judicial proceedings, power to compel, 3-1-402
Out of court powers, 3-1-401
Political candidacy, resignation from judgeship required, Const., VII, 10
Powers generally, 3-1-401, 3-1-402; Const., III, 1
"Public servant" defined, 45-2-101
Purchase of goods, Title 18, chapter 4
Referees, See **COURTS GENERALLY**
Removal from office, See **Judicial Standards Commission**
Restrictions generally, Title 3, chapter 1, part 6
Retired judge, information pertaining to — disclosure, 3-1-1124
Retirement, forced — when, 3-1-1111; Const., VII, 11
Retirement system, Title 19, chapter 5, See **JUDGES' RETIREMENT SYSTEM**
Rules of Civil Procedure — suggestions on and copies of amendments to, Title 25, chapter 20, M.R.Civ.P., Rule 86(a)
Salaries, 25-1-201; Const., VII, 7
Sentencing, exclusive authority, 46-18-103
State land violations, failure to prosecute offenders, 77-1-114
Statewide classification and pay plans, exception, 2-18-103
Statutes, interpretation, 1-2-101
Subpoena, power of, 3-1-111, 3-1-402, 26-2-102
Substitution, Title 3, chapter 1, part 8, See also specific court heading for specific judge or justice
    costs, 25-10-205, 25-10-405
    motion for, filing fee, 25-1-201
Suspension, See **Judicial Standards Commission**
Terms of office, Const., VII, 7
Tribal judges, solemnization of marriage, 40-1-301
Vacancy in judicial office, Const., VII, 11, See **Judicial Nomination Commission**
Veterans, See **Military service**
Witnesses
    as, Title 26, chapter 10, M.R.Ev., Rule 605
    power to compel attendance and testimony, 3-1-111, 3-1-402, 26-2-102
Writs, See heading for specific writ; **WRITS**, generally

JUDGES' RETIREMENT SYSTEM
    See also **PUBLIC EMPLOYEES' RETIREMENT GENERALLY**
Administration, Title 19, chapter 2, See **PUBLIC EMPLOYEES' RETIREMENT GENERALLY**
Benefits, See also **Death benefits**; **Disability retirement benefits**; **Service retirement benefits**; **Survivorship benefits**
    discrimination prohibited, 49-2-309
    family law orders, alternate payees, 19-2-907
    guaranteed annual benefit adjustment, 19-5-802, 19-5-901
    optional forms, 19-5-701, 19-5-802, 19-5-901
    retired judges called to duty, compensation allowed, 19-5-103
    support obligation, execution or income withholding for, 19-2-909

JUDGES' RETIREMENT SYSTEM (Continued)

Citation of Judges' Retirement Act, 19-5-105
Contingent annuitant, 19-5-701, 19-5-801, 19-5-802, 19-5-901
Contributions, state, 19-5-404, See also **Member contributions**
Death benefits, 19-5-802, See also **Benefits; Survivorship benefits**
  employment-related death, 19-5-801
Definitions, 19-5-101
Disability retirement benefits, 19-5-601, See also **Benefits**
  cancellation when, 19-5-612
  family law orders, alternate payees, 19-2-907
  medical examination requirements, 19-5-612
  support obligation, execution or income withholding for, 19-2-909
Discrimination prohibited, 49-2-309
Enforcement of provisions, 19-2-403
Establishment, 19-5-102
Family law orders
  alternate payees, 19-2-907
  optional retirement benefit, conversion when, 19-5-701
Fund, See **Pension trust fund**
Insurance, public employees' group — participation, 2-18-704
Involuntary retirement benefit, 19-5-503, 19-5-802
Member contributions, 19-5-402
  accumulated contributions, 19-5-402
    refunds, 19-5-301, 19-5-403
  additional service, purchase, 19-5-409
  pension trust fund, payment to, 19-5-401
  resignation or discharge of member, 19-5-403
  withdrawals, 19-2-907, 19-2-909
Membership, 19-5-301
Optional forms of benefits, 19-5-701, 19-5-802, 19-5-901
Pension trust fund
  members' contributions, 19-5-301, 19-5-401, 19-5-409
  payments into, generally, 19-5-401
  state contributions, 19-5-404
Public Employees' Retirement System, membership in, 19-5-301
Retired judges, 19-5-101
  call for duty, 19-5-103
Service credits, purchase, 19-2-706, 19-5-301, 19-5-409
Service retirement benefits, See also **Benefits**
  amount, 19-5-502
  eligibility, 19-5-501
  family law orders, alternate payees, 19-2-907
  involuntary retirement benefit, 19-5-503, 19-5-802
  judge pro tempore, while acting as, 19-5-501
  optional retirement benefit, conversion to, 19-5-701
  support obligation, execution or income withholding for, 19-2-909
  survivorship benefit, 19-5-801
Social security system
  referendum, authorization, 19-1-301
  separateness, 19-1-104
Support obligation, execution or income withholding for, 19-2-909
Survivorship benefits, See also **Benefits; Death benefits**
  death from other causes, 19-5-802
  employment-related death, 19-5-801
  family law orders, alternate payees, 19-2-907
  optional retirement benefit, conversion to, 19-5-701

JUDGES' RETIREMENT SYSTEM (Continued)
Survivorship benefits (Continued)

  support obligation, execution or income withholding for, 19-2-909

JUDGMENTS AND DECREES
Admissions, partial — judgment upon, 25-4-601
Affidavits
  default judgment, of amount due, Title 25, chapter 20, M.R.Civ.P., Rule 55(b)
  foreign judgments, filing, 25-9-504
  foreign-money claims, 25-9-712
  joint debtors, summons — to accompany, 25-15-103, 25-15-105
  summary judgment
    delay or in bad faith, for, Title 25, chapter 20, M.R.Civ.P., Rule 56(g)
    form, Title 25, chapter 20, M.R.Civ.P., Rule 56(e)
    motion, not required for, Title 25, chapter 20, M.R.Civ.P., Rules 56(a), 56(b)
    opposing, service, Title 25, chapter 20, M.R.Civ.P., Rule 56(c)
    unavailability, Title 25, chapter 20, M.R.Civ.P., Rule 56(f)
Agreed statement of facts, upon, 25-7-602
Agricultural associations, indebtedness — authorization or foreclosure, 35-16-404 — 35-16-406
Agricultural commodity licensees, effect of outstanding judgments or failure to satisfy judgments, 80-4-421
Alteration, 25-10-104; Title 25, chapter 20, M.R.Civ.P., Rules 59(g), 62(b), See also **Amendment**
Amendment, Title 25, chapter 20, M.R.Civ.P., Rule 59(g)
  appeal
    notice, computation of time for filing, Title 25, chapter 21, M.R.App.P., Rule 5
    stay of execution pending, time limitation, Title 25, chapter 21, M.R.App.P., Rule 7
  findings of fact, upon amendment of, Title 25, chapter 20, M.R.Civ.P., Rule 52(b)
    time for determining, Title 25, chapter 20, M.R.Civ.P., Rule 52(d)
  foreign-money claims, 25-9-706, 25-9-713
  stay of proceedings for, Title 25, chapter 20, M.R.Civ.P., Rule 62(b)
Amount
  entitlement, to equal, Title 25, chapter 20, M.R.Civ.P., Rule 54(c)
  expression, 25-9-203, 30-12-601, 30-12-602
Appeals, 3-2-204, 3-5-118, 3-5-508, 25-9-603, 25-9-607, 25-10-404, 25-12-101; Title 25, chapter 21, M.R.App.P., Rule 1, See **APPELLATE PROCEDURE**
Arbitration award, judgment on, 27-5-314, 27-5-322, 27-5-324
Arrest, prejudgment — application of money deposited upon, 27-16-604, See **ARREST, Prejudgment arrest**
Assignment for benefit of creditors, inventory requirement, 31-2-213
Attachment, 27-18-408, See **ATTACHMENT OF PROPERTY**
Attorney general, duties generally, 2-15-501
Attorneys at law
  authority concerning clients, 37-61-401
  change of attorney when, 37-61-403
  compensation, judgment lien for — when, 37-61-420
  disbarment or suspension, 37-61-309
Attorney's fees as part of, when, 25-10-302, 33-1-616
Banks and trust companies
  closing, actions to enjoin further proceedings, 32-1-516
  insolvent banks, claims — allowance or rejection, 32-1-532
  officers or employees, theft of funds, 32-1-473, 32-1-908
Birth date, judicial determination, 27-32-104, 27-32-204, 27-32-301, 27-32-302
Boat dealers, unlawful conduct — prior to collection on bond, 23-2-513
Bonds, official — on, 2-9-527
  county sheriff, evidence of right to recover against sureties, 2-9-711

JUDGMENTS AND DECREES (Continued)
Bonds, official — on (Continued)

  liability of officers or sureties, 2-9-511, 2-9-515
  lien on real estate, as, 2-9-528
  separate judgments, 2-9-516
Building and loan associations, conversions — continuance of rights and obligations, 32-2-257
Business association, effect against, 25-5-104
Certiorari, upon, 27-25-304, 27-25-305
Child abuse and neglect, for protection of youth in need of care, 41-3-406
Child custody determination, 40-7-103, 40-7-305
Child support, See **CHILD SUPPORT**
Cities and towns
  payment, manner of, 7-6-4209, 7-6-4453
  urban renewal property, effect on, 7-15-4260
  water supply systems, condemnation proceedings, 7-13-4404
City courts, See **CITY COURTS**
Claim and delivery, 27-17-401 — 27-17-405
Class actions, Title 25, chapter 20, M.R.Civ.P., Rule 23(c)
Clerical mistakes, See **Defect**
Commercial fertilizer manufacturers, fees due as basis for judgment against, 80-10-207
Community college districts, against, 20-15-323
Conclusive, 26-3-201, 26-3-205
Confession of defendant, See **Confession of judgment**
Confession of judgment, See also **SPECIAL PROCEEDINGS**, generally
  city court, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
  consumer loan business licensees — confession of judgment to, unlawful, 32-5-305
  contracts, illegal provisions, 28-2-709
  deferred deposit loan documents, inclusion of clause prohibited, 31-1-723
  jurisdiction of courts, 3-10-301, 27-9-101
  justice's court, See **JUSTICES' COURTS**
  negotiable instruments, 30-3-104
  power of attorney, statutory — authority, 72-31-232
  rental agreements, prohibited, 70-24-202
  statement by defendant, 27-9-102
    filing and costs, 27-9-103, 27-9-104
Conflict of laws, See **CONFLICT OF LAWS**
Conservation districts, 76-15-710, 76-15-727, 76-15-810
Consumer reports, inclusion of information, 31-3-112, 31-3-126
Contempt
  counsel's failure to deliver and pay fee, Title 25, chapter 19, M.U.Dist.Crt.Rule 11
  disobedience to judgment as, 3-1-501, 25-9-406, 45-7-309
  proceedings, judgment in, 3-1-523
Contents, 25-9-201, 26-3-102
Contract actions
  counterclaim, admission — judgment for excess, 25-4-602
  state, against
    interest, liability, 18-1-404
    jurisdiction of district court, 18-1-401
    payment, 18-1-414
  venue, 25-2-121
Corporations, See **CORPORATIONS**
Costs, Title 25, chapter 20, M.R.Civ.P., Rule 54(d)
  attorneys' fees as, when, 39-2-303, 39-3-214
  bill of costs, 25-10-406, 25-10-501, 25-10-504
  declaratory judgment, 27-8-311
  default, Title 25, chapter 20, M.R.Civ.P., Rule 55(b)

JUDGMENTS AND DECREES (Continued)
Costs (Continued)

  defendant, to, 25-10-102, 25-10-106
  entry not delayed for, 25-10-501; Title 25, chapter 20, M.R.Civ.P., Rule 58
  foreign capital depositories, filing, 25-9-506, 25-9-804
  foreign, filing, 25-9-506
  foreign-money claims, 25-9-708
  modification of judgment, 25-10-104
  offer of judgment, Title 25, chapter 20, M.R.Civ.P., Rule 68
  plaintiff, to, 25-10-101
  representative, party acting as — on, 25-10-108
  security, Title 25, chapter 20, M.R.Civ.P., Rule 23(f)
  summary judgment, affidavit in bad faith, Title 25, chapter 20, M.R.Civ.P., Rule 56(g)
Counterclaim
  admission, judgment for excess, 25-4-602
  defendant interposing, provisional remedies, 27-15-102
  representative capacity, against person suing in, 25-4-402
  separate trials, effect, Title 25, chapter 20, M.R.Civ.P., Rule 13(i)
  trial of issue of fact, mode of, 25-7-104
Counties
  creation of new counties, procedures, 7-2-2255, 7-2-2411
  general obligation bonds, issuance for satisfaction, 7-7-2202, 7-7-2221
  licensing requirements, enforcement — damages added when, 7-21-2116
Counties or county officers, against, 25-13-205, 25-31-1111
County roads
  abandonment or vacation by, 7-14-2615
  encroachment denied, action to abate nuisance, 7-14-2137
  railroad, canal, or ditch — right to cross obtained by, 7-14-2612
  right-of-way, to obtain, 7-14-2108
Credit reports, inclusion of information, 31-3-112, 31-3-126
Crime victims compensation, subrogation, 53-9-132
Criminal code, effect on court's power, 45-1-104
Criminal proceedings, See **CRIMINAL PROCEDURE**
Cross-claim must not delay judgment to plaintiff, 25-4-404
Death of party
  after judgment, effect, 25-13-103; Title 25, chapter 20, M.R.Civ.P., Rule 25(a); Title 25, chapter 21, M.R.App.P., Rule 37
  future damages, periodic payments — effect of death prior to completion, 25-9-403, 25-9-412
  prior to judgment, effect, 25-9-103
Declaratory judgments, See also generally **REMEDIES**; **SPECIAL PROCEEDINGS**
  administrative rules, validity or application, 2-4-506
  air contaminant source owners, establishment of existence of trade secret, 75-2-105
  availability, 27-8-201 — 27-8-205; Title 25, chapter 20, M.R.Civ.P., Rule 57
  citation of uniform declaratory judgments act, 27-8-101
  class actions, Title 25, chapter 20, M.R.Civ.P., Rule 23(b)
  construction of provisions, 27-8-102, 27-8-103
  contracts, 27-8-202, 27-8-203
  costs, 27-8-311
  ditch company employees, clarification of obligations to, 27-1-731
  effect, 27-8-201
  form, 27-8-201; Title 25, chapter 20, M.R.Civ.P., Appendix, Form 14
  general powers, enumeration of specific applications — effect, 27-8-205
  governmental entity employers, 2-9-305
  hazardous or deleterious substance, remedial action upon release — liability for costs, 75-10-722
  jury trial, 27-8-302; Title 25, chapter 20, M.R.Civ.P., Rule 57

JUDGMENTS AND DECREES (Continued)
Declaratory judgments (Continued)

- obscene material, public display or dissemination to minors — determination of obscenity, 45-8-207
- oil and gas owners and operators, establishment of existence of trade secrets, 82-11-117
- parties, 27-8-301
- "person" defined, 27-8-104
- purpose of provisions, 27-8-102
- refusal, 27-8-206
- review, 27-8-312
- rules of civil procedure, applicability, Title 25, chapter 20, M.R.Civ.P., Rule 57
- scope of authority, 27-8-201
- summary judgment, application during proceedings for declaratory judgment, Title 25, chapter 20, M.R.Civ.P., Rules 56(a), 56(b)
- supplemental relief, 27-8-313
- taxes
  - assessment rule or procedure challenges, 15-1-406
  - erroneous taxation, 15-1-406 — 15-1-408
- trusts and estates, 27-8-202, 27-8-204
- uniformity of provisions, 27-8-103
- water pollution source owners, establishment of existence of trade secret, 75-5-105
- who may obtain, 27-8-202

Default judgment

- chambers, judge's power at, 3-5-311
- demand for judgment, to equal, Title 25, chapter 20, M.R.Civ.P., Rule 54(c)
- discovery, for failure to comply with order, Title 25, chapter 20, M.R.Civ.P., Rule 37(b)
- entry, 3-5-311; Title 25, chapter 20, M.R.Civ.P., Rules 55(a), 55(b), 55(c)
- insurance guaranty associations, reopening, 33-10-111, 33-10-222
- insurers, unauthorized — service of process affidavit of compliance, default judgment when, 33-1-613
- issue of law, when judgment on, 25-9-104
- justices' courts, See **JUSTICES' COURTS, Judgment**
- parties applicable to, Title 25, chapter 19, M.U.Dist.Crt.Rule 10; Title 25, chapter 20, M.R.Civ.P., Rule 55(d)
- setting aside, Title 25, chapter 20, M.R.Civ.P., Rule 55(c)
- summons, notice that default judgment will be entered for failure to appear, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4C

Defect

- clerical mistakes, correction, Title 25, chapter 20, M.R.Civ.P., Rule 60(a); Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 22B
- harmless error, Title 25, chapter 20, M.R.Civ.P., Rule 61
- real property, validation of preexisting judgments affecting, 25-9-105

Deferred deposit loans, actions on, 31-1-722
Defined, 25-9-502, 25-9-602, 25-9-802, 46-1-202; Title 25, chapter 20, M.R.Civ.P., Rule 54(a)
Demand for judgment, Title 25, chapter 20, M.R.Civ.P., Rules 8(a), 54(c)
Deposit in court or delivery to party, enforcement, 25-8-102, See also **CIVIL PROCEDURE, Delivery to party**; **Deposit in court**
Dismissal of action, effect upon, Title 25, chapter 19, M.U.Dist.Crt.Rule 8; Title 25, chapter 20, M.R.Civ.P., Rule 41(a); Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
Dissolution of marriage or legal separation

- decree includes judgment, 40-4-103
- default judgments, disclosure, 40-4-257
- summary dissolution, 40-4-130, 40-4-133 — 40-4-136

Docketing of judgment, 25-9-301

- appeal, decision on, Title 25, chapter 21, M.R.App.P., Rule 16
- arbitration award, 27-5-314
- child support, administrative enforcement orders, 40-5-227

JUDGMENTS AND DECREES (Continued)
Docketing of judgment (Continued)

- costs, insertion, 25-10-504
- district court, 3-5-508; Title 25, chapter 19, M.U.Dist.Crt.Rule 11
- federal judgments, filing in state court, 25-9-303
- fee, 25-1-201, 25-9-506; Title 25, chapter 19, M.U.Dist.Crt.Rule 11
- filing in another county, 25-9-302
- foreign judgments, 25-9-506
- justice's court, 3-10-501
- real property
  - subject to execution, determination by day of docketing, 25-13-305, See also **Property**
  - venue, change, 25-2-206
- redemption papers, copy required in, 25-13-807
- satisfaction, docketing, 25-9-311
- taxes
  - delinquent, warrant for distraint — filing, 15-1-704
  - privilege tax on use of tax-exempt property, delinquent — entry, 15-24-1206
- workers' compensation, uninsured employers — certificate of payments due, 39-71-506

Drainage districts, See **DRAINAGE DISTRICTS**
Effect, 26-3-201, 26-3-205
Elections

- campaign practice violations, disposition of fines and limitation of action, 13-37-129, 13-37-130
- contests, 13-36-205, 13-36-207, 13-36-210

Eminent domain proceedings, 70-30-304, 70-30-305
Enforcement

- clerk of the court, process to enforce grantable by, Title 25, chapter 20, M.R.Civ.P., Rule 77(c)
- contempt, disobedience as, 3-1-501, 45-7-309
- court's power to compel, 3-1-111
- criminal code, applicability, 45-1-104
- execution, See **EXECUTION**
- foreign judgments, 25-9-501 — 25-9-508
- foreign-money claims, 25-9-711, 25-9-712
- foreign money-judgments recognition, 25-9-603, 25-9-604
- park rangers and fish and game wardens, by, 23-1-122
- separation agreements, 40-4-201
- stay of proceedings, See **Stay of proceedings to enforce**

Entry of judgment

- appeal
  - notice, time for filing, Title 25, chapter 21, M.R.App.P., Rule 5
  - stay of execution pending, time limitation, Title 25, chapter 21, M.R.App.P., Rule 7
- birth date, judicial determination, 27-32-104
- city court, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21
- clerk of court's duties, 3-5-501, 3-5-507, 25-9-204; Title 25, chapter 19, M.U.Dist.Crt.Rule 11; Title 25, chapter 20, M.R.Civ.P., Rule 58
- confession of judgment, 27-9-102, 27-9-103
- default judgment, 3-5-311; Title 25, chapter 20, M.R.Civ.P., Rules 55(a), 55(b), 55(c)
- district court, Title 25, chapter 19, M.U.Dist.Crt.Rule 11
- docketing, See **Docketing of judgment**
- fee, 25-1-201, 27-32-104
- findings of fact by court, Title 25, chapter 20, M.R.Civ.P., Rule 52(a)
- foreign-money claims, variation by agreement, 25-9-704
- future damages, periodic payment, 25-9-403, 25-9-412
- interest, statement of, 25-9-204
- judgment book, 3-5-507; Title 25, chapter 19, M.U.Dist.Crt.Rule 11
- justice's court, 3-10-301, 3-10-501, 3-10-1005; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21
- multiple claims or parties, entry for some, Title 25, chapter 20, M.R.Civ.P., Rule 54(b)

JUDGMENTS AND DECREES (Continued)
Entry of judgment (Continued)

- new trial, on, Title 25, chapter 20, M.R.Civ.P., Rule 59(a)
- notice, Title 25, chapter 20, M.R.Civ.P., Rule 77(d)
  - new trial, motion for — when, Title 25, chapter 20, M.R.Civ.P., Rule 59(b)
- offer, acceptance, Title 25, chapter 20, M.R.Civ.P., Rule 68
- partial findings, on, Title 25, chapter 20, M.R.Civ.P., Rule 52(c)
- small claims courts, 3-10-1005, 25-35-801
- submission of controversy without action, 27-7-103
- verdict and answers, upon, Title 25, chapter 20, M.R.Civ.P., Rule 49(b)

Error, See **Defect**
Estates and probate, See **ESTATES AND PROBATE**
Evidence
- effect of judgment and conclusive when, 26-3-201
- foreign tribunals, judgments of, 26-3-205
- former judgment, what considered adjudged, 26-3-102
- hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
- presumption created by judgment, 26-1-601, 26-3-205
- real property, preexisting judgments — validation, 25-9-105
- res judicata, Title 25, chapter 20, M.R.Civ.P., Rule 8(c); Title 26, chapter 3
- summary judgment, affidavit contents, Title 25, chapter 20, M.R.Civ.P., Rule 56(e)

Execution, judgment for, 25-13-102, See also **EXECUTION**
Extent of judgment, 3-5-312, 26-3-102
Federal judgments, docketing, 25-9-303
Fire Department Relief Association benefits, exemption from, 19-18-612
Forcible entry and detainer and unlawful detainer, See **FORCIBLE ENTRY AND DETAINER AND UNLAWFUL DETAINER**
Foreign capital depositories, foreign judgment recognition
- burden of proof and liability, 25-9-806
- contingency fees prohibited, 25-9-808
- damages, 25-9-807
- defense against enforcement, 25-9-803, 32-8-314
- definitions, 25-9-802
- filing fee, 25-9-506, 25-9-804
- foreign money-judgments recognition, applicability, 25-9-603, 25-9-609, 25-9-801, 25-9-806
- in camera hearing or review, 25-9-807
- nonrecognition and privacy protection, 25-9-806, 25-9-809
- policy statement, 25-9-805
- purpose and perspective, 25-9-801

Foreign judgments
- child custody determination filed as, 40-7-305
- pleading, Title 25, chapter 20, M.R.Civ.P., Rule 9(e)

Foreign judgments, enforcement, See also **EVIDENCE, Judicial records**
- citation of uniform enforcement of foreign judgments act, 25-9-501
- defined, 25-9-502
- effect, 25-9-503, 26-3-205
- fees, 25-9-506
- filing, 25-9-503, 25-9-504, 25-9-506
- foreign capital depositories, 25-9-801
- foreign-money claims, 25-9-711
- injunction to stay proceedings not permitted, 27-19-103
- interpretation and construction of provisions, 25-9-508
- optional procedure, 25-9-507
- status, 25-9-503
- statutes of limitation for action upon, 15-16-701, 27-2-201
- stay of execution, 25-9-503, 25-9-505

JUDGMENTS AND DECREES (Continued)

Foreign-money claims
  asserting and defending, 25-9-707, 25-9-709
  citation of uniform foreign-money claims act, 25-9-701
  contract claims, determining amount of money of, 25-9-706, 25-9-708
  conversions of foreign money, 25-9-709, 25-9-713
  currency revalorization, effect, 25-9-713
  definitions, 25-9-702
  enforcement, 25-9-711, 25-9-712
  interest, prejudgment and judgment, 25-9-710
  judgments and awards, 25-9-708
  money of claim, determining, 25-9-705, 25-9-707
  scope of provisions, 25-9-703
  supplementary principles of law, 25-9-714
  uniform application and construction, 25-9-715
  united states dollar value of, determining — limited purposes, 25-9-712
  variation by agreement, 25-9-704
Foreign money-judgments recognition
  appeal pending or entitlement to, 25-9-603, 25-9-607
  applicability of provisions, 25-9-603
  citation of uniform foreign money-judgments recognition act, 25-9-601
  definitions, 25-9-602
  foreign capital depositories, 25-9-603, 25-9-609, 25-9-801, 25-9-806
  interpretation, uniformity, 25-9-609
  nonrecognition, grounds for, 25-9-605
  personal jurisdiction, 25-9-605, 25-9-606
  recognition and enforcement, 25-9-603, 25-9-604
  saving clause, 25-9-608
Form, Title 25, chapter 20, M.R.Civ.P., Rules 54(a), 58
Fraternal benefit society officers and members, indemnification and reimbursement when, 33-7-307
Fraudulent transfers, Title 31, chapter 2, part 3, See **FRAUDULENT TRANSFERS**
Future damages, periodic payment, 25-9-401 — 25-9-406, 25-9-412
Governmental entities, against, 2-9-316, 2-9-317
  appropriations, recovery from — when, 2-9-315
Harmless error, See **Defect**
Hazardous or deleterious substance, remedial action upon release
  contribution, from noncontributing person, 75-10-724
  liability for costs, declaratory judgment, 75-10-722
Health service corporations, subrogation rights, 33-30-1101
Hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
Highways
  encroachment, for removal, 60-6-104
  federal-aid or state, abandonment or vacation, 60-4-208, 60-4-209
  railroads, canals, or ditches — right to cross obtained by, 60-4-110
Housing authorities, 7-15-4402, 7-15-4532
Impeachment proceedings, See **IMPEACHMENT OF PUBLIC OFFICERS, Conviction**
Imprisonment of judgment debtor, effect of discharge, 25-14-309, 25-14-310
Indemnifying persons, not conclusive against when, 28-11-317
Index, 7-4-2619, 7-4-2620
Indigent parents, duty of child to support — enforcement, 40-6-303
Insurance
  annuity contracts, excess benefits to judgment creditor or to apply to judgment when, 33-15-514
  agreements, discovery of existence and contents, Title 25, chapter 20, M.R.Civ.P., Rule 26(b)
  casualty insurance, professional liability insurers — information requirements, 33-23-311

JUDGMENTS AND DECREES (Continued)
Insurance (Continued)

- disability insurance, subrogation rights, 33-22-1601
- liability insurance, existence not to be made evident when, 33-23-102
- state group insurance, subrogation rights, 2-18-901

Insurance, Commissioner of — court order for stay of judgment, 33-1-711
Insurers, See **INSURERS REGULATION GENERALLY**; **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Interest on

- amount, 25-9-205, 31-1-106
- appeal, effect, Title 25, chapter 21, M.R.App.P., Rule 31
- debt not yet due, when, 27-18-901
- decedent's estates, claims against, 72-3-805
- execution, 25-13-304 — 25-13-306, 25-13-308, 25-13-713
- foreign-money claims, 25-9-710
- joint debtor, judgment against, 25-15-106
- prejudgment interest, 27-1-210
- redemption, rate established by judgment, 25-13-802 — 25-13-805
- revival of judgment, 25-13-713
- statement in judgment required, 25-9-204
- trust, breach of — as measure of liability, 72-34-509

Investments, Board of — effect of judgments against, 17-5-1648
Irrigation districts, See **IRRIGATION DISTRICTS**
Issues of fact

- death of party, effect, 25-9-103
- findings of fact by court, Title 25, chapter 20, M.R.Civ.P., Rule 52(a)
- proposed findings and conclusions, failure to file — effect, Title 25, chapter 19, M.U.Dist.Crt.Rule 8

Issues of law, procedure after judgment on, 25-9-104
Joinder of parties, when, 25-5-203; Title 25, chapter 20, M.R.Civ.P., Rule 20(a)

- determination by court of whenever joinder not feasible, Title 25, chapter 20, M.R.Civ.P., Rule 19(b)

Joint debtors, liability

- compromise with creditors, 25-15-201
- contribution, right to, 25-13-104, 25-15-202
- discharge, effect, 25-15-201, 25-15-202
- pleadings, 25-15-105
- summons to debtor not originally served, 25-15-101, 25-15-105
  - affidavit, 25-15-103, 25-15-105
  - answer, 25-15-104, 25-15-105
  - content and service, 25-15-102
- trial of issues and limit on verdict, 25-15-106

Judge pro tempore or special master, authority, 3-5-113, 3-5-116
Judge's jurisdiction, 3-5-113, 3-5-116, 3-5-311, 3-5-312; Title 25, chapter 19, M.U.Dist.Crt.Rule 11
Judgment book, 3-5-507, 3-5-508, 27-7-103, 27-9-103, 70-21-206; Title 25, chapter 19, M.U.Dist.Crt.Rule 11
Judgment liens, See **Lien of judgment**
Judicial record, See **EVIDENCE**
Jury's interrogatories, consistency with, Title 25, chapter 20, M.R.Civ.P., Rule 49(b)
Justices' courts, See **JUSTICES' COURTS**
Landlord and tenant

- attornment of tenant to stranger, 70-26-103
- possession, action for, 70-24-421
- rental agreements, attorney fees and costs, 70-24-442

Lapse and renewal, 25-13-102
Lease contracts, default procedure, 30-2A-501, 30-2A-516, 30-2A-529

JUDGMENTS AND DECREES (Continued)

Levying officers, restrictions, 25-1-1111
Libraries, public — bond issues to fund, 22-1-304
Lien of judgment, 71-3-1504
  attorneys at law, upon client's cause of action or counterclaim, 37-61-420
  conservation district proceedings, 76-15-810
  criminal judgment, 46-18-601
  death of party, effect, 25-9-103
  docketing to effect, 25-9-301 — 25-9-303, 25-13-305
  electric utility industry restructuring, transition property — security interest, 69-8-503
  extent, 25-9-301 — 25-9-303
  federal judgment, 25-9-303
  foreign-money claims, judgments and awards — effect, 25-9-708
  justice's court, 25-31-914
  railroad property, against, 69-14-555
  recording, 7-4-2613
  redemption when property sold on execution, 25-13-801, See also **EXECUTION, Redemption of real property**
  revival of judgment, 25-13-713
  secured party, relation back to certain dates, 30-9-501, 30-9-601
  tax liens, 15-1-701, 15-1-704, 15-16-401, See also **LIENS**, specific tax area
Liens
  construction liens, bond conditions, 71-3-551
  foreclosure, offer of judgment, 71-3-124
  loggers' liens, on, 71-3-614 — 71-3-616
  physicians, nurses, physical therapists, occupational therapists, chiropractors, dentists, psychologists, licensed social workers, licensed professional counselors, and hospitals — personal injury claims, 71-3-1114
Limited liability companies
  judgment creditors, rights, 35-8-705
  members, liability, 35-8-304
Limited partnerships
  derivative actions, 35-12-1401, 35-12-1404
  judgment creditors, rights, 35-12-1103
Livestock in herd districts, trespassing animals held for payment, 81-4-307
Lobbying violations, judgment to revoke or suspend license when, 5-7-305
Local government bond election challenges, on, 7-7-106
Mandamus, writ of — upon, 27-26-303, 27-26-402; Title 25, chapter 21, M.R.App.P., Rule 7
Marriage, decree includes judgment, 40-1-105
Married person, for or against, 25-9-102
Matter of law, judgment as, Title 25, chapter 20, M.R.Civ.P., Rules 50, 52(c), 56(c)
Medical malpractice, periodic payment of future damages, 25-9-412
Medical treatment, future, 25-9-401 — 25-9-406
Merits, to be on, 25-9-101
Mistake, See **Defect**
Modification, See also **APPELLATE PROCEDURE**
  harmless error, Title 25, chapter 20, M.R.Civ.P., Rule 61
  money, judgment for — instructions for allowance of interest, Title 25, chapter 21, M.R.App.P., Rule 31
  new trial, Title 25, chapter 20, M.R.Civ.P., Rule 59(a)
  supreme court, remedial powers, Title 25, chapter 21, M.R.App.P., Rule 15
Money judgments, specific provisions, See also **EXECUTION**
  appeals from justice or city courts, undertaking on, 25-33-201; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 24
  appellate alternative dispute resolution/mediation, Title 25, chapter 21, M.R.App.P., Rule 54; Rule 54 Appendix, Forms 1 — 6

JUDGMENTS AND DECREES (Continued)
Money judgments, specific provisions (Continued)

- child support
  - administrative enforcement, 40-5-202
  - lien, warrant for distraint — effect, 40-5-247
- cities and towns, payment, 7-6-4209
- condominiums, unpaid common expenses — action to recover, 70-23-608
- counterclaim, admission — judgment for excess, 25-4-602
- deposit in court, when, Title 25, chapter 20, M.R.Civ.P., Rule 67
- ditch company employees, defense and indemnification when, 27-1-731
- drainage district assessments, collection — applicability, 85-8-619
- justice's court, jurisdiction, 3-10-301
- modification or reversal of judgment, direction for money judgment — instructions for allowance of interest, Title 25, chapter 21, M.R.App.P., Rule 31
- oil and gas royalties, recovery actions, 82-10-101
- public assistance payments, subrogation, 53-4-248
- public officers and employees, defense and indemnification when, 2-9-305
- state, against — jurisdiction of courts, 3-5-302, 3-10-301, 3-11-104
- trusts, voluntary and involuntary transfers — restrictions, 72-33-301 — 72-33-303

Mortgages, pertaining to, 71-1-222, 71-1-232
Motor carriers, arising from negligent operation, 69-12-402
Motor vehicles

- auto auction licensees, unlawful conduct— loss or damage caused by, 61-4-126
- dealer's or wholesaler's unlawful conduct, loss or damage caused by, 61-4-126
- financial responsibility, See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Financial responsibility**

Multiple claims, Title 25, chapter 20, M.R.Civ.P., Rules 13(i), 54(b), 62(h)
Multiple plaintiffs and defendants

- determination of rights, 25-9-201; Title 25, chapter 20, M.R.Civ.P., Rule 54(b), See also **Joint debtors**
- execution when only some of defendants served, 25-13-303
- joinder of defendants not served, Title 25, chapter 20, M.R.Civ.P., Rule 4D
- justices' and city courts, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21B
- negligence actions, contribution — liability, 27-1-703, 27-1-705

Municipal court, in, See **MUNICIPAL COURTS**
Municipal infractions, for, 7-1-4151, 7-1-4152
Negotiable instruments

- confession of, 30-3-104
- enforcement of lost, destroyed, or stolen instrument, 30-3-309
- guarantor, obligation when, 30-3-415

New trials, effect, Title 25, chapter 20, M.R.Civ.P., Rule 59(a), See **CIVIL PROCEDURE, New trial**
Nonprofit corporations, See **NONPROFIT CORPORATIONS**
Nuisance, to enjoin or abate, 7-14-2137, 16-6-313, 27-30-103, 45-8-112
Offer of, 71-3-124, 72-31-232; Title 25, chapter 20, M.R.Civ.P., Rule 68, See also **CIVIL PROCEDURE, Compromise**

- service, Title 25, chapter 20, M.R.Civ.P., Rule 5(a), See **CIVIL PROCEDURE, Service of papers not process**

Off-highway vehicle dealer's unlawful conduct, for loss or damage caused by, 23-2-818
Oil and gas royalties, recovery actions, 82-10-101
Optometrists, violations — to award temporary restraining orders, 37-10-301
Outfitters and guides, breach of contract established by, 37-47-341
Parking commissions, against — effect, 7-14-4666
Partition proceedings, See **PARTITION**
Partnerships, See **PARTNERSHIPS**
Pesticide licensees or permittees, unsatisfied judgments — effect, 80-8-211

JUDGMENTS AND DECREES (Continued)

Pleadings, judgment on the, Title 25, chapter 20, M.R.Civ.P., Rules 12(c), 12(d), 12(h); Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
Power of attorney, statutory — authority, 72-31-232
Prejudgment interest, 27-1-210, See also **Interest on**
Presumption created by, 26-1-601, 26-3-205
Principal debtors, designation, 25-9-202, 25-13-202
Professional and occupational licensees, unprofessional conduct, 37-1-316
Property
  perishable, appeal of judgment directing sale, Title 25, chapter 21, M.R.App.P., Rule 7
  personal property
    claim and delivery, 27-17-401 — 27-17-405
    delivery, judgment for, 27-1-432
  real property, See **PROPERTY, REAL**
  specific acts and vesting title, judgment for, 25-13-201 — 25-13-203; Title 25, chapter 20, M.R.Civ.P., Rule 70
Public assistance
  medicaid medical assistance liens and recoveries, 53-6-143, 53-6-171, 53-6-174
  subrogation, 53-4-248
  support rights, assignment, 53-2-613
  third-party recoveries, lien on, 53-2-612
Publication, effect of judgment when service by, 25-3-505
Publication of decree, frequency, 25-3-502, 25-3-503
Public contractors or subcontractors, labor standards violations — contract ineligibility when, 18-2-432
Public employees' retirement systems, family law orders, 19-2-907
Public officers and employees, defense and indemnification when, 2-9-305
Public Service Commission actions, review by court, 69-3-404, 69-3-405
Purchase of judgment unlawful when, 3-1-606
Quiet title actions, See **QUIET TITLE**
Quo warranto, upon, 27-28-205, 27-28-207, 27-28-301, 27-28-304, 27-28-305, 27-28-308, 27-28-401, 27-28-501 — 27-28-503
Railroads
  grain warehouse or elevator, location and erection on right-of-way — proceedings for determination, 69-14-904, 69-14-905
  livestock, accidents involving, 69-14-708
  property, judgment liens against, 69-14-555
Real estate brokers and salespersons, unsatisfied judgments against, Title 37, chapter 51, part 5, See **REAL ESTATE BROKERS AND SALESPERSONS, Real estate recovery account**
Receivers to implement, 27-20-102
Reference of action, 25-9-104
Relief from judgment
  city court, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 22A
  extension of time, Title 25, chapter 20, M.R.Civ.P., Rule 6(b)
  grounds for, 26-3-105, 26-3-205; Title 25, chapter 20, M.R.Civ.P., Rule 60(b)
  justice's court, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 22A
  motion for, Title 25, chapter 20, M.R.Civ.P., Rules 60(b), 60(c)
  stay of execution pending appeal, Title 25, chapter 21, M.R.App.P., Rule 7
  stay of proceedings, Title 25, chapter 20, M.R.Civ.P., Rule 62(b)
Relief granted to equal party's entitlement, Title 25, chapter 20, M.R.Civ.P., Rule 54(c)
Renewal, 15-1-704, 25-13-102
Representative, against when counterclaim, 25-4-402
Res judicata, Title 25, chapter 20, M.R.Civ.P., Rule 8(c); Title 26, chapter 3
Restitution as, 46-18-247; Title 25, chapter 21, M.R.App.P., Rule 15

JUDGMENTS AND DECREES (Continued)

Reversal, See also **APPELLATE PROCEDURE**
    money, judgment for — instructions for allowance of interest, Title 25, chapter 21, M.R.App.P., Rule 31
    justice's or city courts, 25-33-302, 25-33-305
    supreme court, remedial powers, Title 25, chapter 21, M.R.App.P., Rule 15
    survival of action, 27-2-407
    writ of restitution, 7-4-2525, 7-32-2141
Review, 25-12-101, See **APPELLATE PROCEDURE**
Revival of judgment, 25-13-713
Sales, action for price, 30-2-709
Satisfaction of judgment, See also **EXECUTION**
    acknowledgment, 3-1-404, 25-9-311, 37-61-401
    docketing, 3-5-508, 25-9-311
    foreign judgments, 25-9-503
    future damages, periodic payment — purchase of approved annuity, 25-9-403, 25-9-412
    joint debtors, liability, See **Joint debtors, liability**
    lien extinguished by, 25-9-301 — 25-9-303
    power of attorney, statutory — authority, 72-31-232
    seizure of person or property to secure, Title 25, chapter 20, M.R.Civ.P., Rule 64
School districts, against, 2-9-316, 20-9-161, 20-9-403, 20-9-435, 20-9-471
Secured transactions
    excluded transactions, 30-9-104, 30-9-129
    secured party, reduction of claim to judgment — procedure, 30-9-501, 30-9-601
Securities
    living trust violations, 30-10-913
    registration statements, documents to accompany, 30-10-203 — 30-10-205
    violations, actions on, 30-10-305, 30-10-307
Security for judgment, 25-9-505, 27-18-101, 27-18-201
Separate trials, Title 25, chapter 20, M.R.Civ.P., Rule 13(i)
Set aside in justice's or city courts on question of law, procedure, 25-33-302, 25-33-303
Shoplifting, assignment of judgment, 27-1-718
Small claims court, 3-10-1005, 25-35-801, 25-35-803, 25-35-807
Snowmobile dealer's unlawful conduct, for loss or damage caused by, 23-2-619
Special improvement districts, validity of proceedings, 7-12-4256, 7-12-4257
Specific acts, 25-13-201 — 25-13-203; Title 25, chapter 20, M.R.Civ.P., Rule 70
State debt collection, offsets allowed when, 17-4-105
State land oil or gas leases, acquisition, 77-3-406
Statutes of limitation for actions upon, 15-16-701, 27-2-201
    joint debtors, discharge from liability, 25-15-104
Stay of execution, See **APPELLATE PROCEDURE**; **EXECUTION**
Stay of proceedings to enforce
    grounds, Title 25, chapter 20, M.R.Civ.P., Rule 62(b)
    injunction pending appeal, effect, Title 25, chapter 20, M.R.Civ.P., Rules 62(c), 62(g)
    multiple claims, stay pending completion of adjudication, Title 25, chapter 20, M.R.Civ.P., Rule 62(h)
    quo warranto, nonapplicability, 27-28-305
    security
        adverse party, for, Title 25, chapter 20, M.R.Civ.P., Rules 62(b), 62(c)
        waiver, Title 25, chapter 20, M.R.Civ.P., Rule 62(e)
    state government, in favor of, Title 25, chapter 20, M.R.Civ.P., Rule 62(e)
    supreme court power not limited, Title 25, chapter 20, M.R.Civ.P., Rule 62(g)
Submission of controversy without action, upon, 27-7-102 — 27-7-104
Summary judgment
    affidavits, Title 25, chapter 20, M.R.Civ.P., Rules 56(a), 56(b), 56(c), 56(e), 56(f), 56(g)
    city court, not allowed, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A

JUDGMENTS AND DECREES (Continued)
Summary judgment (Continued)
  claimant, for, Title 25, chapter 20, M.R.Civ.P., Rule 56(a)
  defendant, for, Title 25, chapter 20, M.R.Civ.P., Rule 56(b)
  dismissal of action
    failure to state a claim upon which relief can be granted, for — applicability, Title 25, chapter 20, M.R.Civ.P., Rule 12(b)
    notice before motion for, Title 25, chapter 20, M.R.Civ.P., Rule 41(a)
  issuance, Title 25, chapter 20, M.R.Civ.P., Rules 56(c), 56(d)
  judgment on the pleadings, applicability of laws, Title 25, chapter 20, M.R.Civ.P., Rule 12(c)
  justice's court, not allowed, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
  motion, Title 25, chapter 20, M.R.Civ.P., Rules 12(b), 56(a), 56(b), 56(c), 56(d), 56(e), 56(f)
  partial adjudication, Title 25, chapter 20, M.R.Civ.P., Rule 56(d)
  rules of evidence inapplicable, Title 26, chapter 10, M.R.Ev., Rule 101
  securities fraud, private actions, 30-10-319
Supplementary proceedings to and in aid of judgment, applicability of laws, Title 25, chapter 20, M.R.Civ.P., Rule 69
Sureties, 25-9-202, 25-13-104, 25-13-105, 26-3-104, 28-11-404
Taxes
  delinquent, collection — applicability of laws, 15-1-706
  individual income tax
    "agent orange" judgments, exemption from adjusted gross income, 15-30-111
    overpayments, determination, 15-30-149
  judgment or lien, tax due as, 15-16-401
  liens, applicability of laws, 15-1-701, 15-1-704, See also **LIENS**, specific tax area
  personal property, collection by suit, 15-16-504
  privilege tax on use of tax-exempt property, delinquent — applicability of laws, 15-24-1206
  property tax appeals, 15-8-115, See also **TAX APPEAL BOARDS**
  protest payments, actions to recover, 15-1-402
  tax deed quiet title actions, 15-18-412
Teachers' retirement system, family law orders, 19-20-305
Telemarketers
  damages, for, 30-14-1413
  principal or manager, effect on application for registration, 30-14-1404
Third-party claims, Title 25, chapter 20, M.R.Civ.P., Rule 14(a)
Timeshare sales violations, recovery of interest in property, 37-53-505
Tobacco product manufacturers, claims against — reserve fund for, 16-11-403
Trust indenture, deficiency judgment not allowed, 71-1-317
Trusts, See **TRUSTS**
Unemployment insurance, unpaid taxes — effect, 39-51-1304
Unfair trade practices, 30-14-131 — 30-14-133
Unknown parties defendant, effect of judgment, 25-3-505
Urban renewal, real property, 7-15-4206, 7-15-4260
Utilities
  electric facilities providers, injunction — action to make permanent or to dissolve temporary restraining order, 69-5-111
  meters, bypassing or tampering with — recovery of reasonable value of services, 69-4-1104
Voluntary partial payments of liability claims, effect, 26-1-706
Wage claim proceedings, 39-3-212, 39-3-214
  mineral and oil industry employees, 39-3-509, 39-3-512, 39-3-513
  reciprocal agreements for enforcement, 39-3-303 — 39-3-305
Water use
  adjudication of rights
    preliminary decrees, objections allowed when, 85-2-233
    reopened decrees, objections allowed when, 85-2-237
  water commissioners — effect of orders fixing fees, compensation, and expenses, 85-5-206, 85-5-408

JUDGMENTS AND DECREES (Continued)
Water use (Continued)

watercourses, name changes, 85-2-134
Workers' compensation
  subrogation, 39-71-414
  uninsured employers
    compensation to employee or employee's beneficiaries, 39-71-511, 39-71-518
    unpaid penalties and claims, 39-71-506
Youth court, 23-5-158, 41-5-1423, 41-5-1431, 41-5-1512, 45-5-624

JUDICIAL BRANCH
  See also **COURTS GENERALLY**; **JUDGES AND JUSTICES**
Appropriations
  claims for disbursements, 17-8-202
  general appropriation bill, Const., V, 11
  general fund spending reductions, 17-7-140
  nongeneral fund money, expenditure first, 17-2-108
Audit costs and contracts, Title 5, chapter 13, part 4
Budget and budget amendments, Title 17, chapter 7
Communications systems, rules, 2-17-302
Constitutional provisions, Const., VII
Contracts, public, Title 18, See **PUBLIC CONTRACTS**
Criminal history record information accuracy, rulemaking, 44-5-213
Data and information technology resources, security, 3-2-605
Electronic or nonprint information, public access, 2-6-110
Employees or judges, See also **PUBLIC OFFICERS OR EMPLOYEES**, generally
  group insurance, Title 2, chapter 18, part 7
  incentive program, Title 2, chapter 18, part 11
  state employee classification and compensation plans, exception, 2-18-103
  subpoenas, compensation for time spent answering, 26-2-515
Employment preferences
  indian reservation residents, for state jobs, 2-18-111
  veterans or persons with disabilities, Title 39, chapters 29 and 30
Energy conservation program, Title 90, chapter 4, part 6
Ethanol-blended fuel, use in state vehicles — requirements, 2-17-414
Ethics, code of — nonapplicability, 2-2-102
Legislative Law, Justice, and Indian Affairs Interim Committee — liaison with, 5-5-226
Printing provisions, 18-7-302, See **PUBLIC CONTRACTS, Printing**, state printing
Privatization of state programs, Title 2, chapter 8, part 3
Public participation in government provisions, exception, 2-3-102
Purchase of goods and services, Title 18, chapter 4
Records management procedures, 2-6-203, 22-3-203
Separation of powers, Const., III, 1
Smoking areas, designation, Title 50, chapter 40, part 2

JUDICIAL NOMINATION COMMISSION, Title 3, chapter 1, part 10
  See **JUDGES AND JUSTICES**

JUDICIAL NOTICE OF FOREIGN LAW ACT, UNIFORM, Title 26, chapter 10, M.R.Ev., Rule 202
  See **EVIDENCE, Judicial notice**

JUDICIAL STANDARDS COMMISSION, Const., VII, 11; Title 3, chapter 1, part 11
  See **JUDGES AND JUSTICES**

JUNK DEALERS
  See **PAWNBROKERS AND JUNK DEALERS**

JUNK VEHICLES
  See **MOTOR VEHICLES AND TRAFFIC REGULATIONS, Wrecking facilities and graveyards**

JUNKYARDS
Agreements with United States, 75-15-204
Definitions, 75-15-203
Injunction, 75-15-205
Interpretation of provisions, 75-15-202
Licenses, 49-3-204, 75-15-211, 75-15-214, 75-15-215
Location, restrictions, 75-15-215
Nuisances, as, 75-15-201, 75-15-205
Purpose of provisions, 75-15-201
Relocation, removal, or disposal, 75-15-223
Rules, 75-15-215, 75-15-222, 75-15-223
Screening, 75-15-214, 75-15-215, 75-15-222, 75-15-223

JURIES AND JURORS
Absence of jury, 25-7-303, 25-7-401, See also **Deliberations**
Additional jurors, 3-15-506, 25-7-206, 25-7-304; Title 25, chapter 20, M.R.Civ.P., Rule 47(b)
Advisory jury, Title 25, chapter 20, M.R.Civ.P., Rule 39(c)
Affidavits of jurors, 3-15-313, 3-15-405, 25-11-102; Title 26, chapter 10, M.R.Ev., Rule 606
Alternate jurors, 25-7-304; Title 25, chapter 20, M.R.Civ.P., Rules 47(b), 47(c)
Approval of jurors, 25-7-205
Arrest or attachment of juror to compel attendance, 3-15-321
Attendance of jurors, 3-15-501
  failure to attend, 3-1-501, 3-15-321, 25-7-206
  record of, 3-5-510, 3-15-204
Bribery of, 45-7-101
Call of jurors at opening of court, 3-15-507; Title 25, chapter 20, M.R.Civ.P., Rule 47(b)
Challenges for cause, 25-7-221, 25-7-223; Title 25, chapter 20, M.R.Civ.P., Rules 47(a), 47(b), 47(c)
  additional jurors subject to same rules, 25-7-206
  referees, applicability of laws, 25-7-702
Challenges, peremptory, 25-7-221, 25-7-224; Title 25, chapter 20, M.R.Civ.P., Rules 47(b), 47(c)
  additional jurors subject to same rules, 25-7-206
Challenges to panel or array, 25-7-221, 25-7-222
Charge of jury, 25-7-301, See also **Instructions to jury**
City courts, See **Limited jurisdiction, courts of; CITY COURTS, Juries and jurors**
Communication with
  contempt when, 3-1-501
  criminal charges, 45-7-102
  prohibited when, 25-7-402, 25-7-403
  view of premises, during, 25-7-401
Compensation, See **Fees**
Competency of jurors, See **Qualifications of jurors**
Computer database for selection of jurors, 3-15-403, 3-15-404, 3-15-503, 3-15-506, 3-15-601, 3-15-602
Consent, jury trial by, 25-7-102; Title 25, chapter 20, M.R.Civ.P., Rule 39(c)
Contempt of court when, 3-1-501, 45-7-309
Coroner's jury, See **COUNTY CORONER, Inquests**
Criminal proceedings, See **CRIMINAL PROCEDURE**
Defamation, issues of fact and law — determination, 46-16-103; Const., II, 7
Definitions, 1-1-202, 3-15-101, 3-15-103 — 3-15-105, 45-2-101

JURIES AND JURORS (Continued)

Deliberations, 25-7-403
  alternate juror, call during, Title 25, chapter 20, M.R.Civ.P., Rule 47(c)
  court's activity during, 25-7-303
  information requests, 25-7-405
  papers which may be taken to jury room, 25-7-404
  presumption on all matters within issues, 26-1-602
Designation of action, Title 25, chapter 20, M.R.Civ.P., Rule 39(a)
Discharge from service as juror, 3-15-312
  alternate jurors, Title 25, chapter 20, M.R.Civ.P., Rule 47(c)
  ballots, return to jury box, 25-7-208
  confinement of deliberating jury until, 25-7-403
  illness of juror, 25-7-304
  nonjudicial day, 3-1-302
  retrial, 25-7-305
  verdict, upon agreement on, 25-7-501
Disqualification of jurors, 3-15-303; Title 25, chapter 20, M.R.Civ.P., Rule 47(c)
District courts
  instructions and verdict forms, Title 25, chapter 19, M.U.Dist.Crt.Rule 7
  pretrial procedure, Title 25, chapter 19, M.U.Dist.Crt.Rule 5
  questionnaire, completion by jurors, Title 25, chapter 19, M.U.Dist.Crt.Rule 9
  trial juries, See this heading generally
Drawing of trial jury, 3-15-501, 3-15-503, 25-7-202 — 25-7-206
  alternate jurors, Title 25, chapter 20, M.R.Civ.P., Rule 47(c)
  defect, 25-7-222
  limited jurisdiction, courts of, 3-15-704
  multijudge district, drawing in, 3-15-504
Embracery, See **Influence on jury, improper**
Eminent domain proceedings, trial by jury, 70-30-107, 70-30-304
Evidence, specific provisions, See also **EVIDENCE**
  confessions, hearings to be out of hearing of jury, Title 26, chapter 10, M.R.Ev., Rule 104
  deliberations, 25-7-404, 25-7-405
  inadmissible evidence, suggestion to jury to be prevented, Title 26, chapter 10, M.R.Ev., Rule 103
  instructions on, See **Instructions to jury**
  issues of fact, determination by, 26-1-202, 26-1-602
  view of premises, 25-7-401
  weight of evidence judged by, 25-7-103, 26-1-203, 26-1-303, 26-1-403
  witnesses
    called or examined by court, objections when jury not present, Title 26, chapter 10, M.R.Ev., Rule 614
    credibility, jury exclusive judge, 26-1-302
Examination, Title 25, chapter 19, M.U.Dist.Crt.Rule 9; Title 25, chapter 20, M.R.Civ.P., Rules 47(a), 47(b), 47(c)
Exclusion from court proceedings
  juror as witness, objection to, Title 26, chapter 10, M.R.Ev., Rule 606
  witness called or examined by court, objections, Title 26, chapter 10, M.R.Ev., Rule 614
Exclusion of juror, permanent when, 3-15-313, 3-15-402
Excuse of juror, 3-15-312, 3-15-313, 3-15-411, 3-15-501, 25-7-206
  affidavit to claim, 3-15-313, 3-15-405
  ballot, return to box, 25-7-209
  for cause, Title 25, chapter 20, M.R.Civ.P., Rule 47(b)
  forfeiture of fees, 3-15-201, 3-15-203
  public employees, 2-18-619
Fees
  courts not of record, 3-15-203

JURIES AND JURORS (Continued)
Fees (Continued)

- courts of record, 3-15-201
- duties of clerk of district court, 3-5-510, 3-15-204
- mileage, allowance and computation, 2-18-503, 2-18-504
- parties, assessment of jury impaneling expenses, 3-15-205
- public employees, 2-18-619

Fine for failure to attend, 3-15-321, 25-7-206
Forcible entry and detainer and unlawful detainer, trial by jury, 70-27-201
Grand jury, See **CRIMINAL PROCEDURE**
Illness of juror, 25-7-304
Impaneling, 3-15-509; Title 25, chapter 20, M.R.Civ.P., Rule 47(b)
- limited jurisdiction, courts of, 3-15-705

Indictment by, See **CRIMINAL PROCEDURE, Grand jury**
Inferences, 26-1-501, See **EVIDENCE, Inference**
Influence on jury, improper
- contempt, as, 3-1-501
- criminal charges, 45-7-101, 45-7-102
- new trial, grounds for, 25-11-102
- witness, juror as, Title 26, chapter 10, M.R.Ev., Rule 606

Initial panel, Title 25, chapter 20, M.R.Civ.P., Rule 47(b)
Inquest, juries of, See **COUNTY CORONER**
Instructions to jury, Title 25, chapter 19, M.U.Dist.Crt.Rule 7; Title 25, chapter 20, M.R.Civ.P., Rule 51
- alternate jurors, conduct regulated by, Title 25, chapter 20, M.R.Civ.P., Rule 47(c)
- burden of persuasion, standard of proof required to meet, 26-1-403
- evaluation of evidence, 26-1-303
- forms, Title 25, chapter 19, M.U.Dist.Crt.Rule 7
- general verdict, on, Title 25, chapter 20, M.R.Civ.P., Rule 49(b)
- judicial notice, Title 26, chapter 10, M.R.Ev., Rule 201
- limited admissibility of evidence, Title 26, chapter 10, M.R.Ev., Rule 105
- nonjudicial days, 3-1-302
- pretrial conference, subject of, Title 25, chapter 20, M.R.Civ.P., Rule 16(c)
- ruling on, 25-7-301; Title 25, chapter 20, M.R.Civ.P., Rule 51
- separation, admonition upon, 25-7-402
- special verdicts, on, Title 25, chapter 20, M.R.Civ.P., Rule 49(a)
  - request for, service in writing of issues or questions of fact, Title 25, chapter 19, M.U.Dist.Crt.Rule 7
- when given, 25-7-301; Title 25, chapter 20, M.R.Civ.P., Rule 51
- written findings and interrogatories, for, Title 25, chapter 20, M.R.Civ.P., Rule 49

Intimidation and harassment by extremists, remedy, Title 27, chapter 1, part 15
Issues of fact, decision by, 3-15-101, 3-15-104, 25-7-103, 25-7-302, 25-31-803, 26-1-202, 26-1-602; Const., II, 7
Issues of law, determination when, Const., II, 7
Judges at chambers, power to obtain jury, 3-5-311
Jury box, 3-15-404, 3-15-503, 3-15-601
- ballots
  - drawing, 25-7-202 — 25-7-204, 25-7-206
  - jurors not sworn, return to box, 25-7-209
  - segregation when juror sworn, 25-7-208

Jury commissioner, 3-15-404
- computer database, entry of jury list, 3-15-404
- discharge of jurors by, 3-15-312, 3-15-313
- drawing of jurors by, 3-15-503, 3-15-506, 25-7-202, 25-7-204, 25-7-206
- grand jury, summoning of, 3-15-602
- jury box, preparation and keeping, 3-15-404

JURIES AND JURORS (Continued)

Jury lists
  clerk of district court, to, 3-15-403, 46-17-202
  compilation, 3-15-401
  computer database, entry, 3-15-404
  county coroner, to, 46-4-202
  limited jurisdiction, courts of, 46-17-202
  new counties, for, 7-2-2421 — 7-2-2424
  new list, effect, 3-15-411
  omission of name when, 3-15-403
  public availability, 3-15-403, 3-15-601
  selection of persons, 3-15-402
Justices' courts, See **Limited jurisdiction, courts of**; **JUSTICES' COURTS**, **Juries and jurors**
Kinds of juries, 3-15-102
Limited jurisdiction, courts of, See also **CITY COURTS**; **JUSTICES' COURTS**
  call of jurors summoned, 3-15-704
  criminal proceedings, 46-17-201, 46-17-202, 46-17-311, 46-17-403
  drawing, 3-15-704
  impaneling, 3-15-705
  number of jurors, 3-15-106, 3-15-107, 3-15-704
  right to jury trial in, 25-30-105, 25-35-605
  summoning, 3-15-701 — 3-15-703
Mandamus, upon writ of, 27-26-303
Mentally ill persons, commitment proceedings, 53-21-120, 53-21-125, 53-21-126
Misconduct, 3-1-501, 25-11-102
Municipal courts, See **Limited jurisdiction, courts of**
New jury while another is impaneled, 25-7-203
Notice to persons drawn as jurors, 3-15-405
Notice to selected jurors, 25-7-206
  defect, 25-7-222
Number of jurors, 3-15-106, 3-15-501, 25-7-205, 25-7-224; Const., II, 26; Title 25, chapter 20, M.R.Civ.P., Rules 47(b), 48
  limited jurisdiction, courts of, 3-15-106, 3-15-107, 3-15-704
Oath, 25-7-205, 25-7-207, 25-7-304; Title 25, chapter 20, M.R.Civ.P., Rule 47(c)
"One-day or one-trial" basis, 3-15-501
Order for trial by jury, Title 25, chapter 20, M.R.Civ.P., Rule 39(b)
Order for trial jury to be drawn and summoned, 3-15-501
Partition proceedings, 70-29-201
Police, exemption from jury duty, 7-32-4115
Poll of jury, 25-7-501
Public employees as jurors, 2-18-604, 2-18-619
Punitive damages, determination when, 27-1-221
Qualifications of jurors, 3-15-301, 3-15-302
  alternate jurors, Title 25, chapter 20, M.R.Civ.P., Rule 47(c)
  lack of, grounds for challenge, 25-7-223
  limited jurisdiction, courts of, 3-15-702
  notice to persons drawn as jurors, 3-15-405
Questionnaire, completion by jurors, 3-15-405; Title 25, chapter 19, M.U.Dist.Crt.Rule 9
Questions of fact, decision by, 3-15-101, 3-15-104, 25-7-103, 25-7-302
Quo warranto proceedings, 27-28-207
Retirement, See **Deliberations**
Right to jury trial, Const., II, 26; Title 25, chapter 20, M.R.Civ.P., Rule 38(a)
  beer brewer, importer, and wholesaler agreements — recognition, 16-3-222
  declaratory judgment, effect of demand for, Title 25, chapter 20, M.R.Civ.P., Rule 57
  default judgment, in proceedings for, Title 25, chapter 20, M.R.Civ.P., Rule 55(b)

JURIES AND JURORS (Continued)
Right to jury trial (Continued)

- demand of trial by right, Title 25, chapter 20, M.R.Civ.P., Rule 38(b)
  - agricultural chemical ground water protection administrative civil penalty, appeal of assessment, 80-15-412
  - designation of action, Title 25, chapter 20, M.R.Civ.P., Rule 39(a)
  - failure to demand, Title 25, chapter 20, M.R.Civ.P., Rules 38(d), 39(b)
  - issues, specification, Title 25, chapter 20, M.R.Civ.P., Rule 38(c)
- estate and probate matters, 72-1-208
- guardianship proceedings, 72-5-315
- limited jurisdiction, courts of, 25-30-105, 25-35-605
- nonexistence of right, Title 25, chapter 20, M.R.Civ.P., Rule 39(a)
- table wine supplier and distributor agreements, recognition, 16-3-416
- trusts, internal affairs — no jury, 72-35-107
- waiver of right, 3-5-115, 31-1-723, 41-5-1502, 72-1-208; Title 25, chapter 20, M.R.Civ.P., Rules 38(d), 49(a)

Selection of jury when, 25-7-201
Separation of jury, admonition, 25-7-402
Small claims courts, 25-35-605
Summoning of jurors, 3-15-501, 3-15-504
- additional jurors, 3-15-506, 25-7-206
- defect, 25-7-222
- limited jurisdiction, courts of, 3-15-701 — 3-15-703

Term of service, 3-15-411
Threats and other improper influence on, 45-7-102
Trial jury, 3-15-102, 3-15-104, See this heading generally; See also **CIVIL PROCEDURE**; **CRIMINAL PROCEDURE**
Unauthorized communications to, 45-7-102
Verdict, See specific court; **CIVIL PROCEDURE**; **CRIMINAL PROCEDURE**
View of premises, 25-7-401
Voir dire examination, 46-11-503; Title 25, chapter 19, M.U.Dist.Crt.Rule 9; Title 25, chapter 20, M.R.Civ.P., Rule 47(b); Title 25, chapter 24, M.U.R.J.C.C., Rule 20
Witnesses
- called by court, objections when jury not present, Title 26, chapter 10, M.R.Ev., Rule 614
- credibility, jury exclusive judge, 26-1-302
- juror as, Title 25, chapter 20, M.R.Civ.P., Rule 47(a); Title 26, chapter 10, M.R.Ev., Rule 606
  - witness to previous action, ground for challenge as juror, 25-7-223
- "oral examination" defined, 1-1-202

Youth court, jury trial when, 41-5-1502

JURISDICTION
- See also specific court or subject matter; **CONFLICT OF LAWS**; **FOREIGN LAWS**; **SOVEREIGNTY**

Benton Lake wildlife refuge, 87-1-707
Big Hole National Battlefield, 2-1-213, 2-1-214
Big Horn Canyon, 2-1-214
Bison and big game animals, exhibition park for, 87-1-711
Blackfeet highway, 2-1-206
Cession, Title 2, chapter 1, part 2
Child custody
- parenting proceedings, 40-4-211
- uniform child custody jurisdiction and enforcement act, Title 40, chapter 7, part 1

Child support, 40-4-210, 40-5-145, 40-5-148, 40-5-231, See also **CHILD SUPPORT**
Courts, exercise, 3-1-113, 26-1-602, See also **CIVIL PROCEDURE, Jurisdiction of courts**
Courts-martial, 10-1-403
Criminal offenses, See **CRIMINAL PROCEDURE**
Death, investigation, 46-4-101

JURISDICTION (Continued)

Federal buildings, legislative jurisdiction, 2-1-203
Federal enclaves, in, 2-1-201
Federal lands, on, 2-1-202, 2-1-205 — 2-1-208, 2-1-213 — 2-1-216
Foreign-trade zones, 30-15-103
Forest purposes, national — purchase by united states of lands for, 2-1-210
Fort Harrison Veterans Center, 2-1-212
Fort Peck Dam territory, 2-1-209
Fort Union Trading Post, 2-1-214
Full faith and credit, See this heading generally; **EVIDENCE, Judicial records**; **JUDGMENTS AND DECREES, Foreign**
Glacier National Park, 2-1-205, 2-1-206
Grant-Kohrs National Historic Site, 2-1-214
Health care benefits, providers of — determination, Title 33, chapter 1, part 11, See **INSURANCE, DISABILITY, Jurisdiction of providers of health care benefits, determination**
Indian lands, on, Title 2, chapter 1, part 3, See also **INDIANS**
Juveniles, Interstate Compact on, 41-6-101
Long arm statutes, See **LONG ARM STATUTES**
Migratory bird reservations, lands for, 2-1-211, 87-1-705
Military courts, 10-1-401, 10-1-403
Military reservations, on, 2-1-204
Montana Agricultural Center and Museum of the Northern Great Plains, 23-1-109
Multistate Tax Compact, 15-1-601
National park purposes, lands dedicated to, 2-1-205 — 2-1-208, 2-1-213 — 2-1-216
Nonresidents, See **LONG ARM STATUTES**
Notaries public, 1-5-415
Personal, See **CIVIL PROCEDURE, Jurisdiction of persons**
Placement of Children, Interstate Compact on the, 41-4-101, See also **MINORS**
Planning boards, Title 76, chapter 1, part 5, See **PLANNING BOARDS, Jurisdictional area**
Quiet title to tax deed, action to, 15-18-411
Retrocession, Title 2, chapter 1, part 2
State, Title 2, chapter 1, parts 1 — 3
State parks, recreational areas, and historical sites, 23-1-102
Subject, See **CIVIL PROCEDURE, Jurisdiction of subject**
Tactical incident assistance, 10-3-702, 10-3-703
Territorial extent, 2-1-102
Timeshare instruments designating jurisdiction outside state, void when, 37-53-306
Transfers to minors, custodian, 72-26-503
Uniform Transboundary Pollution Reciprocal Access Act, 75-16-103, See also **POLLUTION**
United States, over lands purchased by, 2-1-202, 2-1-210, 2-1-211
Yellowstone National Park, 2-1-207, 2-1-208

JURISDICTION TO DETERMINE JURISDICTION OF PROVIDERS OF HEALTH CARE BENEFITS ACT, Title 33, chapter 1, part 11
See **INSURANCE, DISABILITY**

JURISPRUDENCE, MAXIMS OF, Title 1, chapter 3
See **LAW, Maxims of jurisprudence**

JUSTICE AND CITY COURT RULES OF CIVIL PROCEDURE, Const., VII, 2; Title 25, chapter 23
See generally **CITY COURTS**; **JUSTICES' COURTS**

JUSTICE, DEPARTMENT OF, 2-15-104; Title 2, chapter 15, part 20
  See also **EXECUTIVE BRANCH**
Adoptive parents, prospective — information required for preplacement evaluation, 42-3-203
Alcoholic beverages, investigations, Title 16, chapters 1 — 4, 6
Amusement games, duties, 23-6-104, 23-6-105
Arsonist, written notice of release from state facility, 53-1-104
Attorney general as department head, 2-15-2001, See **ATTORNEY GENERAL**
Boats, duties, 61-3-345, 61-3-347; Title 23, chapter 2, part 5
Buildings, use and equipment regulations, 50-60-202, 50-60-204
Carnival games, duties, 23-6-104, 23-6-105
Cigarette tax enforcement, Title 16, chapter 11, part 1
Concealed weapons, carrying
  exemption from criminal provisions, 45-8-317
  permits, forms by and copies to, 45-8-322
County coroner, education costs, 7-4-2905
County attorney
  salary, inclusion in department budget, 7-4-2502, 17-7-112
  training coordinator, position created, 44-4-101 — 44-4-103, 44-4-111, 44-4-112
  vacancy in office, certification of election or appointment and salary computation, 7-4-2502
County Motor Vehicle Computer Committee, allocation and appointments to, 61-3-346
County motor vehicle computer system user advisory group, representation on, 61-3-345
Crime Control, Board of — allocation, 2-15-2006, See **CRIME CONTROL**
Crime victims compensation, supervision, Title 53, chapter 9, part 1
Criminal identification, state system, 44-2-201, 44-2-202, 44-2-205, 44-2-206
Criminal investigations, agents and assisting personnel, 19-7-101, 44-2-111, 44-2-113 — 44-2-116
Criminalistics, laboratory of, 44-3-214, 44-3-301 — 44-3-303
Criminal justice information, authority, Title 44, chapter 5
Developmental disabilities, persons with — certification of community homes, 53-20-307
Disabilities, persons with — fire and safety certification and licensing requirements for community homes, 52-4-204, 52-4-205
Divisions
  crime control, 50-16-530; Title 53, chapter 9, part 1
  forensic sciences, 44-3-104, 46-4-123, 61-8-404
  highway traffic safety, 61-13-105
  law enforcement services, consolidation of offices outside helena — exemption, 2-17-101
  motor vehicle, 2-17-101, 42-2-214, 61-3-342, 61-3-345, 61-4-122, 61-11-102, 81-5-104
DNA testing and procedures, duties, 44-6-101 — 44-6-103, 44-6-106 — 44-6-108, 44-6-110
Drug abuse resistance education trust fund account, use restrictions, 44-2-705
Drugs and controlled substances, authority, 44-2-115, 44-12-201, 44-12-206, 50-32-401 — 50-32-404
Emergencies or disasters
  hazardous material incidents, state emergency response commission — representation on, 10-3-1204
  national defense highway plans, 10-3-107
Emergency medical services or technicians, authority, 50-6-104, 50-6-203
Employees
  civilian inspectors as peace officers, 44-1-1005
  gambling activities, participation in — prohibited when, 23-5-114
  subpoenas, compensation when answering, 2-18-626
Environmental audits, voluntary — responsibilities, 75-1-1203 — 75-1-1206, 80-1-303 — 80-1-306
Explosives, duties, 45-8-332, 50-3-102

JUSTICE, DEPARTMENT OF (Continued)

Fire hazards, removal — duties, Title 50, chapter 62, See **FIRES AND FIRE PROTECTION, Hazards**
Fire marshal, state, 2-15-2005
Fire prevention and investigation, duties, 2-17-112, 75-11-302; Title 50, chapters 3 and 63, See also **FIRES AND FIRE PROTECTION**
Fire prevention and investigation program, 2-15-2005, See **FIRES AND FIRE PROTECTION**
Fire protection equipment sales, installation, or servicing — licensing duties, 50-39-103, 50-39-106
Fire safety in public buildings, duties, Title 50, chapter 61, See **FIRES AND FIRE PROTECTION**
Fire service areas, administration and enforcement, 7-33-2402, 50-61-102, 50-61-114, 50-63-202
Foreign capital depositories, as supervisory agency, 32-8-103, See **FOREIGN CAPITAL DEPOSITORIES, Supervisory agency**
Forensic science, duties, 61-8-404; Title 44, chapter 3
Gambling, regulation, 19-7-101, 44-2-115; Title 23, chapter 5
Gaming Advisory Council, allocation and appointments to, 2-15-2021
Governor, transportation provided to, 44-1-104
Health care facility emergencies, notice to department of public health and human services when, 50-5-115
Health care facility or physician cooperative agreements, mergers, or consolidations — duties, Title 50, chapter 4, part 6
Highway patrol officers, duties, 19-6-612; Title 44, chapter 1
Indigent persons, determination of indigence — form for financial statement, 25-10-404
Laboratories, operation, 44-3-301, 61-8-404
Law enforcement academy, duties, 44-10-201 — 44-10-203, 44-10-301
Law enforcement communications system, 2-17-306; Title 44, chapter 2, part 3
Legislative Law, Justice, and Indian Affairs Interim Committee — duties, 5-5-226
License plates, Title 44, chapter 4, part 2; Title 61, chapters 3 and 4
Medicaid fraud control unit, 53-6-156
Missing children information program, Title 44, chapter 2, part 5
Missing persons, duties, 44-2-401, 44-2-402
Motor carrier safety standards, responsibilities, 44-1-1005
Motorcycle Safety Advisory Committee, representation on, 20-25-1004
Motorcycle safety, duties, 20-25-1003, 61-9-417
Motor vehicles, authority and responsibilities, 15-8-202, 15-30-303, 19-8-301, 37-2-311, 44-1-1005, 61-1-301; Title 61
National Crime Information Center (NCIC), 44-2-503, 44-2-505, 61-3-106
Off-highway vehicles, duties, 61-3-345, 61-3-347; Title 23, chapter 2, part 8
Probation officers, juvenile — training and qualifications, 41-5-1702, 41-5-1706
Public assistance investigations and enforcement actions, Title 53, chapter 2, part 5
School building plan and specification regulations, 20-6-624
School buses, duties, See **SCHOOL TRANSPORTATION, Buses**, generally
School safety patrols, duties, 20-1-408
Sexual or violent offender registration
  change of address, notification, 46-23-505
  location of residence, statement, fingerprints, and photographs to, 46-23-503, 46-23-504
Small business registration and licensing system plan, cooperation in implementation, 30-16-303
Smoke detectors, residential — rules for installation, 70-24-303
Snowmobiles, duties, 61-3-345, 61-3-347; Title 23, chapter 2, part 6
Taxation
  indian tribes, motor fuels taxes
    cooperative agreements, negotiating team representation, 15-70-234

JUSTICE, DEPARTMENT OF (Continued)
Taxation (Continued)
    indian tribes, motor fuels taxes (Continued)
        tribal motor fuels administration account, use, 15-70-235
    inheritance tax laws, enforcement, 72-16-201, 72-16-208, 72-16-210
    manufactured homes considered as improvements, documents required, 15-1-116, 15-1-117
Traffic regulations, authority and responsibilities, Title 61
Underground storage tanks, duties, 75-11-302, 75-11-505
Voter lists of new voters supplied by, 13-38-103
Workers' compensation fraud investigation and prosecution, office of — establishment and funding, 2-15-2015, 39-71-211, 39-71-316
Youth court
    driver's license of youth, confiscation — notification, 41-5-1304, 41-5-1512
    fingerprint records and photographs, use, 41-5-1206

JUSTICES' COURTS
    See also **COURTS GENERALLY**
Acknowledgments
    justice's power to take and certify, 3-1-404, 3-1-405
    service of papers not process, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 5C
Adjournment, See also **Postponement**
    application of party, 25-31-709
    docketing, 3-10-501
    time limits, 25-31-702, 25-31-709
Affidavits
    arrest, prejudgment
        defendant, 27-16-1003
        plaintiff, 27-16-1002, 27-16-1006
    attachment of property, plaintiff, 27-18-1501
    claim and delivery, plaintiff, 27-17-102
    interpleader, 25-31-119
    judgment, showing cause for relief, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 22A
    justices of the peace, disqualification, 3-1-805
    justice's power to take and certify, 3-1-404, 26-1-1003
    postponement, application of party, 25-31-706
    service of papers not process, proof of service, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 5C
    service of process, affidavits pertaining to, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
    undertaking on appeal, sufficiency of sureties, 25-33-203
    venue, change of, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C
Answer, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 7, 21A
    amended pleadings, to, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 8B, 8D
    arrest, prejudgment, 27-16-1006
    guardian ad litem, appointment before, 25-31-602
    issues of fact arise from, 25-31-802
    reply to, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 7, 21A
    time for, 25-31-406; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 3C, 4C
    transfer to district court upon, when, 25-31-102
Appeals to district court, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 24
    concealed weapons, permits to carry — denial or revocation, applicability, 45-8-324
    costs, 25-33-304, 25-33-305
    criminal proceedings, 46-17-304, 46-17-311
    default judgment, from, 25-33-303
    delay, effect, 25-33-304
    dismissal, 25-33-207, 25-33-304
    docketing, 3-10-501
    exclusive method of review, 25-33-101
    fees, 25-31-112
    judgment of district court, effect, 25-33-306

JUSTICES' COURTS (Continued)
Appeals to district court, Title 25, chapter... (Continued)

- jurisdiction, 3-5-303
- notice of, 25-33-103, 25-33-104, 25-33-208
  - docketing, 3-10-501, 3-10-1005
- papers to be transmitted, 25-33-104, 25-33-301
- partner or family member assault protection order, 40-15-302
- pleadings, 25-33-301, 25-33-303
- reversal or set aside of judgment, procedure upon, 25-33-302
- rules of appellate procedure, applicability, Title 25, chapter 21, M.R.App.P., Rule 52
- small claims court, from, 3-10-1005, 25-35-803, See also **SMALL CLAIMS COURTS**
- suspended sentence, revocation, 46-17-311
- taken how, 25-33-103
- time for, 25-33-102
- trial de novo, 25-33-301, 25-33-302, 25-35-803
- undertaking on, 25-33-104, 25-33-201, 25-33-208; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 24
  - defective undertaking, 25-33-207
  - deposit of money in lieu of, 25-33-205, 25-33-206; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 24
  - docketing, 3-10-501, 3-10-1005
  - justification of sureties, 25-33-203
  - prevailing party, when appeal by, 25-33-202
  - stay of execution, 25-33-201, 25-33-204
  - waiver when, 25-33-201, 25-33-206
- unsuccessful appeal, 25-33-305

Appearance of parties, 25-31-601
- arrest, prejudgment, 27-16-1001, 27-16-1003
- continuance not granted when, Title 25, chapter 24, M.U.R.J.C.C., Rule 18
- docketing, 3-10-501
- failure to appear, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 14C, 15C, 16A, 16B
- fee, 25-31-112
- jurisdiction acquired by, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4B
- motor vehicle violations, 61-12-208
- pretrial conference, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14; Title 25, chapter 24, M.U.R.J.C.C., Rule 16
- summons, directions in, 25-31-406; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4C
- time for, 25-31-406; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4C; Title 25, chapter 24, M.U.R.J.C.C., Rule 15
- trial date, setting, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 20

Applicability of laws, 3-10-111, 3-10-221, 25-31-111
Arraignments, time for, Title 25, chapter 24, M.U.R.J.C.C., Rule 15
Arrest, civil — judgment making defendant subject to, 25-31-908
Arrest, prejudgment
- affidavit, undertaking, and sureties of plaintiff, 27-16-1002, 27-16-1006
- answer or appearance, 25-31-406, 27-16-1003, 27-16-1006
- costs, 27-16-1005
- custody of defendant, 27-16-1005
- discharge of defendant, 27-16-1001, 27-16-1005, 27-16-1006
- docketing, 3-10-501
- municipal court, applicability, 25-30-101
- notice to plaintiff, 27-16-1004
- order, 27-16-1001, 27-16-1006
- postponement when, 25-31-707

Attachment of property, See **ATTACHMENT OF PROPERTY**
Attorney, who may act as, 25-31-601

JUSTICES' COURTS (Continued)

Bail bonds, payment, Title 25, chapter 24, M.U.R.J.C.C., Rule 17, See also **Arrest, prejudgment**
Boating violations, fine and bond forfeitures, 23-2-507
Briefs, filing, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14B; Title 25, chapter 24, M.U.R.J.C.C., Rules 6, 10
Budget, constable's fees credited to, 3-10-702
Caseload apportionment in multi-judge courts, Title 25, chapter 24, M.U.R.J.C.C., Rule 2
Citations, Title 25, chapter 24, M.U.R.J.C.C., Rule 4
City courts, combination with, 3-10-101
Claim and delivery, Title 27, chapter 17
Class actions not permitted, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 12D
Clerical mistakes, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 22B
Clerk of the court
  hours of court, posting, Title 25, chapter 24, M.U.R.J.C.C., Rule 15
  judgment, certification, 25-31-914
  pleadings, filing, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
  service of process, duties, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
  summons, issuance, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4C
Commencement of action, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 2
Complaint, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 7
  amendment, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 8B, 21A
  answer, See **Answer**
  caseload apportionment, effect, Title 25, chapter 24, M.U.R.J.C.C., Rule 2
  docket, Title 25, chapter 24, M.U.R.J.C.C., Rule 4
  filing, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 2, 3B
    fee, 25-31-112; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 2, 3B
  issues of fact arise from, 25-31-802
  landlord's action for possession or unlawful holdover, tenant's response, 70-24-429
  service, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 4C, 4D, 7
  signatures, genuineness, 25-31-512
Compromise before trial, offer to, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
Confession of judgment, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
  fee, 25-31-112, 27-9-104
  filing and costs, 27-9-104
  jurisdiction, 3-10-301, 27-9-101, 27-9-104
Constables, See also **CONSTABLES**
  attendance at court, 3-10-701
  deputy constables, 3-10-704, 3-10-705
  fees, 3-10-702
  powers and duties, laws governing, 3-10-702
  retiring constable, execution of process, 3-10-706
  salary and expenses, 3-10-703
Contempt, See also **CONTEMPT**
  acts which constitute, 3-10-401
  arrest when, 3-10-403
  commission in presence of court, 3-10-402
  commission not in presence of court, 3-10-403
  conviction, entry in docket, 3-10-405
  discovery rule or orders, noncompliance — effect of sanctions, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 13B
  judgment, review, 3-1-523
  pretrial conferences, noncompliance, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14C
  punishment, 3-10-402, 3-10-404
Continuance, See **Postponement**
Costs, See **Fees and costs**

JUSTICES' COURTS (Continued)

Counterclaim, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 7
  amendment, reply to, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 8C
  failure to assert, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4C
  judgment, 25-31-907
  reply to, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 7
  signatures, genuineness, 25-31-512
Court of justice, enumeration as, 3-1-101
Criminal proceedings, See also **CRIMINAL PROCEDURE**
  appeal, 46-9-107, 46-17-304, 46-17-311
  appearance and arraignments, time for, Title 25, chapter 24, M.U.R.J.C.C., Rule 15
  assigned counsel, 46-8-201
  charge upon defendant's conviction or forfeiture, imposition and disposition, 46-18-236, 46-18-251
  costs, 46-8-201, 46-18-235, 46-18-603
  discharge of defendant, 46-17-302
  docket, 46-17-102
  drug users, report to county attorney, 46-9-203
  fines, 46-17-302 — 46-17-304, 46-18-235, 46-18-603
  judgment, 46-9-107, 46-17-302
  juries and jurors, 3-15-705, 46-17-201, 46-17-202, 46-17-311; Title 25, chapter 24, M.U.R.J.C.C., Rule 19
  jurisdiction, 3-5-302, 3-10-303, 46-2-202, 46-2-203; Const., VII, 5
  plea of guilty or nolo contendere, 46-17-203
  postconviction hearing, petition, 46-21-101
  preliminary examination before, 3-10-303, 46-10-105; Const., VII, 5
  record, 46-17-102
  special master, justice of the peace as, 3-5-122
  trial de novo, 46-17-203, 46-17-311
Day-care facilities, actions concerning, 52-2-741
Decorum, Title 25, chapter 24, M.U.R.J.C.C., Rule 13
Default
  judgment, See **Judgment**
  parties, failure to appear, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 20
Depositions, 25-31-708; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 13A, 13B; Title 25, chapter 24, M.U.R.J.C.C., Rule 11
Disabilities, persons with — employment preference, Title 39, chapter 30
Discovery, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 13
  depositions as method of, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 13A, 13B; Title 25, chapter 24, M.U.R.J.C.C., Rule 11
Dismissal of action
  complaint, upon improper venue, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 3A, 3B
  counterclaim, when outside jurisdiction of court, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 7
  judgment, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
  misjoinder of parties not grounds, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 12C
  parties
    failure to proceed, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 16C
    real party in interest, failure to name, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 10B
    substitution, failure to make, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 11B
  plaintiff's failure to appear, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 16B
  state's liability at issue, 25-31-102
Dissolution of marriage or legal separation, restraining orders, 40-4-122 — 40-4-125
District court, transfer of action to, 25-31-102, 25-31-112
Docket, 3-10-501; Title 25, chapter 24, M.U.R.J.C.C., Rule 4
  acting justice, entries by, 3-10-232

JUSTICES' COURTS (Continued)
Docket (Continued)

- appeal
  - notice and undertaking, 3-10-501, 3-10-1005
  - transmittal of papers, 25-33-104
- confession of judgment, 27-9-104
- constable, deputy — entry of deputation, 3-10-704
- contempt, entry of conviction, 3-10-405
- criminal proceedings, 46-17-102
- entries, how made, 3-10-502, 3-10-1005
- evidence, prima facie — entries as, 3-10-502
- fees and costs, 3-10-501, 25-31-1002
- index required, 3-10-503; Title 25, chapter 24, M.U.R.J.C.C., Rule 4
- judgment, 3-10-501, 3-10-1005, 25-31-914; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
- jury trials, 3-10-501; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 15C
- papers filed, number included, Title 25, chapter 24, M.U.R.J.C.C., Rule 5
- small claims cases, entries, 3-10-1005
- successor in office, delivery to and jurisdiction, 3-10-511, 3-10-514
- transcript, transmittal when, 25-31-102; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C
- vacancy in office, deposit requirements, 3-10-512

Evidence

- deposition, by, 25-31-708
- discovery, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 13
- docket entries to be evidence of facts therein, 3-10-502
- exhibits or public records, Title 25, chapter 24, M.U.R.J.C.C., Rule 3
- inadmissible evidence, 25-31-101
- judgment, entry — pertaining to, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
- postponement for, 25-31-705
- presentation in trial, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 19
- pretrial conferences, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14B
- service of process, affidavit of inquiry for personal service, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
- small claims division, 25-35-702
- variance, 25-31-523

Excusable neglect, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 6B, 22A

Execution of judgment, 25-31-1104; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 23

- county or county officer, collection, 25-31-1111
- criminal proceedings, 46-17-302
- docketing, 3-10-501
- fee, 25-31-112
- imprisonment of judgment debtor, 25-31-1106
- small claims court, 25-35-807
- stay of execution, 25-33-201, 25-33-204

Exhibits, Title 25, chapter 24, M.U.R.J.C.C., Rule 3

Ex parte matters, Title 25, chapter 24, M.U.R.J.C.C., Rule 7

Facilities, provision for, 3-10-103; Const., VII, 5

Fees and costs, 25-31-112, 25-31-1002; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 17

- appeal
  - dismissal, 25-33-304
  - undertaking on, 25-33-201, 25-33-202; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 24
  - unsuccessful appeal, 25-33-305
- complaint, upon filing, 25-31-112; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 2, 3B
- confession of judgment, 27-9-104
- constable's fees, 3-10-702
- cost bill not necessary, 25-31-1002
- county or county officer, collection of judgment, 25-31-1111
- disposition, 3-10-222, 3-10-601, 3-10-602, 46-18-235

JUSTICES' COURTS (Continued)
Fees and costs (Continued)
  docketing, 3-10-501, 25-31-1002
  forest protection and fire protection, amount due — action to collect, 76-13-211
  judgment, 25-31-112; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
    inclusion in, 25-31-113
    relief from, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 22A
  payable when, 25-31-113
  plaintiff's failure to appear, costs awarded to defendant, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 16B
  pretrial conferences, noncompliance, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14C
  report of receipts, 7-6-2213, 7-6-2214
  security for costs, 25-31-402
  service of process, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
  small claims division, 25-35-608
  venue, upon change, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C
Files, Title 25, chapter 24, M.U.R.J.C.C., Rule 3
Fines, 3-10-601, 3-10-602, 46-17-302, 46-18-235
Forcible entry and unlawful detainer, Title 70, chapter 27
Forest protection and fire protection
  amount due, action to collect — fees or costs, 76-13-211
  fines for violations, 76-13-111, 76-13-114
Forfeitures, disposition, 3-10-601, 3-10-602
Frivolous claims or defenses, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14B
Holidays, 3-10-102; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 6A; Title 25, chapter 24, M.U.R.J.C.C., Rule 21
Hours of court, 3-10-102, 3-10-208; Title 25, chapter 24, M.U.R.J.C.C., Rule 15
In forma pauperis, 25-31-113, 25-33-201; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 2
Interpleader actions, 25-31-119
Interrogatories, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 13A, 13B
Issues, 25-31-801
  fact, 25-31-801 — 25-31-803
  inadmissible, those which are, 25-31-101, 25-31-102
  law, 25-31-801, 25-31-803, 25-33-302, 25-33-303
  tried by whom, 25-31-803
Joinder of claims or parties, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 12
Judgment
  amount exceeding jurisdiction of court, 25-31-906
  appeal, 25-33-101, 25-33-102; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 24
    default judgment, 25-33-303
    district court judgment on appeal, effect, 25-33-306
    reversal or set aside of judgment, procedure, 25-33-302
    undertaking on
      amount, 25-33-201
      money in lieu of, amount, 25-33-205
  arrest, when defendant subject to, 25-31-908
  clerical mistakes, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 22B
  confession of judgment, See **Confession of judgment**
  costs, inclusion in, 25-31-113
  counterclaim, when established, 25-31-907
  county or county officer, against — collection, 25-31-1111
  default, 25-31-406; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 7, 21A
    appeal, 25-33-303
    fee, 25-31-112
    summons, notice in, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4C
  docketing, 3-10-501, 3-10-1005
  enforcement, 25-31-707

JUSTICES' COURTS (Continued)
Judgment (Continued)

- entry, 3-10-501, 3-10-1005; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21
- execution, See **Execution of judgment**
- exhibits, withdrawal or disposal, Title 25, chapter 24, M.U.R.J.C.C., Rule 3
- fees, 25-31-112
- lien of judgment, 25-31-914
- multiple defendants, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21B
- relief from, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 22A
- signature of judge required, Title 25, chapter 24, M.U.R.J.C.C., Rule 8

Judicial power vested in, Const., VII, 1

Juries and jurors, See also **JURIES AND JURORS, Limited jurisdiction, courts of**

- alternate jurors, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 18C
- arrest, prejudgment, 27-16-1006
- bias or prejudice of jury, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C
- charge of jury, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 19
- criminal proceedings, 46-17-201, 46-17-202, 46-17-311
- demand for jury trial, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 15B, 15C
- docketing, 3-10-501; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 15C
- fees, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 17
- illness of juror, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 18C
- impaneling of jury, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 18B, 18C
- instructions to, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 14B, 19; Title 25, chapter 24, M.U.R.J.C.C., Rule 19
- number of jurors, 3-15-107, 46-17-201; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 18A
- request for, Title 25, chapter 24, M.U.R.J.C.C., Rule 12
- right to jury trial, 25-31-803, 46-17-201; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 15A
- verdict, See **Verdict**
- voir dire examination, Title 25, chapter 24, M.U.R.J.C.C., Rule 20
- waiver, 46-17-201; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 15C

Jurisdiction

- acting justice, 3-10-233
- alcoholic beverage code violations, 16-6-201, 41-5-203
- caseload apportionment, Title 25, chapter 24, M.U.R.J.C.C., Rule 2
- civil, 3-10-301, 3-10-304
- concurrent
  - city courts, 3-11-102, 3-11-302, 40-4-123, 40-15-301; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3A
  - district courts, 3-5-302, 3-10-302, 3-10-303, 16-6-201, 37-4-328, 40-4-123, 40-15-301
  - municipal court, 40-4-123, 40-15-301
  - youth court, 41-5-203
- confession of judgment, 3-10-301, 27-9-101, 27-9-104
- cosmetics, detained or embargoed adulterated or misbranded articles — condemnation order, 50-31-509
- criminal, 3-5-302, 3-10-303, 46-2-202; Const., VII, 5
- dentists, misdemeanors committed by, 37-4-328
- district courts
  - appellate jurisdiction, 3-5-303, 25-35-803, 46-17-203, 46-17-311
  - concurrent jurisdiction, 3-5-302, 3-10-302, 3-10-303, 16-6-201, 40-4-123
- drugs, detained or embargoed adulterated or misbranded articles — condemnation order, 50-31-509
- exclusions, 3-10-301, 25-31-101, 25-31-102
- food, detained or embargoed adulterated or misbranded articles — condemnation order, 50-31-509
- forcible entry and detainer, 3-10-302, 25-31-101, 70-27-101
- forest fire protection amount, collection, 76-13-211
- gambling violations committed by minors, 23-5-158, 41-5-203

JUSTICES' COURTS (Continued)
Jurisdiction (Continued)

- hazardous substances, misbranded or banned — petition for condemnation, 50-30-307
- judgment, required for, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21B
- landlord-tenant actions, 3-10-302, 70-24-103
- livestock market violations, 3-10-303, 81-8-217
- livestock, trespassing — actions to recover damages by, 81-4-307
- mental illness, commitment, 53-21-121 — 53-21-123
- misdemeanors, 3-5-302, 3-10-303
- municipal courts, coordinate and coextensive jurisdiction, 3-6-103
- original, Const., VII, 5
- person, of, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4B
- preliminary examination, 3-10-303, 46-10-105; Const., VII, 5
- real property, injury, 3-10-301, 25-31-101
- small claims court, 3-10-1004
- successor in office, docket of predecessor, 3-10-514
- venue, change of — transferee court, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C

Justices of the peace, 1-1-202, 3-1-1501, See also generally **COUNTY OFFICERS**; **JUDGES AND JUSTICES**; **PUBLIC OFFICERS OR EMPLOYEES**

- absence, 3-10-231, 27-16-1003
- acknowledgments, power to take and certify, 3-1-404
- affidavits, power to take and certify, 3-1-404, 26-1-1003
- appeal
  - notice of, filing with, 25-33-103
  - papers, transmittal, 25-33-104
  - undertaking
    - justification of sureties, 25-33-203
    - money in lieu of, transmittal, 25-33-205
    - stay of execution, 25-33-204
- appointment when, 3-1-1503, 3-10-206, 7-4-2203
- bail bonds, establishment, Title 25, chapter 24, M.U.R.J.C.C., Rule 17
- caseload apportionment, Title 25, chapter 24, M.U.R.J.C.C., Rule 2
- city court judge
  - designation as, 7-4-4102, 7-4-4103
  - jurisdiction, to have same as — when, 3-11-102
- city courts
  - city-county consolidated government — jurisdiction, powers, and duties, 7-3-1342
  - justice to preside when, 3-10-101, 3-11-201, 3-11-203, 3-11-205
  - records transferred to justice, when, 7-2-4914
- consolidation of office, 7-4-2301
- contempt punishable by, 3-10-401, See **Contempt**
- counties, creation of new — effect, 7-2-2225
- criminal cases, special master — justice as, 3-5-122
- decorum, Title 25, chapter 24, M.U.R.J.C.C., Rule 13
- depositions, powers, 3-1-404
- deputy officers, appointment prohibited, 7-4-2401
- detention center work program, inmate eligibility, 7-32-2227
- dismissal of action, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 16B, 16C
- disqualification, 3-1-602, 3-1-803, 3-1-805, 3-1-1507, 3-10-203, 3-10-231, 3-10-602; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C
- driver rehabilitation and improvement program, referrals to, 61-2-302
- drivers' licenses, demand for exhibit, 61-5-116
- drug users before, report to county attorney, 46-9-203
- duties generally, 3-10-221
- election, 3-10-201, 7-4-2203, 13-15-405; Const., VII, 5
- execution, writ of, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 23

JUSTICES' COURTS (Continued)
Justices of the peace (Continued)

expenses, 3-10-209, 7-5-2145
    acting justice, 3-10-234
    city judge, presiding as, 3-11-205
    county charge, as, 7-6-2426
    training or orientation, for, 3-1-1506, 3-10-203
extension of time, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 6B
facilities, provision for, 3-10-103
fees received, reporting, 7-6-2213, 7-6-2214, See also **Fees and costs**
files taken from court, consent, Title 25, chapter 24, M.U.R.J.C.C., Rule 3
fires, property rescued from — fixing of amount of expenses incurred, 7-33-2313
fish and game laws distributed to, 87-1-405
guardian ad litem, appointment, 25-31-602
highway patrol officers, arrests by, 44-1-1101, 44-1-1102
illness of justice, 3-1-1503, 3-10-231; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C
interpleader affidavits, 25-31-119
irrigation district commissioners, qualification in same manner, 85-7-1501
judgment
    cities and towns, payment, 7-6-4209
    entry, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
    imprisonment of judgment debtor, 25-31-1106
    purchase of judgment unlawful when, 3-1-606
    relief from, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 22A
juror, discharge, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 18C
justice, department of — records to, 61-11-104
law practice restricted, 3-1-602
livestock owners' bonds, approval, 81-4-307
malfeasance in office, 3-1-602, 3-10-602
marriage, solemnization by, 40-1-301
meetings or conventions, expenses, 7-5-2145
motor vehicle liability insurance cards, demand for exhibit, 61-6-302
motor vehicle violations, jurisdiction, 61-12-208
municipal court judge, jurisdiction and responsibility, 3-6-103
number of justices, 3-10-101; Const., VII, 5
oath of office, 3-10-202
oaths, power to administer, 1-6-101
office hours, determination, 3-10-208
orders, signature requirements, Title 25, chapter 24, M.U.R.J.C.C., Rule 8
orientation courses, 3-10-203; Const., VII, 5
pleadings, filing, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
pretrial conferences, noncompliance, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14C
pretrial scheduling, duty, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14A
prohibited practices, 3-1-602, 3-1-606
qualifications and residence requirements, 3-10-204, 3-11-205; Const., VII, 5; VII, 9
removal from office, 3-1-602, 3-10-602
salaries, 3-10-207, 3-10-208; Const., VII, 5
    acting justice, 3-10-234
    city judge, presiding as — when, 3-10-101, 3-11-205
search warrants, issuance, 46-5-220
separation or addition of claims or parties, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 12C
service of papers not process, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 5B; Title 25, chapter 24, M.U.R.J.C.C., Rule 8
service of process, duties, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D; Title 25, chapter 24, M.U.R.J.C.C., Rule 8
subpoenas, issuance, 26-2-102

JUSTICES' COURTS (Continued)
Justices of the peace (Continued)

- substitute justice, 3-1-805, 3-10-231
  - docket entries by, 3-10-232
  - expenses and salary, 3-10-234
  - jurisdiction, 3-10-233
- successor to office, 3-10-511 — 3-10-514
- summons, 25-31-407, 25-31-409; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4C
- term of office, 3-10-205; Const., VII, 7
- training and certification, 3-1-1501 — 3-1-1503, 3-1-1506 — 3-1-1508, 3-10-202, 3-10-203, 3-10-231, 13-15-405; Const., VII, 5
- trial, time and place — notice, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 3C, 20
- undertakings, sum fixed by, 25-31-707, 25-31-709
- vacancies in office, 3-10-206
  - docket and records, deposit when, 3-10-512
  - successor, 3-10-513
  - training sessions, failure to attend may create, 3-1-1507, 3-10-203
- witness, as, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C
- youth court, probable cause hearings, 41-5-332

Location, 3-10-101
Long Arm Statute, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
Misdemeanor probation office, establishment, 46-23-1005
Motions and orders, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 9; Title 25, chapter 24, M.U.R.J.C.C., Rule 6

- answer, reply to, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 7
- appeal
  - dismissal, motion for, 25-33-207
  - transmittal of papers, 25-33-104
  - undertaking on, conditions, 25-33-201, 25-33-202
- application for order, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 9A; Title 25, chapter 24, M.U.R.J.C.C., Rule 6
- clerical mistakes and motion or order for correction, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 22B
- continuance, motion for, Title 25, chapter 24, M.U.R.J.C.C., Rules 9, 12, 18
- discovery, for or reference to, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 13A, 13B; Title 25, chapter 24, M.U.R.J.C.C., Rule 11
- dismissal of action, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 16C
  - complaint, upon improper venue, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3B
- disobedience as contempt, 3-10-401
- docketing, 3-10-501
- fees, disposition, 3-10-222
- guardian ad litem, for appointment, 25-31-602
- judgments on pleadings or default judgments, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
- nonresident attorneys, representation by — motion for, Title 25, chapter 24, M.U.R.J.C.C., Rule 14
- pleadings
  - amendment, to name real party in interest, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 10B
  - motions are not, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 7
- postponement, motion for, 25-31-703
- pretrial conferences, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14B
- pretrial orders
  - failure to obey, sanctions, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14C
  - form and substance, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14B
- separation or addition of parties, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 12C

JUSTICES' COURTS (Continued)
Motions and orders (Continued)

- service, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D; Title 25, chapter 24, M.U.R.J.C.C., Rules 8, 10
- signing, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 9C; Title 25, chapter 24, M.U.R.J.C.C., Rule 8
- substitution of parties, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 11A
- time, computation or extension, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 6A, 6B
- venue, change of, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C

Motor carrier violations, 69-12-108
Municipal courts, applicability of laws, 25-30-101, 25-30-105, 25-30-107
Nonjudicial days, 3-10-102; Title 25, chapter 24, M.U.R.J.C.C., Rule 17
Number of courts, 3-10-101
Objections not ground for inadmissibility in discovery, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 13A
Orders, See **Motions and orders**
Papers filed, form and quality, Title 25, chapter 24, M.U.R.J.C.C., Rule 5
Parties, 25-31-601; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 10

- adjournment, application for, 25-31-709
- appearance, See **Appearance of parties**
- discovery, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 13A, 13B
- guardian, appointment, 25-31-602
- joinder, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 12
- order of trial, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 19
- orders, presenting for signature, Title 25, chapter 24, M.U.R.J.C.C., Rule 8
- pleadings, signing, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 7F
- postponement
  - application for, 25-31-705 — 25-31-708
  - consent for, 25-31-704
- pretrial conferences, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14B
- representation, 25-31-601; Title 25, chapter 24, M.U.R.J.C.C., Rules 14, 16
- service of papers not process, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 5B, 5C; Title 25, chapter 24, M.U.R.J.C.C., Rule 10
- service of process, Title 25, chapter 24, M.U.R.J.C.C., Rule 10
- subpoenas for witnesses, request for, Title 25, chapter 24, M.U.R.J.C.C., Rule 9
- substitution, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 11
- trial date, notice, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 20
- unknown person as defendant, 25-31-405; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D

Partner or family member assault or stalking victims, order for protection, 40-15-201, 40-15-203, 40-15-301 — 40-15-303
Pawnbrokers, stolen property — appeal of validity of administrative warrant to hold, 46-5-212
Penalties, disposition, 3-10-601, 3-10-602
Pleadings, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 7

- amendment, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 8, 10B, 14B
- appeal
  - filing of pleadings for trial, 25-33-301, 25-33-303
  - transmittal, 25-33-104
- clerical mistakes, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 22B
- docketing, 3-10-501
- filing, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 4D, 5, 7F; Title 25, chapter 24, M.U.R.J.C.C., Rule 10
- issues arise upon, 25-31-801
- judgment on, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
- jury trial, demand for, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 15B
- parties
  - real party in interest, failure to name, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 10B

JUSTICES' COURTS (Continued)
Pleadings (Continued)
  parties (Continued)
    representatives, naming, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 10A
  service, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 5, 9C; Title 25, chapter 24, M.U.R.J.C.C., Rule 10
  service of process by publication, filing for, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
  signatures, genuineness, 25-31-512
  transmittal when, 25-31-102; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C
  variance, 25-31-523
Postponement, 25-31-702; Title 25, chapter 24, M.U.R.J.C.C., Rule 7
  application of party, 25-31-705 — 25-31-708
  consent of parties, 25-31-704
  defense, for, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
  motion for continuance, Title 25, chapter 24, M.U.R.J.C.C., Rules 9, 18
  motion of court, 25-31-703
Pretrial conferences, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 14, 19; Title 25, chapter 24, M.U.R.J.C.C., Rule 16
Procedure, Rules of, See **Rules of Civil Procedure**
Process, See also **Service of process**
  constables — execution, service, and return, 3-10-701, 3-10-704 — 3-10-706
  disobedience as contempt, 3-10-401
  fees, disposition, 3-10-222
  territorial jurisdiction, 3-10-304
  unknown person as defendant, 25-31-405
Records
  clerical mistakes, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 22B
  successor in office, delivery to, 3-10-511
  vacancy in office, deposit requirements, 3-10-512
Rules for the Justice and City Courts, Uniform, Title 25, chapter 24
  scope, Title 25, chapter 24, M.U.R.J.C.C., Rule 1
Rules of Civil Procedure, Const., VII, 2; Title 25, chapter 23
  landlord's action for possession or unlawful holdover, applicability, 70-24-429
  scope of rules, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 1
  small claims court, inapplicability, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 1
Security, See **Undertakings**
Separation or addition of claims or parties, 25-31-102; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 12C
Service of papers not process, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 5, 8C, 9C; Title 25, chapter 24, M.U.R.J.C.C., Rules 8, 10, 18
  mail, additional time when service by, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 6C
Service of process, 3-10-701; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D; Title 25, chapter 24, M.U.R.J.C.C., Rules 8, 9, 10
  jurisdiction acquired by, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4B
  "person" defined, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4A
  small claims division, applicability of laws, 25-35-604
Severance or addition of issues, 25-31-102; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 12C
Small claims division, See **SMALL CLAIMS COURTS**
Snowmobile violations, fines and forfeitures, 23-2-644
Stay of proceedings, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 4D
Subpoenas, 3-10-401, 25-35-702; Title 25, chapter 24, M.U.R.J.C.C., Rules 8, 9, 10
Summons, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 4C, 4D; Title 25, chapter 24, M.U.R.J.C.C., Rule 10
  alias summons, 25-31-409
  arrest, prejudgment — order on, 27-16-1001, 27-16-1004
  constable, deputy — service, 3-10-704
  docketing, 3-10-501
  guardian ad litem, appointment when, 25-31-602

JUSTICES' COURTS (Continued)
Summons (Continued)

- issuance, 25-31-512
- landlord's action for possession or unlawful holdover, tenant's response, 70-24-429
- return, 25-31-409
- security for costs, prior to issuance, 25-31-402
- service, 3-10-304, 25-31-407, 25-31-409; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 7; Title 25, chapter 24, M.U.R.J.C.C., Rule 10
- time for answer or appearance stated in, 25-31-406
- unknown person as defendant, 25-31-405

Survival of action, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 11A
Time
- computation and extension, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 5A, 6; Title 25, chapter 24, M.U.R.J.C.C., Rule 21
- dismissal of complaint, effect, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3B
- execution of judgment, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 23B

Transfer of interest in action, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 11A
Trial
- adjournment or postponement, See **Adjournment**; **Postponement**
- commencement, 25-31-702
- court, by, 25-31-803
- issues, See **Issues**
- jury, by, 25-31-803, See **Juries and jurors**
- notice of, 25-31-702; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 3C, 20
- order of, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 19
- place of, See **Venue**
- severance or addition of issues, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 12C
- timeliness, 25-31-702

Undertakings
- adjournment, upon, 25-31-709
- appeal, on, See **Appeals to district court**
- arrest, prejudgment — for, 27-16-1002, 27-16-1006
- costs, security for, 25-31-402
- deposit of money in lieu of, 25-1-401, 25-31-115, 25-31-402; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 24
- district court, transfer of action to, 25-31-102
- postponement, upon, 25-31-707

Venue, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3A
- change of, 3-10-231; Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 3C
- forcible entry and unlawful detainer, 25-31-205
- improper, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 3A, 3B, 21A
- small claims division, 25-35-504

Verdict
- docketing, 3-10-501
- forms, Title 25, chapter 24, M.U.R.J.C.C., Rule 19
- judgment in accordance with, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 21A
- jury instructions, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rules 14B, 19
- prevention, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 18D

Warrants, Title 25, chapter 24, M.U.R.J.C.C., Rules 8, 10
Witnesses, Title 25, chapter 23, M.J.C.C.R.Civ.P., Rule 14B; Title 25, chapter 24, M.U.R.J.C.C., Rule 9
- arrest, prejudgment, 27-16-1003
- docket, contents, 3-10-501
- interpleader actions, 25-31-119
- small claims court, 25-35-602, 25-35-702

Youth matters cited in, public record, 3-10-518

JUSTICES OF THE PEACE
See **JUDGES AND JUSTICES**, generally; **JUSTICES' COURTS**; **PUBLIC OFFICERS OR EMPLOYEES**, generally

JUSTICES OF THE SUPREME COURT
See **SUPREME COURT, Chief justice; Justices**; See also generally **JUDGES AND JUSTICES; PUBLIC OFFICERS OR EMPLOYEES**

JUVENILES, INTERSTATE COMPACT ON, Title 41, chapter 6
See **MINORS, Interstate Compact on Juveniles**

K

KINSHIP
See **AFFINITY AND CONSANGUINITY**

KOREAN CONFLICT VETERANS' MEMORIAL, STATE, 1-1-518

KOREAN VETERANS' MEMORIAL, 1-1-516

DOES NOT CIRCULATE

DOES NOT
CIRCULATE

STATE LAW LIBRARY OF MONTANA
3 0000 00089 9918